

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

30TH APRIL, 1992

NO. 1 TO NO. 128

THE HON P R CARUANA

Since my Question No. 45 of 1991, will the Government confirm that there are no individuals or companies working in Gibraltar who have been exempted from income tax or from the obligations imposed by the PAYE regime established under the Income Tax Ordinance?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I am not sure whether it is intentional, but the question now posed is framed in somewhat different terms to Question No. 45 of 1991 which limited itself to exemption from tax not otherwise provided for under statute law. The question now posed does not have that limitation.

The principal area of exemption from income tax is provided for in the Companies (Taxation and Concessions) Ordinance whereby a company may be granted a tax exemption certificate. Such exemptions can and do relate to companies carrying on work of an offshore nature but which are nevertheless based in Gibraltar. For example, 'B' Licence banks are generally tax exempt.

Similarly, the directors of such companies are exempted from tax provided they do not carry out work in Gibraltar for more than thirty days per year.

One other area of exemption that perhaps I should mention is that specifically provided for under Section 66 of the Income Tax Ordinance by which companies or individuals are acting as consultants, but providing the service from outside Gibraltar. They may be relieved from tax under these circumstances if the Commissioner of Income Tax is satisfied that they are bearing tax in their jurisdiction of residence.

Since Question No. 45 of 1991 was tabled there has been no new criteria of any sort introduced to exempt any individuals or companies from payment of tax or PAYE. Where this may have happened in the intervening period it has only happened under the provisions of the law as established for many years. There are no plans to alter this.

SUPPLEMENTARY TO QUESTION NO. 1 OF 1992

HON P R CARUANA:

In reply to the Hon Financial and Development Secretary, do I take it from his answer then that with the exception of the situation that he has described under the Companies (Taxation and Concessions) Ordinance (of course, my question would more probably have been limited to exclude that, it is obvious) that there are, in fact, no persons working in Gibraltar and no companies that are exempt from the PAYE regime, either in its application or by subsequent remission to tax pay?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

MR SPEAKER:

Next question.

NO. 2 OF 1992

ORAL

THE HON P R CARUANA

Mr Speaker, will the Government resume the publication of import statistics broken down into class of goods?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I would refer the Hon Member to Question No.145 of 1990 in response to which the Chief Minister indicated that the Government does not publish information on the amount of duty from individual products and does not intend to since it does not believe it to be in Gibraltar's interests to do so. It also does not publish as a matter of course details of imports for individual products and does not intend to do so.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1992

HON P R CARUANA:

Mr Speaker, I have not looked at Hansard in relation to Question No.145 of 1990. But will the Honourable Member say which of Gibraltar's interests are safeguarded in this manner?

HON CHIEF MINISTER:

Mr Speaker, it is the judgement of the Government that it is not in Gibraltar's general interests to give detailed breakdown of statistics which can be used by other people who are inimical to Gibraltar's interests. It is judgement. There is no absolute objective rule that can be applied.

HON P R CARUANA:

Mr Speaker, as it is a matter of judgement, I cannot say that one disagrees. I do not accept the logic behind that although I think I understand what the Honourable the Chief Minister is getting at. Would he, nevertheless, agree to make that information available privately to those members of the trade who require it for the organisation of their business activities?

HON CHIEF MINISTER:

Yes, Mr Speaker, if there are local businessmen who wish to have information on a particular product to assist in the development of their business, that can be provided on a confidential basis.

HON P R CARUANA:

Thank you.

30.4.92

NO. 3 OF 1992

ORAL

THE HON P R CARUANA

How much money does the Government intend or estimate that it will need to borrow during the year ending 31st March, 1993?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, details of Government's expenditure and financing plans for the year 1992/93 are given in the Estimates that I have tabled today and which will be subject to subsequent debate by the House.

However, I can say that it is currently envisaged that there will be a need to take up the remaining provision for debt within the £100m statutory ceiling in the course of 1992/93. At the present time, Government does not believe that it will need to borrow beyond the £100m limit in the course of 1992/93.

NO. 4 OF 1992

ORAL

THE HON P R CARUANA

How much did the Government collect in tax from companies under Sections 6, 40 and 44 of the Income Tax Ordinance during each of the years ending 31st March, 1991 and 1992, and of those figures how much has been paid into the Gibraltar Investment Fund?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I am assuming in responding to this question that in referring to the collection of tax from companies the Hon Member does not have in mind PAYE deducted by those companies and passed on to the Commissioner of Income Tax. I am also assuming that the reference to Section 44 of the Income Tax Ordinance is in error and that what the Hon Member is referring to is Section 41 which deals with Income Tax borne by qualifying companies.

On these assumptions, the amount of tax collected and paid over to the Investment Fund in the two years in question are as follows:

1990/91 - £6,707,455

1991/92 - £7,602,966

The accounts for 1991/92 are not yet closed and the figures for that year are therefore provisional.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1992

HON P R CARUANA:

Mr Speaker, in respect of those monies, is the Hon Financial and Development Secretary totally satisfied that he is able to discharge his duties under Section (3) of the Public Finance (Control and Audit) Ordinance to ensure that full account thereof is made to the House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, in making these transfers I am perfectly satisfied that I am acting within the provisions of the law.

HON P R CARUANA:

Mr Speaker, the answer that the Hon Financial and Development Secretary has just given me, of course, assumes that he has taken into account Section 63 of the Gibraltar Constitution Order. Will the Hon Financial and Development Secretary confirm that the effect of monies, referred to in his answer, being paid into the Gibraltar Investment Fund and not into the Consolidated Fund, is that they may subsequently be spent by the Government without the need of an Appropriation Ordinance of this House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I understand that there is a subsequent question that deals with this matter and that the Hon Chief Minister will be dealing with it in that context.

MR SPEAKER:

Next question.

QUESTION NO.5 OF 1992 NOT PROCEEDED WITH

NO. 6 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Given its answer to Question No. 46 of 1991, has the Government now any plans or intentions to privatise any Government Department and, if so, which?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the position remains as given in my response to Question No. 46 of 1991. There are a number of areas that are subject to review and discussion but about which firm decisions have yet to be taken.

I think I should point out to Hon Members, however, that in the course of supplementaries to Question No. 46 of 1991 I was invited to give my own initial perception and impression of the results of deploying some of the audit of Government's accounts to the private sector. I indicated that whilst experience appeared to be patchy I felt that there were some positive signs for the future. The Principal Auditor has subsequently indicated to me, based on his own review of audit reports submitted to him, that he is less sanguine about the results of this exercise. It is not yet clear whether some of the negative results that he perceives are fundamental or simply the result of teething problems, but he has been asked to submit his views which will be taken into account in developing policy in this area.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, in supplementaries to Question No. 46 of 1991, the Hon Financial and Development Secretary specifically mentioned as those areas being considered, first is the Treasury and secondly the Companies Registry. Has any progress been made in those specific areas? Are we nearing any decisions being taken or is it still nebulous, as the answer was then, that the areas were being looked at generally?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, those two areas still are very much under consideration. A lot of work has been done in considering options but at this stage firm decisions have not yet been taken.

HON LT-COL E M BRITTO:

Mr Speaker, can the Hon Financial and Development Secretary identify any other areas that are being considered?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Perhaps, one other area I might mention, in the context of the Company Registry as well, is the Shipping Registry as an area that is being considered in the same context.

HON P R CARUANA:

Mr Speaker, will the Hon Financial and Development Secretary say the degree of privatisation and the functions of the shipping registry that has been considered for privatisation and in what manner? Understanding, of course, that they are nothing more than proposals under consideration and not necessarily firm intentions at this stage.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In essence, Mr Speaker, all of the Registry. Bringing the two Registries together.

HON P R CARUANA:

I am sorry, together with what?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Together with the Companies Registry, Mr Speaker.

MR SPEAKER:

Next question.

30.4.92

NO. 7 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Is Government aware that the printed Laws of Gibraltar have become practically unusable given the large amount of new legislation and amendments and will Government commission a re-print on a loose leaf page basis?

ANSWER

THE HON THE ATTORNEY-GENERAL

Answered together with Question No. 8 of 1992.

THE HON LT-COL E M BRITTO

Given the large number of Regulations currently in force, will Government consider publishing and updating an index of Regulations?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, I agree that, notwithstanding the fact that the laws were revised and reprinted in 1984, subsequent amendments have made it difficult to keep them up to date.

Instead of reprinting them once more, the Government is carrying out a study on having legislation computerised as is done in other jurisdictions.

With regards to Regulations and subsidiary legislation generally the Hon Member's suggestion will be given consideration but it will obviously depend on whether computerisation proceeds or not.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, can we have any indication of what sort of time-scale are we talking about? Are we thinking about thinking of computerising or are we on the point of making a decision?

HON ATTORNEY-GENERAL:

We are certainly not on the point of making a decision, Mr Speaker, this is not something which one can decide in a day or two. I can tell the House that I have recently attended a meeting in Singapore and I was quite fascinated by a demonstration which was given on the computerisation of the Laws in several Commonwealth jurisdictions which had been carried out and in Singapore and Bermuda in particular. I have presented to Government the papers which I have brought back from that Conference. They are bulky and weighty and there is a great deal to consider before Government can possibly be in a position to decide to what extent, if at all, computerisation can properly and suitably be proceeded with.

HON LT-COL E M BRITTO:

Mr Speaker, can the Learned Attorney-General give us any indication, even if a very rough one at this stage, what the comparative cost of computerisation against a normal re-print would be likely?

HON ATTORNEY-GENERAL:

I am not sure about the cost of re-printing, Mr Speaker, because estimates have not been obtained. I can say, however, that if we take Bermuda, which has recently completed the computerisation of its laws. It had its primary legislation and its subsidiary legislation all computerised. It had also its judgement both in civil cases and criminal cases computerised over the past twenty years, I believe it is, and the total cost in effecting that was US\$ 423,000. On the present rate of exchange that represents approximately £¼m.

HON LT-COL E M BRITTO:

Mr Speaker, speaking personally, I certainly welcome the concept because as for someone trying to carry out his duties from this side of the House, I am sure Members opposite will appreciate the difficulties that are sometimes experienced in keeping up-to-date on our current law books and it would therefore obviously make our job, as an Opposition, very much easier if this were to be carried out. In that sense, speaking personally, and I think also on behalf of my colleagues, I would hope that the Government gives favourable consideration to such an option and that we see something coming into practice very soon.

HON P R CARUANA:

Mr Speaker, that the answer that the Learned Attorney-General has given does not provide any sort of reassurance to the practitioners that have to make regular use of the laws of Gibraltar. He has indicated that the Government is looking into the idea of completely recomputerising the laws. I would point out to the Learned Attorney-General Mr Speaker, that the laws were designed in such a way that they were put together in loose leaf bound editions. The idea being that annual updates would be printed and since 1984, Mr Speaker, only one single annual update has been made, as a result of which, the present volumes of the laws are completely outdated and almost unusable. The question that I would like to put to the Attorney-General, Mr Speaker, is why the Attorney-General's Chambers have not kept up to date the annual updates of the laws and what plans he has in this respect pending these thoughts about computerisation that apparently they are making in respect of which no plans have yet been made.

HON ATTORNEY-GENERAL:

A most interesting Supplementary Question, Mr Speaker, and I agree with the views expressed by the Honourable Member that the laws are in an absolute mess at the moment. The Traffic Ordinance and the Income Tax Ordinance, in particular, to quote only two examples are almost impossible to follow

and I, as much as anyone, have had the greatest difficulty in being called upon day to day to advise Government Ministers and Government Departments what the law is in certain particular fields and I have written to and I have nagged at the Gibraltar Chronicle on numerous occasions. I threatened, I bulldozed, I have endeavoured to persuade, I have used every tactic at my disposal, but they are subject to constraints and my department is subject to constraints. I would happily take a large number of additional employees tomorrow if Government was able to make them available to me and I would set them to work in that particular field, but it is pie in the sky, Mr Speaker, as the Honourable Member well knows and it is quite true that what was intended to happen when the laws were reprinted in 1984 has not happened. That is a fact which cannot be disputed and that is precisely why Government now, I am happy to say, is considering the question of computerisation. It is not for me to say whether it will go ahead. That is for Government to decide after all information has been considered but I personally hope that computerisation will be proceeded with to the fullest possible extent.

HON P R CARUANA:

Mr Speaker, the Learned Attorney-General has described the position which I am sure the Members opposite will agree is unacceptable that the laws of Gibraltar are in a complete mess. I am glad he has referred to the Income Tax Ordinance because that is the one that I had in mind as a law which is now mainly contained in subsidiary legislation, the Ordinance having been effectively emptied of most of its contents of substance. In the meantime, therefore, so that the citizens and foreign investors in this community may themselves know with certainty what the law is, will the Government in the meantime at least consider publishing an index of regulations. I am certain that at least the Honourable Attorney-General's Department will have been able to keep up with the plethora of regulations emanating from the Government so they, at least, should be in a position to provide an index be it a manually produced index of regulations currently in force under the headings perhaps of the Ordinance so that people at least know the existence of some of these regulations?

HON ATTORNEY-GENERAL:

Mr Speaker, I am sure there is a massive amount more subsidiary legislation in, for example, the United Kingdom and indeed in many other jurisdictions and I am not aware of any index existing there. I certainly know that indices of subsidiary legislation do not exist in other large Commonwealth jurisdictions, such as Australia, New Zealand and more particularly, Canada. I am certainly not prepared to advise the Government to consider preparing an index at this stage if there is any possibility, and there is a possibility, of course, as I have endeavoured to explain, that computerisation will go ahead. I think that will be a totally unnecessary expense.

MR SPEAKER:

Next question.

NO. 9 OF 1992

ORAL

THE HON LT-COL E M BRITTO

How many 50 cc motorcycles were reported stolen in each of the three calendar quarters prior to the date of compulsory registration of these motorcycles in 1991 and what have been the comparative figures in each of the three subsequent calendar quarters?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, in fact compulsory registration of motorcycles with an engine capacity up to 50 cc has existed since 1st December 1990. This was effected by the Traffic (Licensing and Registration) (Amendment) Regulations 1990 - Legal Notice No. 166 of 1990.

As the information supplied to me gives the figures on a calendar quarterly basis, I propose to give the figures for the whole of 1990, and for the first three quarters of 1991. That is slightly more information than the Honourable Member has requested, and the details are as follows:-

<u>Quarter ended:</u>	<u>Reported stolen:</u>	<u>Recovered:</u>
31st March 1990	54	27
30th June 1990	47	29
30th September 1990	49	17
31st December 1990	44	23
	<u>194</u>	<u>96</u>
31st March 1991	78	60
30th June 1991	50	17
30th September 1991	39	20
	<u>167</u>	<u>97</u>

SUPPLEMENTARY TO QUESTION NO. 9 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, first of all can the Attorney-General confirm that according to his answer although the law made registration obligatory in December, from what he has told us, am I not right in saying that it was only until June 1991 that the law was fully applied?

HON ATTORNEY-GENERAL:

I understand that is correct, Mr Speaker.

HON LT-COL E M BRITTO:

And in that case, Mr Speaker, in due of the spirit of my question, has the Attorney-General available to him the figures for the Quarters ended December 1991 and March 1992?

HON ATTORNEY-GENERAL:

I think, Mr Speaker, I do have certain figures for subsequent periods. Yes, Mr Speaker, I can give certain figures. For the Quarter ended 31st December 1991 a total of 35 vehicles were reported stolen and 15 were recovered. I am in a position as a result of information given to me by the Police, Mr Speaker, to additionally say that for the Quarter ended 31st March 1992 40 vehicles were reported stolen and 22 were recovered and thereafter I only have the figure that to the 24 April, so from the 1st to the 24th April 13 vehicles were reported stolen in that period and 5 were recovered. I hope that information assists the Honourable Member.

HON LT-COL E M BRITTO:

I thank the Learned Attorney-General for his detailed explanation, Mr Speaker. At the time that the Traffic (Amendment) Ordinance (No.2) of 1990 was debated, one of the reasons given for the introduction of this Ordinance was the possibility of reducing the number of thefts. Can the Learned Attorney-General say, Mr Speaker, whether the Police are satisfied with what seems to be a slight reduction in the tendencies before December 1990 and do they have any plans or intentions to improve the situation of the continuing problem of motorcycles being stolen.

HON ATTORNEY-GENERAL:

I do not know if I can answer that, Mr Speaker, but can I endeavour to do so by firstly saying that I do not think the Honourable Member, with respect, is correct when he suggests what he thinks the intention of the legislation was. My understanding is that the compulsory registration for such vehicles was effected to assist the Police in tracing offenders because if my wife or anyone dear to me was knocked down by such a vehicle, I would want the offender to be discovered and I would wish him to be dealt with as according to the law for any transgression of the Traffic Ordinance he may have committed. That is, certainly, my understanding of the spirit leading to compulsory registration of these vehicles. I do not think, Mr Speaker, the Police can ever be satisfied that the system is under control when any sort of vehicles have been stolen and only a proportion of those vehicles are being recovered. I said in the Supreme Court as recently as October of last year that the citizens of Gibraltar must wake up to the fact that this is no longer a place where you can just leave your car unlocked or leave your motorcycle unlocked. It is no longer a place where you can leave your house unlocked. That used to happen

when I came here in 1984 before the frontier was fully opened. The vast majority of the people of Gibraltar, of course, do realise that but unfortunately there are others who do not, Mr Speaker, and very often theft of such motorvehicles are occurring because of the carelessness of their owners.

HON LT-COL E M BRITTO:

Mr Speaker, the Learned Attorney-General is both correct and incorrect. According to the Hansard of the debate on the Traffic (Amendment) Ordinance 1990 the Honourable Minister for Government Services, the Honourable Juan Carlos Perez said indeed what the Attorney-General has just said, that evidence exists that and I quote, Mr Speaker: "Evidence exists that accidents have occurred and those involved have not been able to be identified". But he also said "Another factor that has been brought to the attention by the Police has been the question of stolen motorbikes. The Police claim that it is very difficult to find a particular bike or to prove that a particular moped was stolen given the non-registration of vehicles" and that was the point of my question, Mr Speaker, but obviously there is no information available by what the Attorney-General has said.

HON ATTORNEY-GENERAL:

Mr Speaker, I do not disagree for a moment that registration of vehicles assist the Police in tracing and recovering vehicles, of course it does. But what I was endeavouring to say a moment ago is that the primary reason for compulsory registration being effected was to assist the Police in tracing offenders and that is still the case.

HON LT-COL E M BRITTO:

Mr Speaker, on this question of stolen motorbikes, would the Government consider, in view of the fact that periodic Police checks on people carrying documentation introduced some time ago appear to have been discontinued (or may continue, but I am not aware that they are continuing) introducing what is available in some other places and that is some sort of metal bar in parking space specifically for motorcycles to allow owners to do precisely what the Attorney-General has been indicating and that is to chain their motorcycle not just around the wheel but to chain them onto a fixed horizontal bar in the motorcycle parking bay?

HON J C PEREZ:

Mr Speaker, the Government will not consider what has been suggested by the Honourable Member because the onus of safeguarding your property is on the individual and there are methods and systems by which this can be done and the systems are able to secure their vehicles in different manners and we do not think that the rest of the population should be subsidising security for those owners.

HON P R CARUANA:

Mr Speaker, I hope that the House will bear with us whilst we persevere on this apparently trivial subject but in fact it is not because the result of the fact that people in Gibraltar feel that their motorcycles are very exposed to being stolen is that they tend to bring them within the buildings at night and that in turn is causing, as the Honourable the Minister for Housing, who is not present in the House, well knows, tension within the Housing Estates as motorcycle owners bring their motorcycles physically into the Estates and therefore, Mr Speaker, hence the interest that we take on this side of the House in this subject. Mr Speaker, the Honourable Members opposite will presumably agree that the motorcycles not recovered go across the border. Although the Police deserve to be commended for their detection rate in the first Quarter of 1991 when they almost recovered all the motorcycles that were stolen, the fact of the matter is the balance, Mr Speaker, probably goes across the border. Mr Speaker, without wishing to aggravate the frontier queue problem which thankfully appears to be getting better, does the Government consider that there is any potential for imposing some sort of document check on motorcyclists exiting Gibraltar that would give them a better chance of detecting stolen motorcycles before they leave the jurisdiction because once they leave the jurisdiction, of course, the Police have got no chance of improving their recovery rate.

HON J C PEREZ:

Mr Speaker, it is up to the Police whether they want to do this or not. I will pass on the Honourable Member's suggestion to the Commissioner of Police but let me say that if he has got some information that we do not have on vehicles passing the frontier his responsibility is to report it the Honourable the Attorney-General.

MR SPEAKER:

Next question.

NO. 10 OF 1992

ORAL

THE HON LT-COL E M BRITTO

In view of recent warnings from the Judiciary that persons found guilty of driving without appropriate insurance will be liable to imprisonment, will Government consider erecting a signboard at the frontier warning foreign drivers of the requirement to have adequate insurance?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, any person who commits the offence of driving without appropriate insurance has been liable to imprisonment under the Laws of Gibraltar since 1986 and therefore, recent warnings do not alter the legal position. My understanding is that such offences can also be punished by imprisonment on the other side of the frontier. In Government's view it is quite unnecessary to erect signboards or otherwise give warnings of those offences which carry potential imprisonment.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, whilst obviously agreeing with the Honourable Attorney-General that the liability for imprisonment has been there since 1986, he will no doubt agree with me that he has probably never been used until fairly recently when the Judiciary specifically said that in view of prevailing and continued offences of this nature he warned that future offenders might be liable to imprisonment. In view of this warning it seems to me, Mr Speaker, that being aimed at particular offenders who cross the frontier frequently and who should know about the offence and do not and ignore it and therefore more liable to imprisonment, that it should be made clearer to those drivers who cross the border on a once only basis coming from further afield and not necessarily from Spain but from other countries, should be made aware to them that this offence in Gibraltar is more likely to carry an imprisonment term than in other countries.

HON ATTORNEY-GENERAL:

Mr Speaker, I do not accept for a moment firstly that it is more likely to carry imprisonment than in other countries as the Honourable Member suggests. When I began my legal career, what seems like one hundred years ago, one of the very first things I learned is that ignorance of the law is no excuse and everyone who drive their vehicle whether it be a motorcycle or a car or a double decker bus has an obligation to know what the law is and he or she has an obligation to comply with the law, and if you enter somebody

else's country or somebody else's territory you have an obligation to know what the laws of that territory are and to what extent, if at all, they differ from the laws of your own territory. What am I supposed to do, Mr Speaker, am I supposed to rush to the Chief Minister and say put up fifty-five signs at the frontier saying that if you pinch a bar of chocolate from the kiosk in Casemates Square you will be liable to imprisonment, if you steal a shirt from British Home Stores you will be liable to imprisonment, if you burgle someone else's house you will be liable to imprisonment, is there room for all such signs? There is not, Mr Speaker, and the idea, with great respect, is just not at all feasible.

HON P R CARUANA:

Mr Speaker, with the greatest respect, the Learned Attorney-General has missed entirely the point of the question, which is not to invite a lecture on what the law of the land is because at least some of us on this side of the House know it. The point is if what people expect the punishment would be. We know what the penalties have been and we know that they have not been changed. The fact of the matter remains that people do not expect and have never hitherto in Gibraltar been warned or threats of imprisonment and no one has ever been in prison in Gibraltar for not having an insurance policy. Couple that with the fact that it is in the interests of citizens of this community that people should understand the importance that the Judiciary gives in Gibraltar for that offence given that if there is an accident and there is no insurance there is no recourse against the driver of the vehicle, the point that has been made is that if we alert visitors to Gibraltar of the particular importance that is now attached to that offence as reflected in the Magistrates warning given from the bench that that would protect the community and indeed the visitors to Gibraltar who should expect stiffer penalties than they might be accustomed to expect at home or indeed previously in Gibraltar.

HON ATTORNEY-GENERAL:

Mr Speaker, first of all the penalty or the maximum penalty for any offence which is criminalised in Gibraltar is set by the Legislature. This House of Assembly is not set by the Judiciary but the Judiciary then rightly of course is given the discretion in each and every case when deciding what the appropriate sentence is to pass and I have always regarded driving without insurance or permitting someone else to drive your vehicle without insurance as an extremely serious offence and I think the warning has come perhaps far too late in the day and it should have been given a number of years ago, that if you take your vehicle out on the road and you drive it knowingly without insurance cover or you let somebody else do that for you, then what happens is that you are involved in an accident and someone is seriously injured and entitle to pursue a claim to damages?

Well you do not have the strength of the insurance company around you and the claimant is left effectively without a suitable remedy. That is why, Mr Speaker, it is a serious offence and this Legislature has made it a serious offence by enabling the Judiciary in appropriate cases to pass a sentence of up to six months imprisonment and it is right that the Judiciary should begin in each and every case of driving without insurance to think, well is a sentence of imprisonment appropriate here and if so how long? Or can I properly deal with the case in some other way, that is, by the imposition of a fine but what I say, Mr Speaker, is this. Let the message go out to everyone who drives without insurance that they are prima facie liable to imprisonment and that is what they can expect if they commit that offence and if they get away with something less than that well jolly good luck to them but I see no necessity to publicise that. We all know that if we drive without insurance we face the possibility of losing our liberty.

MR SPEAKER:

Next question.

NO.11 OF 1992

ORAL

THE HON L H FRANCIS

Does Government have any plans to reconsider the introduction of school meals?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Sir, the Government has never considered the introduction of school meals.

SUPPLEMENTARY TO QUESTION NO. 11 OF 1992

HON L H FRANCIS:

Mr Speaker, will the Government consider the introduction of school meals seeing as there are numerous benefits to be had from this, not only in freeing mothers who might now have to work in view of the large level of home-ownership going on and the fact that it eases traffic over the lunch period considerably and that it might provide some little extra income for schools for extra-curricula purposes, extra equipment etc.

HON J L MOSS:

Mr Speaker, it is a different question in my opinion to the original question, but the answer is no.

NO. 12 OF 1992

ORAL

THE HON L H FRANCIS

How many students left the Comprehensive Schools at the age of 15 in each of the last three years?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Sir, the figures for students leaving the Comprehensive Schools at the age of 15 are as follows:-

1988/89 - 68 students

1989/90 - 40 students

1990/91 - 47 students

SUPPLEMENTARY TO QUESTION NO. 12 OF 1992

HON L H FRANCIS:

Mr Speaker, does Government have any plans to raise the minimum school leaving age?

HON J L MOSS:

No, Sir.

MR SPEAKER:

Next question.

NO. 13 OF 1992

ORAL

THE HON L H FRANCIS

Is Government satisfied that the seriously deteriorated condition of the building housing St Bernard's School is not detrimental to the potential for academic achievement of its pupils and is Government prepared to refurbish or resite the School?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Sir, the Government has been undertaking a programme to refurbish schools since 1988. The results are there for all to see. Within this programme in the region of £50,000 has been spent on St Bernard's and a further amount is planned this year. There is no site available within the catchment area to resite the School.

SUPPLEMENTARY TO QUESTION NO. 13 OF 1992

HON L H FRANCIS:

Mr Speaker, we are pleased to learn that there is more money to be spent on St Bernard's School as we had received notices of concern from parents. Thank you.

MR SPEAKER:

Next question.

NO. 14 OF 1992

ORAL

THE HON L H FRANCIS

Will the Government increase the schools' capitation allowance by sufficient to reverse the freeze of the last two years and restore the purchasing power of the capitation to at least its level of two years ago?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Mr Speaker, the schools' capitation allowance has not been frozen for the last two years, or at any point since the GSLP took office.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1992

HON P R CARUANA:

Mr Speaker, whilst I am delighted to hear the answer, the Hon Minister should understand that the information on which this question is based has been given publicly by a senior member of the teaching profession as Deputy Headmaster and I can only therefore assume that the person is mistaken or that the question has been formulated in a way that allows the Hon Member to answer that. The point of the question being, Mr Speaker, that the sums of money now available for the schools to spend, as they see fit, per head of pupil has not been increased in line with inflation over the last three years. That is what I understand the question to which the Hon Member has answered in the negative and I am delighted that he has been able to answer it in the negative.

HON J L MOSS:

Mr Speaker, it proves that Deputy Headteachers like Leaders of the Opposition can get their facts wrong.

MR SPEAKER:

Next question.

NO. 15 OF 1992

ORAL

THE HON L H FRANCIS

Following Government's answer to Question No. 56 of 1991, are Gibraltarians now eligible to apply for United Kingdom Access Funds in place of the old Housing Benefit paid by the United Kingdom Government which is no longer available to Gibraltar students and, if not, has Government created a separate Access Fund for local students who experience particular difficulties?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Mr Speaker, a reply from the Foreign and Commonwealth Office on whether Gibraltar students are eligible to apply to Access Funds within the United Kingdom is expected. Arrangements are already in place to create a separate Access Fund for local students should this reply prove to be negative.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1992

HON L H FRANCIS:

Mr Speaker, I welcome the Hon Minister for Education's reply in the positive. But could he give an indication of the timescale involved since every month that goes by involves extra hardship for those students who indeed qualify for such Access Funds?

HON J L MOSS:

Yes, since a reply is expected in the not too distant future, the separate Access Funds will be in place by the following academic year, ie September, 1992.

MR SPEAKER:

Next question.

NO. 16 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, does the Government plan to open any new Nurseries and, if so, in what district of Gibraltar?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

NO, Sir.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1992

HON L H FRANCIS:

Mr Speaker, is the Minister aware of a petition from mothers in the South District specifically asking for a Government nursery to be set up and has he any plans, on the other hand for the Westside area where large numbers of young families will now be housed and there is no provision for their children in that area.

HON J L MOSS:

I am not aware of having received such a petition, Sir, but the answer is still no.

HON P R CARUANA:

Mr Speaker, is the Honourable Minister aware that one of the side effects of the welcome policy of the Government of extending home-ownership, is that mothers now have a greater need to work and that that itself has as a side effect that mothers now have great problems in relation to the placing of their children during the working day that has hitherto been the case in this community? Given those facts, which are a reality for many young persons in Gibraltar, will the Honourable Minister, at least, agree to consider the possibility of making nursery education more easily available to a greater number of people, (so that no one should think that I am not expressing my own leading question) by which I mean, considering making nursery education free as part of the services offered by the Honourable Member's Department rather than just saying as he has hitherto, I understand, that there is private nursery education available. The point is not that they are available but that they should be available free.

HON J L MOSS:

Mr Speaker, as the Honourable the Leader of the Opposition has just pointed out quite rightly, there are a lot of private nurseries in Gibraltar. I am told that the fees do not compare unfavourably with nurseries elsewhere in Europe and whilst I appreciate the value of his words insofar as

working mothers are concerned, the answer is still that that is not in itself a reason for opening a Government Nursery and for spreading out the resources of the Department of Education more thinly rather than improving the quality that we already have.

HON P R CARUANA:

Yes, Mr Speaker, perhaps the Honourable Minister should ask for his budget to be increased rather than try to spend what he has more thinly. But, Mr Speaker, do I understand then that the Honourable Member is firmly persuaded of the virtues of private education when it comes to nurseries but not in other aspects of education or indeed social services?

HON J L MOSS:

Mr Speaker, my personal feelings do not come into this at all, whatever the Honourable the Leader of the Opposition might think, and I am glad to say that in terms of the Government I could well be considered Mr Moneybags because I have never had any problems in increasing my budget, but there are priorities and there are difficulties and obviously there are other areas in which we feel we have to spend money on and not in creating new expenditure in opening up more nurseries when the fact that there are more working mothers means that there are more people who can actually afford nursery education.

HON H CORBY:

Mr Speaker, will the Minister please state if there are vacancies in Government nurseries or are they all taken up by the families of the...

HON J L MOSS:

Mr Speaker, with all due respect, there is another question following which I will be providing that information.

MR SPEAKER:

Next question.

NO. 17 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, how many nursery places are available in each Government Nursery and how many children are on waiting list for each Nursery?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, there are 90 places at St Bernard's Nursery and 60 places at St Paul's Nursery. At present there are thirteen children on the waiting list at St Paul's and none at St Bernard's.

SUPPLEMENTARY TO QUESTION NO.17 OF 1992

HON L H FRANCIS:

Mr Speaker, does the Honourable Minister for Education consider this a satisfactory state of affairs?

HON J L MOSS:

Yes, Sir.

HON L H FRANCIS:

Mr Speaker, perhaps then the Minister would like to communicate that fact to the thirty odd parents awaiting places for their children.

HON P R CARUANA:

Mr Speaker, does the Honourable Minister for Education consider that the relatively low number (although thirteen peoples' interests are important of course to the thirteen people but in the global sense, it is not many) reflects the number of people that would like to put their children in state education or the number of people that would be prepared to persevere notwithstanding the fact that they know that they have not got much chance? Surely he does not believe that there are only thirteen people who require this service.

HON J L MOSS:

Sir, I would remind the Honourable Leader of the Opposition that we are talking about nurseries. I have absolutely no idea of what every single person in Gibraltar thinks. What I am absolutely convinced is that if you offer somebody the chance to have a free nursery place or you ask them to pay, then, all things being equal with people looking

after their pennies, most people would say - "Yes, I prefer to have it free". They would also prefer to have free legal advice and that would put the Honourable Member out of a job.

HON P R CARUANA:

Not if you open the Citizens Advise Bureau.

MR SPEAKER:

Next question.

NO. 18 OF 1992

ORAL

THE HON H CORBY

Does the Government consider that a Training Centre would be helpful to enable Gibraltarians to acquire basic trades or to re-train in other trades in order to fill jobs now undertaken by other nationals?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Yes Sir, it is helpful.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1992

HON H CORBY:

Will the Honourable Minister state when this Training Centre is going to be in existence?

HON J L MOSS:

If the Honourable Member actually heard my answer I did answer in the present tense. I said "it is helpful". We have had, in fact, a Training Centre in place since 1990 which we have used for construction courses and we are looking actively at the possibility of extending it to other trades.

HON H CORBY:

Mr Speaker, my question is related to the unemployment that is going to become the norm in Gibraltar inasfar as the people from the Dockyard who have been out of a job are concerned and the MOD cuts that are envisaged. It is important that we have our own workforce to take over skills and all the jobs that are now taken by other nationals. We need a Gibraltarian workforce to undertake those jobs and so be re-employed in the sector.

HON J L MOSS:

Mr Speaker, I am not too sure how relevant this supplementary is to the question, but the fact of the matter is that, yes, I do agree that training has to be provided but it has to be training for real jobs not training in what we perceive are going to be jobs. So, whenever we do run a training course at the Training Centre, it is because we know for a fact that there are going to be vacancies arising in that sector. What I do not think that we can legally do is to actually sack people who are already in employment and I am sure that the Opposition would have a lot to say about that if we were to start sacking people from other nationalities who have jobs and employ Gibraltarians instead.

HON H CORBY:

Mr Minister, I am not talking on a short-term basis. I am talking on a long-term basis and I have heard much from the Chief Minister about this kind of multi-training scheme in the media.

HON J L MOSS:

Yes, Sir. The answer to the basic principle is, yes, and the answer is we already have a Training Centre which is looking after those interests.

MR SPEAKER:

Next question.

THE HON P R CARUANA

How much money did Government collect from the Training Levy in the financial year ended 31st March, 1992, and how much is held in that Fund?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, the amount collected from the Training Levy in the year ended 31 March 1992 was approximately £1.4m.

The latest available information on the balance held in the fund is £1.452.37.

SUPPLEMENTARY TO QUESTION NO. 19 OF 1992

HON P R CARUANA:

Mr Speaker, is the Honourable Minister for Education able to tell this House on what expenditure other than the payment of the wages in the Cadet Scheme, are these revenues applied to?

HON J L MOSS:

Yes, Mr Speaker, basically it is for running the different training courses which are operated by the Training and Employment Board, some of which, in fact, are run in the Training Centre that I mentioned earlier on in the answer to the previous question.

HON LT-COL E M BRITTO:

Can the Honourable Minister expand a bit on that? He has said he has spent on the training courses. Does that include the administration of the Training Centre or is it spent purely

HON J L MOSS:

Yes, Mr Speaker, it does.

HON LT-COL E M BRITTO:

Can the Minister gives us any indication of what the proportion is actual training or is that a question which he cannot answer?

HON J L MOSS:

Not at the top of my head but I am quite willing to provide the Honourable Member with a list of the different courses that have been run by the Training and Employment Board since its inception.

HON LT-COL E M BRITTO:

Rather than a list of independent courses, Mr Speaker, what I would really appreciate is the breakdown of the expenditure in the last year. For example, of how much is the total of the actual courses. How much is the administration of the Centre and how much is miscellaneous or any other heading that the Minister can identify.

HON J L MOSS:

Mr Speaker, without committing myself to substantiating the 37p, I think I can make as much information as I do have available to me on the training courses and their approximate expenditure and the other areas in which the Employment and Training Board has spent part of that money for the Member to peruse at his leisure.

MR SPEAKER:

Next question.

THE HON P R CARUANA

What has been the total revenue from all sources of the Gibraltar Development Corporation in the twelve month period ending 31st March, 1992, and how much revenue did it collect in respect of monies paid to it under each of the following Regulations:-

- (1) The Register of Business, Trades and Professions Regulations 1991
- (2) The Employment (Workers Contractual Terms) (Information) Regulations 1991
- (3) The Gibraltar Development Corporation (Employers Insolvency) Regulations 1991?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, I am giving the information as regards the fees collected under the different Regulations but would like to point out to the House it is not revenue as such.

The revenue to which the Hon Member refers does not constitute income for the Corporation. Items 2 and 3 are credited to the Insolvency Fund and the total collected as at 31.3.92 was £178,959.50.

The sum of £40,330 was collected under the Register of Business, Trades and Professions and this went towards administrative costs.

30.4.92

NO. 21 OF 1992

ORAL

THE HON P R CARUANA

Will the Government confirm that there are no individuals or companies working in Gibraltar who have been exempted from liability to make their full contributions under the Gibraltar Development Corporation (Employers Insolvency) Regulations 1991?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Yes, Sir.

NO. 22 OF 1992

ORAL

THE HON F VASQUEZ

Has Government made any decision as to the future use of the facilities previously used by Gun Wharf and, if not, what is Government's preferred or intended use for that facility?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, parts of the Gun Wharf area is presently being used both by companies in which Government has a shareholding or which were operating from the site. There are no further plans at the moment.

SUPPLEMENTARY TO QUESTION NO. 22 OF 1992

HON F VASQUEZ:

Mr Speaker, will the Minister be so kind to identify what those companies are and what use has been made of the Gun Wharf facilities?

HON J L MOSS:

Mr Speaker, would you remind the Honourable Member that I am not answerable in this House for the business of Gun Wharf. I have chosen to answer his original question but I really do not see the point in detailing all the companies that do work from there.

HON F VASQUEZ:

Mr Speaker, I am glad to hear that the Minister feels that he can wash Government's hands of what is, after all, a valuable asset in the infrastructural set-up of this community.

HON J L MOSS:

What is the question, Mr Speaker? I have heard a little speech.

HON F VASQUEZ:

I have not finished yet, Mr Speaker. What we want to know is, Mr Speaker, what plans Government has for the use of this important infrastructural asset. We have heard time and again the importance that Government attaches to the infrastructural development of this community. Well there we have an important infrastructural asset. Gibraltar as you are aware, Mr Speaker, as the Minister will be aware have had a history of involvement in yacht and ship-repair

and what this side of the House wants to know, Mr Speaker, is what plans, if any, Government has for the use of this important infrastructural asset and if they intend to maintain the existence of a ship-repair or a yacht repair business in Gibraltar on that site?

HON J L MOSS:

Mr Speaker, I refer the Honourable Member to the last sentence in my original answer which said, "there are no further plans at the moment". Now that is not ruling out that people might come up with suggestions or possibilities for use of the Gun Wharf area or part of the Gun Wharf area. I am well aware that there is a tradition of working in yacht repairing in Gibraltar and that there are many companies involved in yacht repair in Gibraltar, or have been. I am not saying we are not open to proposals but he has asked me a question and I have given him the answer which I think answers his question.

HON P R CARUANA:

Mr Speaker, will or can the Minister on behalf of the Government, say whether the Government would at least prefer that that facility which is clearly tailor made for boating activities and boating repairs ought to be used for that purpose because if that facility is not, that industry may be lost to Gibraltar's economy as a whole. Really what I would ask by way of supplementary to this question is, will the Government at least say that it will use its best endeavours to ensure that that facility is used for boating and boating repair purposes.

HON J L MOSS:

No, Mr Speaker. There is a very simple answer to that. The answer is that we did not choose to close down Gun Wharf, the decision was forced upon us by virtue of the fact that most of the workforce chose to take voluntary redundancy. I think, that the commitment which the Government has to give in this House and to the people of Gibraltar is for the best possible utilisation of land. Now whether that means that the best use of land for Gun Wharf is yacht repair or is not is another matter, but what we are answerable for is to try and get the best use of land on the whole of Gibraltar not just on the Gun Wharf area for the benefit of the people of Gibraltar and I do not see how making that particular commitment that the Leader of the Opposition is asking of me will help in that particular area.

HON LT-COL E M BRITTO:

Mr Speaker, on the presumption that the Government is not just sitting and waiting for someone to come with proposals as was insinuated by one of the previous answers, can the Minister say whether, in fact, initiatives have been suggested, whether the Government is considering proposals for use as a yacht repair or any other means of business and, if so, what the proposals are.

HON J L MOSS:

Mr Speaker, I can confirm that there have been a number of different proposals for the Gun Wharf even whilst Gun Wharf Yacht Repair Centre was operating. It would be ridiculous to expect me to say in this House if there were any active proposals what the details of them were because obviously that would be "Commercial in Confidence" and entirely up to the company and the people who are putting in the proposals.

HON LT-COL E M BRITTO:

No, Mr Speaker, I am not asking for details. Let me rephrase the question. We are saying in one breath we do not want to do yacht repair because there might be another type of business. Let me ask the question again so that we do not go back to what we said. I am saying, Mr Speaker, have proposals been made for use of Gun Wharf and if they are, what in general terms are those proposals? In other words, is there some other form of light industry being proposed. Is it watch repair or building frames being proposed? Not how much it is going to cost to run the business.

HON J L MOSS:

Mr Speaker, I can confirm that it is not Euro Disney. I think I already answered the question and he is putting words into my mouth by saying that I stated that I did not want yacht repair to carry on at Gun Wharf. We have to be serious. You have to be clear about what you are asking if you want clear answer. The answer is that there have been proposals for Gun Wharf way back even before my time as Chairman of the Company, some of the more recent ones are still under consideration. I do not think that it would be wise to reveal the nature of those proposals because up to now none of them have come to anything and if there is something which does seem that is going to come to fruition then the people of Gibraltar will know about it.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government help to improve the quality of life and welfare of the residents of Mount Alvernia by improving the financial situation of the John Mackintosh Homes by wholly or partially subsidising their liabilities in respect of water and/or electricity?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the position is as has already been expressed during the course of the motion in this House on 23rd October, 1990.

The Government is continuing to provide the financial assistance required to Mount Alvernia. It is not a question of subsidising their liabilities in respect of water and electricity but of providing a general subsidy. The increased subsidy for this financial year will be reflected in the Estimates.

The Government is working in close consultation with the Management Committee and we are satisfied that the Home will continue to function normally.

SUPPLEMENTARY TO QUESTION NO. 23 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, I am aware, obviously, of the general subsidy and I am also aware, as indeed the Hon Minister will be, of the reticence of Government to increase, or financial reasons to increase, the subsidy to a level that makes it unnecessary for the Board of Management to have to draw on the capital left by John Mackintosh in order to meet the recurrent expenditure of the Home. It would seem to me, Mr Speaker, and would the Minister agree with my point, that this would be a way of effectively increasing the money available to Mount Alvernia but not at the total cost to Government because, in fact, in real terms it will only cost Government the cost of the fuel rather than the total cost of the electricity, for example? But indeed in the cost of water would the Government consider approaching Lyonnaise and possibly coming to some arrangement whereby Lyonnaise could bear some of the costs of the subsidy?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member's assumptions are incorrect. The Government, as the Minister has said, in close consultation with the Management Committee of Mount Alvernia, has put in place the necessary support to enable the financial stability to be maintained and the subsidy is being increased by 15% per annum and that will be sufficient. The projections that have been made shows that this will be sufficient.

HON LT-COL E M BRITTO:

Mr Speaker, with great respect to the Hon Chief Minister, I disagree. I have information from meetings that I have held with the Board of Management that the current subsidy is not sufficient to run the Home without having to draw from the capital left by the late John Mackintosh. That is happening today and it is something that I am assured by the Board of Management, so therefore the subsidy cannot be sufficient.

HON CHIEF MINISTER:

Well then, Mr Speaker, the Hon Member has to decide whether the information I provide him with in this House is correct or the one he gets privately from the Board of Management is correct. That is his problem. He is asking for information and I am giving it to him.

MR SPEAKER:

Next question.

NO. 24 OF 1992

ORAL

THE HON H CORBY

Is Government aware that there are committed volunteers who are prepared to undertake Drug Rehabilitation and counselling under medical supervision in Gibraltar and, if so, is Government prepared to provide adequate premises for such purpose?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Government is looking at the issue of drug rehabilitation and counselling under medical supervision in Gibraltar in close consultation with the organisers who are running Camp Emmanuel and it is in this context that the question of premises is being considered.

SUPPLEMENTARY TO QUESTION NO. 24 OF 1992

HON H CORBY:

Mr Speaker, can I make a statement before I am shot down by the Hon Members opposite as not being a question?

MR SPEAKER:

Well, as long as you keep it short.

HON H CORBY:

It is very short, Mr Speaker. I must state here that when I joined the GSD I resigned as Chairman of the Drug Rehabilitation United Group and I am here on the assumption that I am speaking for the people of Gibraltar and not flag waving on my own account. Having said that, Mr Speaker, let me say that drug taking and drug offences have escalated in Gibraltar and the Minister must agree with me, and I have the statistics here from the Gibraltar Government for 1990 which states that drug offences in 1981 were 126 and I have the figure for 1991 which is 529. This makes an increase within ten years of drug offences to 419.84%. This is what it has risen to, Mr Speaker. Having said that, this is only the tip of the iceberg because there are a lot of people who have been caught by the Police. Imagine what is under the peak of that iceberg. So in essence, the people of Gibraltar need this Centre to be a facility here in Gibraltar for drug rehabilitation. I urge the Minister in question to give it utmost priority. What is only needed, Mr Speaker, is an MOD property subsidised with medical services attached to it and I

do not think that that would be a great cost to the Gibraltar Government as such. The question is, Mr Speaker, will the Government do this as urgently as possible and, if possible, I would be very glad to consult the Hon Minister, Mr Mor, on this venture?

HON R MOR:

Mr Speaker, as I have already explained in my answer to the question, which was dealing primarily with the premises which is what concerns the Hon Member, we are discussing this with the people who are running Camp Emmanuel and in this context we will be looking at what the Hon Member is saying.

HON H CORBY:

Mr Speaker, I have for the perusal of Hon Members opposite a video which won an award in Gibraltar for the best documentary of the year. I have it available. That will give them an insight of what was being done in Gibraltar if they are willing to look at it.

HON R MOR:

We are very grateful, Mr Speaker, for the offer from the Hon Member.

HON L H FRANCIS:

Mr Speaker, will the Minister say or can he say at this stage whether the facility will be provided in Gibraltar or at Camp Emmanuel?

HON R MOR:

Within Gibraltar, Mr Speaker.

HON H CORBY:

Mr Speaker, the answer has not come back inasfar as I could be involved with the Minister as far as this venture is concerned.

HON R MOR:

Well, Mr Speaker, if we find that there is a need for the Hon Member to be consulted, we will do that.

MR SPEAKER:

Next question.

NO. 25 OF 1992

ORAL

THE HON H CORBY

Does the Department of Labour and Social Security operate a system of inspection for potential fraudulent claims and, if so, how many such cases have been identified in 1991?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, Social Security benefits are paid in accordance with the contribution conditions the claimant has to certify he complies with. Before the benefits are paid, the records are checked to see that the claim is not fraudulent. There are two cases of suspected fraud in 1991 and these were dealt with by the Police.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1992

HON H CORBY:

Mr Speaker, what is the procedure for the follow-up of cases, once they have been established, after, let us say, years in order to ascertain that the circumstances have not changed?

HON R MOR:

Mr Speaker, the procedures are inbuilt in the system which we have whereby claims that are made are checked. Whenever payments are effected evidence has to be produced and then claims are paid. What the question seems to indicate is whether we have some sort of an army of inspectors behind us checking every single person that is being paid. Well that is not the case. The position is that the procedures in-built in the system ensure that fraudulent claims are minimised.

HON P R CARUANA:

Mr Speaker, is it not the position that once the claim has been made and accepted, it continues to be paid until such time as the recipient ceases to go and collect the money? In other words, certainly we are not advocating that there should be an army of inspectors, but will the Minister say whether there are any inspectors?

HON R MOR:

Well, Mr Speaker, I only said a moment ago that whenever claims are paid sufficient evidence has to be produced that the situation is still the same as when the claim was originally lodged.

HON F VASQUEZ:

Mr Speaker, what does that mean in real terms? The Honourable Minister has said that it has to be proved that the situation

is the same. If as we are lead to understand, individual recipients do not themselves go and collect, their cheques but send agents, as it were, to collect their payments, can the Honourable Minister please explain what proof is required from these individuals to say that the other individual is still alive or is still unemployed or whatever?

HON R MOR:

Mr Speaker, an agent collecting on behalf of a claimant has to produce evidence to the satisfaction of the Department that the person is alive. So a life certificate has to be produced. If what the Honourable Member is suggesting that someone who signs a life certificate is acting in a fraudulent manner then please tell us. If you have evidence that there is something going on please let us know.

HON P R CARUANA:

Mr Speaker, the fact of the matter remains that in every country presumably where benefits are paid there is some requirement for the claimant to so satisfy initially, or at the time of payment. But all these countries (and I speak of the United Kingdom as the only country of which I have any knowledge at all) have some system of adhoc inspections. If the Honourable Minister's position is that in Gibraltar because of the local knowledge of the person behind the till, there is no need for an inspection system, then please let him say so. But will the Minister confirm that there is in fact no system of inspection in terms of inspectors whose job it is to investigate the background?

HON R MOR:

Mr Speaker, all the evidence that we have is that the system seems to work and there is no reason why we should be looking at changing it.

HON H CORBY:

Mr Speaker, will the Minister please state how many inspectors are involved in cases of fraud? Are there any inspectors?

HON R MOR:

No, Mr Speaker, in those cases inspectors are not involved. What I am saying is that checks are in-built in the system to try and minimise any cases where suspicion of fraud is there.

MR SPEAKER:

Next question.

NO. 26 OF 1992

THE HON LT-COL E M BRITTO

As at the 31st March, 1992, what was the level of unemployment in Gibraltar of -

- (a) Gibraltarians
- (b) non-Gibraltarians

subdivided into under and over 25 years old age groups?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the information requested is as follows:-

	<u>Under 25</u>	<u>Over 25</u>
(a) Gibraltarians	192	298
(b) non-Gibraltarians	8	303

SUPPLEMENTARY TO QUESTION NO. 26 OF 1992

HON LT-COL E M BRITTO:

I thank the Hon Minister for the information, Mr Speaker, and we welcome on this side of the House the indication that the figures are lower than they were when they were last requested in the previous question.

HON R MOR:

Slightly lower, Mr Speaker.

MR SPEAKER:

Next question.

NO. 27 OF 1992

ORAL

THE HON H CORBY

Does Government consider that given the current and expected higher levels of unemployment it will be necessary to put in place a system of benefits beyond the maximum thirteen weeks benefit period allowed by the present system of unemployment benefits?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Mr Speaker, the policy of the Government is to reduce unemployment to the levels which existed in June 1991, and that this target is expected to be achieved by the end of this year. For this reason, the Government is placing great emphasis on training and re-training as the way forward.

SUPPLEMENTARY TO QUESTION NO. 27 OF 1992

HON H CORBY:

Mr Speaker, the indications are that unemployment is rising quickly and whereas before, and this the Minister must agree with me, it was accessible for a person who had unemployment benefits in the thirteen weeks was able to get another job within the interim period of the thirteen weeks, it is now getting more and more difficult to employ oneself within thirteen weeks. Why is the unemployment benefit for thirteen weeks and not like that of the UK?

HON R MOR:

Mr Speaker, whether UK decides to give unemployment benefit for five years, ten years or for whatever, is really a matter for the UK Government. As far as we are concerned, we have unemployment benefit payable for up to thirteen weeks and after the thirteen weeks then it is a matter of meanstesting the person. I would need to correct the Honourable Member's assumption when he started with the supplementary on the fact that unemployment is not increasing. I have just read out figures and they are slightly better than what they were in September last year.

HON P R CARUANA:

Yes, Mr Speaker, the incidence of unemployment in Gibraltar over a period of one year has increased. It may be down now very marginally over a short period of time. There is a serious possibility, let us all hope, as we all do, will not materialise, that the unemployment figures, contrary to the aspirations of the policies of the Government, will in fact, increase further. If that were to happen, does the Honourable Minister agree that the Government would have to review its present attitude towards unemployment

because Governments have an obligation to provide unemployment benefits to persons in a civilised community who are without means of support by employment through no fault of their own and that thirteen weeks is a perfectly arbitrary figure? In the case of somebody who does not get a job because he does not want one but because there is no work available and presumably the thirteen weeks was designed originally when Gibraltar had no substantial unemployment problem as the period of time that it was reasonably thought it would take somebody able and willing to find a job, to find a job. If those grounds would change because jobs are not available in thirteen weeks or any longer period, this community will have to support those people who are without employment through no fault of their own. Does the Government accept that as a correct statement of principle?

HON CHIEF MINISTER:

No, Mr Speaker, because in fact, as the Member opposite has already been told by my colleague and as we made clear in the election campaign, we are committed to a policy of full employment. Therefore I do not accept that any of the things that the Honourable Member says are going to happen, are going to happen and therefore we are not aiming our policy for failure, we are aiming our policy for success.

HON P R CARUANA:

At worst that renders my question hypothetical and if he wants to object to it on that basis he should do so. What I asked was for a comment to whether the Government considered that the statement of principle implicit in my question was correct ie if contrary to the policy aspirations of the Learned the Honourable Chief Minister has just described, there should be a problem of persistent unemployment, then would Government concede that it would have to review the whole concept of unemployment benefits in Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, the policy is that the emphasis is on training people so that they can take up employment rather than on supporting them so that they can remain unemployed. Therefore, the alternative that the Honourable Member is talking about would only happen if in fact it was impossible to have any jobs at all in Gibraltar for more than 9,000 people which is what the Employment Surveys shows the Gibraltarians are. But we have clearly stated our policy of maintaining 14,000 jobs and therefore there is no prospect of what he is saying happening.

MR SPEAKER:

Next question.

30.4.92

NO. 28 OF 1992

ORAL

THE HON H CORBY

What financial support is provided from public funds to a person who is unemployed for a period longer than thirteen weeks?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Answered together with Question Nos. 29 and 32 of 1992.

30.4.92

NO. 29 OF 1992

ORAL

THE HON H CORBY

Will Government explain the system of non-contributory or supplementary benefits, and give details of current levels of payment and to what categories of persons they are available?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Answered together with Question Nos. 28 and 32 of 1992.

THE HON LT-COL E M BRITTO

Will Government consider changing the qualifying criteria for receipt of Family Support Benefits (formerly Family Allowance payments) which disqualifies a family if one parent's income is even marginally in excess of £20,000 per annum but does not do so if the combined incomes of both parents is well in excess of this figure?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the position is as stated previously in this House.

The Government considers that if both parents' incomes, instead of the higher one, was taken into account it would act as a disincentive to married women continuing in employment.

SUPPLEMENTARY TO QUESTION NO. 30 OF 1992

HON LT-COL E M BRITTO:

Will the Minister like to explain, Mr Speaker, the logic of that?

HON R MOR:

Mr Speaker, it is self-evident, I will repeat it if he wants it.

HON LT-COL E M BRITTO:

I do not want it repeated, I want it explained.

HON P R CARUANA:

Well, does the Hon Minister admit that it operates an injustice to people in that category? The point of the question is what the combined purchasing power of the household is, not what the higher of the two earns.

HON CHIEF MINISTER:

The answer is no.

HON LT-COL E M BRITTO:

I take it, Mr Speaker, that the answer is that they are not prepared, under any circumstances, to reconsider.

HON R MOR:

That is the answer.

MR SPEAKER:

Next question.

30.4.92

NO. 31 OF 1992

ORAL

THE HON H CORBY

Does Government agree that the need to care for children is often an impediment to a single parent obtaining a job and, if so, will Government consider subsidising the nursery fees for single parent children?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Government does consider that taking care of children is important and will look into the matter the Hon Member has raised.

NO. 32 OF 1992

ORAL

THE HON H CORBY

What financial benefits are available to single parents from Government or from other public funds or from funds which receive monies directly or indirectly from Government or other public funds?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, there is no statutory financial support from public funds for persons unemployed for a period of more than thirteen weeks. Non-statutory social assistance is provided to persons who have no income and this is based on a means test. The same criteria applies in the case of single parents.

SUPPLEMENTARY TO QUESTION NOS. 28, 29 AND 32 OF 1992

HON H CORBY:

Mr Speaker, will the Minister not agree that whereas individual cases are probably the subject of secrecy, the overall general policy must be known openly and be debated in the House?

HON R MOR:

No, Mr Speaker, that is not the case.

HON P R CARUANA:

Mr Speaker, on what basis does the Government justify that in this community people should not know as a matter of rules available for all to examine whether they are, or who is and on what terms, entitled to social assistance? We have had arguments over the last four years about why there is a need to be a degree of reticence on, for example, pensions. But why is this extended to areas of social security to which the same considerations of interests of state cannot be extended?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member was not here, in fact, throughout the last four years to which he refers and he may not have been here at the time when it was made clear to the House that the same considerations in protecting Gibraltar's position against possible extensions of Community Law apply to the whole range of non-statutory benefits.

HON P R CARUANA:

So is the Hon the Chief Minister's position that we may not know what the regime is in relation to any aspect of social assistance in case Community Law should be extended in the future in relation to that?

HON CHIEF MINISTER:

Mr Speaker, if the Hon Member loses his place in the House and becomes so impoverished as a lawyer that he requires social assistance he will be able to find out what he is entitled to.

HON P R CARUANA:

Yes, exactly, so the Hon the Chief Minister in his own imitable manner confirms the point of the question. That the purpose of keeping the community in the dark as to who is entitled to what, why and when, is kept secret in case some future European Community Law change should render that unhelpful to the interest of Gibraltar. Well, that principle, with the greatest of respect to the Hon Members opposite, could be extended to every aspect of Government revenue raising and payments and expenditure.

HON CHIEF MINISTER:

I am grateful for his suggestion. We will look as to what other areas we can extend it to.

MR SPEAKER:

Next question.

NO. 33 OF 1992

ORAL

THE HON H CORBY

What provisions exist for the giving of financial assistance to Old Age Pensioners in relation to the cost to them of water, electricity and rates?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, it would not make sense to make provision for financial assistance for water, electricity and rates which would be totally unmanageable given the different circumstances of pensioners.

Community Care has been providing assistance with household costs since 1988. This is a matter for which I do not have Ministerial responsibility since the organisation is not a Government body. If the Member wishes to have information on these payments I will approach the organisation and seek to obtain the details for him on a confidential basis.

SUPPLEMENTARY TO QUESTION NO. 33 OF 1992

HON H CORBY:

Mr Speaker, would the Minister agree with me that a minimum subsidised consumption might be the answer to pensioners who live alone and are in need of financial assistance?

HON R MOR:

No, Mr Speaker, the Government is not prepared to restrict everything on water and electricity and rates.

HON P R CARUANA:

Mr Speaker, are we therefore to understand that this body called Community Care dispenses assistance, for example, for water and electricity and other things, to such persons as it considers are suitable recipients on the basis of unpublished criteria on a perfectly arbitrary basis?

HON R MOR:

No, Mr Speaker.

HON P R CARUANA:

The Hon Minister has said that assistance is provided with household expenses to people by Community Care on perfectly arbitrary rules which are unpublished and which the Minister will not describe in this House.

HON CHIEF MINISTER:

No, Mr Speaker, as my colleague has mentioned, perfectly arbitrary rules are on the Member opposite. The Minister has said that there is assistance provided and if the Hon Member opposite wants to have the information on a confidential basis he can have it and then he can see whether they are arbitrary or not.

HON P R CARUANA:

The Hon Member does not want the information on a private basis. What the Hon Member wants, but now knows he will not get, is a system as exists everywhere else whereby people know what they are entitled to and what they are not entitled to and in what circumstances they can get it and why somebody does not get it and somebody else does or why he gets it and somebody else does not.

HON CHIEF MINISTER:

Mr Speaker, the Hon Member has already been given an answer by me on that question.

MR SPEAKER:

Next question.

30.4.92

NO. 34 OF 1992

ORAL

THE HON H CORBY

Will Government legislate to provide minimum adequate maternity leave rights for working women?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, at the moment there is a Directive under discussion in the EC and Government will introduce the necessary legislation to comply when the terms have been agreed.

NO. 35 OF 1992

ORAL

THE HON H CORBY

Will Government consider allowing the payment of Family Support Benefits at the Main Street Post Office?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Mr Speaker, because there are already other Government Offices in the vicinity where Family Support Benefit can be encashed.

SUPPLEMENTARY TO QUESTION NO. 35 OF 1992

HON H CORBY:

Mr Speaker, will the Minister state where these offices are located?

HON R MOR:

Well, I can tell the Honourable Member. The Haven, for example, and Treasury Building or the different Post Offices. There is no shortage of places where the Family Support Benefit can be encashed.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister aware that since Lyonnaise took over the collection of bills, the Haven Offices, the Collection Offices to which he has referred.....

HON R MOR:

No. No. I have not. The Haven - where the Labour Department is. You are not referring to the Haven.

HON LT-COL E M BRITTO:

I am referring to the Collection Offices. My understanding is that people when they have been directed to the Collection Offices to cash their vouchers that your Department....Will the Minister confirm that the recipients are issued a voucher, which is not a cheque, in the normal accepted sense of the word, and that they then have to go to a Government cash office to exchange that for cash?

HON R MOR:

That is right. There are different ways in which recipients are paid. The allowances are transferred directly to their bank accounts, if they so wish. Others collect it in either the North District Post Office or the South District Post Office. They can cash the voucher at the Treasury or at the DLSS.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that there has been representations made to us by housewives who live in the town area and these representations are of the nature that since Lyonnaise took over the collection of bills, the Collection Offices in Mackintosh Square, where these housewives had been cashing their vouchers, do not always have as much cash available as they had previously? They are having to go back again for two or three times in order to be able to cash those vouchers or alternatively they have been put to the inconvenience of having to go to the South District or the North District. Will he accept that those are genuine representations that have been made and therefore either provide more cash in those offices or alternatively allow the central Post Office to make payments to alleviate the inconvenience of the housewives in town?

HON J C PEREZ:

Mr Speaker, perhaps the Honourable Member has not understood. The points where the household allowances are encashed are in the Haven in the Labour Department and in the Treasury Building in Secretary's Lane. The fact that the Electricity and Water Sections are no longer there, does not mean that there is a cash point at the Collection Office for rates. There is a cash point for rates but it has never been paid from that point. So, in fact, the Collection Office, which he claims is closed, is not closed. It is still opened for the collection of rates but it has never been one to encash the payment that the Honourable Member has referred to. In any case, we have no space available in the General Post Office to be able to do this. The General Post Office windows are all taken up with the normal functions of the Post Office and that is why there is a reluctance to allow it to be paid in the Post Office itself, not for any other reason. Now that it is quite obvious where the payments can be encashed, I am sure that people will get to those places since they are only a few metres away one from the other, frankly.

HON LT-COL E M BRITTO:

Mr Speaker, I hope the Minister will accept is that I will reassure the people who make the representations as to the additional points. But at the same time will he also accept that the Collection Offices in John Mackintosh Square do exchange those vouchers and have been doing so and it is not a question

HON J C PEREZ:

He is wrong, but if the Honourable Member pretends to know more; fine. The information I have got is 'no'. But in any case, the Collection Office is still opened.

HON LT-COL E M BRITTO:

Mr Speaker, the Honourable Member does not pretend to know more. The Honourable Member is telling him that he has been told by people who go there and cash them, so therefore they have been cashed and I am not saying they have been closed, I am saying that obviously they have less cash than the usual. Be that as it may, I accept the explanation as there is no point in labouring the point and I will inform the people concerned that there are additional points. But at the same time, Mr Speaker, will the Honourable Member also accept that his point just now that the counters at the General Post Office are totally used up is not one that is borne out by experience. There are at least two counters opened that are permanently closed and at least two other ones, one the postage stamp and the other one that issue social insurance stamps which are very under used especially social insurance stamps which if you require more than £100 have to be pre-ordered on a 24 hour basis and issued from an office upstairs.

HON J C PEREZ:

I am glad that the Honourable Member has been converted to his new thought on the Post Office now, because when he used to belong to another Party that Party thought the opposite and we are pressuring on the opening of more windows in the Post Office because there was more increase in business. So I am glad that the Honourable in changing Party also changes views.

MR SPEAKER:

Next question.

THE HON P CUMMING

Has there been any progress in obtaining UK and EEC recognition of local nursing registration?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Yes, Mr Speaker, a process leading to UKCC registration and consequently EEC recognition has already started for locally registered nurses, and in fact the initial three months local adaptation course concludes on the 1st May, 1992. It is programmed to have all non-UKCC registered nurses adapted within a two year period. A further two adaptation programmes are already planned for this year.

These programmes have been planned in conjunction with the Sheffield and North Trent College of Nursing and a visit of external assessors from the College has been arranged for week commencing 3rd May, 1992, to coincide with the conclusion of the first adaptation and the commencement of the second course. A third course is scheduled to commence in September.

The student nurse intakes currently in training are on a modular scheme which meet with all UKCC and EEC requirements. Registration would then become automatic.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1992

HON P CUMMING:

Mr Speaker, the need for an adaptation course surely does not represent progress when prior to 1988 there was no need for adaptation courses. People were being registered on individual basis with UKCC without need for an adaptation course. Surely that implies deterioration rather than progress?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I am given to understand that the adaptation courses at the time had to be taken in the UK.

HON P CUMMING:

Mr Speaker, if we go back far enough, in my own case I registered locally and registered with the United Kingdom Nurse Registration Council automatically. The fact now that we need an adaptation course surely implies lack of progress, not progress.

HON MISS M I MONTEGRIFFO:

Well, Mr Speaker, that is not the information that I have been given. The fact that the UKCC told us that we need to be able to have the adaptation courses adapted in Gibraltar and we took steps to remedy the situation, I think, that is progress enough.

HON P CUMMING:

Mr Speaker, if as the Hon Minister says registration will become automatic in a short period, will it then automatically follow that the EEC will give recognition because in the past there have been students trained locally, registered in the UK and consequently denied EEC registration because the Central Council has claimed that we are outside the EEC.

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, the EEC will give us recognition.

HON P CUMMING:

Thank you.

MR SPEAKER:

Next question.

NO. 37 OF 1992

ORAL

THE HON P CUMMING

Is it the Government's intention when considering applications for new contracts for Consultants to recruit persons who will not undertake private practice even if this results in attracting only Junior Registrars?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the question is in two parts and I will answer each section in turn.

Government is recruiting Consultants who do not undertake private practice. However, the Member is incorrect in saying that this results in attracting junior registrars. The Health Authority has received no applications from junior registrars and therefore the question does not arise.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1992

HON P CUMMING:

Mr Speaker, it has been my information that, in fact, several times in the past, and in the most recent occasions, the people who have been appointed consultants here, although qualified, did not have sufficient years of experience in both grades in UK of junior registrar and senior registrar and some have had consultancy posts in the third world, but not in the UK.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the Member is incorrect. The consultants or the applicants who have applied to the Health Authority have had experience in the UK. They have been practicing in the UK and they are consultants, Mr Speaker. We have received no application, as I have said in my original answer to this question, from junior registrars.

HON P R CARUANA:

Mr Speaker, the Honourable Minister said that they are recruiting consultants who do not undertake private practice. Will the Minister confirm that that means "cannot" under the terms of their contract as opposed to simply choose not to?

HON MISS M I MONTEGRIFFO:

Cannot, Mr Speaker.

HON P R CARUANA:

Under the terms of their contract?

HON MISS M I MONTEGRIFFO:

That is right, Mr Speaker.

HON P R CARUANA:

Mr Speaker, will the Honourable Minister say in relation to the points that my colleague, Mr Cumming, was just making, that the Gibraltar Health Authority has not recruited to the post of consultant in Gibraltar any applicant that would not and has not served in the post of senior registrar in the United Kingdom or to a standard equivalent in some acceptable jurisdiction. We understand there are other acceptable

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have said more than that. I have said that they have been recruited when they have been Consultants already, Mr Speaker. I have said more than that.

MR SPEAKER:

Next question.

THE HON P CUMMING

Where will the new Health Centre be sited, and when is it expected to be operational?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as I have already publicly stated it will be sited in the north area of Gibraltar. However, Government is considering a number of sites and until a decision is taken, I am not in a position to make a statement.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1992

HON P CUMMING:

Mr Speaker, does the Hon Minister agree with me that the present overcrowding of the Health Centre makes working conditions there very unpleasant for patients, for staff and, in fact, are bordering on the unhygienic?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the Government is already considering interim measures.

HON P R CARUANA:

Mr Speaker, the Hon Minister refers to the north area. Is she in a position to say whether the Government is considering a site adjacent to St Martin's School?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have said that the Government is considering a number of sites and until a decision is taken I am not prepared to give a statement on the matter.

HON P R CARUANA:

Is the Minister refusing to say whether it is considering a site adjacent to St Martin's School?

HON MISS M I MONTEGRIFFO:

That might be one of the sites, Mr Speaker.

HON P R CARUANA:

I will not labour the point, Mr Speaker, but I think it is extraordinary that there should be clarity on this point. Is the Hon Member or not considering a site adjacent to St Martin's School? Yes or no?

HON MISS M I MONTEGRIFFO:

I have just answered, Mr Speaker. I have said that yes, that that could be one of the sites.

HON L H FRANCIS:

Mr Speaker, will the Hon Minister say whether the new Health Centre will merge with the existing one or whether there will be two separate Health Centres?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, it will be one new Health Centre.

MR SPEAKER:

Next question.

NO. 39 OF 1992

ORAL

THE HON P CUMMING

Is the Government satisfied that the premises of the blood bank at St Bernard's Hospital is in a hygienic state and is it adequately equipped to provide a safe service?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Government has not received any information to the contrary and has been assured by the persons responsible for the blood bank at St Bernard's Hospital that it is in a hygienic state and adequately equipped to provide a safe service. The Government is therefore satisfied with the assurances it has received.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1992

HON P CUMMING:

Mr Speaker, the blood used for transfusions in UK is AIDS tested prior to giving and also heat treated in order to render it safe. Up to 1988 in Gibraltar, tests were only carried out on donors - AIDS testing on donors - and the blood was not treated because there was no equipment available to do this. Has this now been corrected?

HON MISS M I MONTEGRIFFO:

I am given to understand that this is the case, Mr Speaker.

HON P CUMMING:

That blood is being heat treated?

HON MISS M I MONTEGRIFFO:

That is the information I have received, Mr Speaker.

MR SPEAKER:

Next question.

THE HON P CUMMING

Will Government provide adequate waiting facilities for family of patients who may be -

- (a) in a critical condition in ITU
- (b) undergoing surgery in operating theatre
- (c) during labour in Maternity Ward

to avoid, often distraught family members to stand in hospital corridors sometimes for long periods of time?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, within the resources available to the Health Authority, priority continues to be given to the refurbishment of wards as these are considered to be more important than waiting facilities. There are only two wards left to refurbish at St Bernard's and it is intended therefore soon after to look at other areas, including the one the Hon Member has mentioned.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1992

HON P CUMMING:

Mr Speaker, in the meantime, could the Minister request that a sofa be retained in the little lobby outside the Maternity Department, at the top of the slope as there used to be?

HON MISS M I MONTEGRIFFO:

I will need to ask the Management to look at the situation, Mr Speaker, at his request.

MR SPEAKER:

Next question.

THE HON P CUMMING

Is Government aware of recent press reports indicating that the Campo de Gibraltar has one of the highest incidence of cancer in Western Europe and linking this phenomena to certain heavy industries situated in the Bay of Gibraltar and does the Government consider it appropriate to initiate its own study into this?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Government is aware that there have been press reports suggesting this but it has not been able to obtain the source of those press reports to establish the quality of the scientific evidence. However, if the Member opposite is in possession of any further information, the matter will be looked into.

SUPPLEMENTARY TO QUESTION NO. 41 OF 1992

HON P CUMMING:

Mr Speaker, the information I have is what was published in the Chronicle. The sources that were discussed in the Campo about this, and I was reading it last night, and I can easily find what it was. The point was, Mr Speaker, to gather statistics locally to find whether the incidence of cancer locally or any kind of cancer is higher than other areas of Europe. This would be a worthwhile and cheap study that could be done locally.

HON MISS M I MONTEGRIFFO:

But, Mr Speaker, what I have said in my original answer is that we have tried to verify whether the press reports have any official backing and that has not been the case and I have offered to the Hon Member that if he does have in his possession any official backing, then we would be willing to look into the matter.

HON P CUMMING:

Mr Speaker, in any case this would refer to the Campo and it may just be that the levanter and the winds may make our situation different to them. It is because it is so easy to gather these statistics on the amount of patients annually in Gibraltar and compare them in a percentage to other countries. This would seem to me to be worthwhile doing.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am told that the levanter has nothing to do with it but I am sure that if the indications were alarming I would have been told by the professionals.

HON P R CARUANA:

Mr Speaker, will the Hon Lady Minister agree to compile or have compiled on her behalf statistics relating to mortality rates and the incidence rates of the various types of cancer in Gibraltar?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have said before I think that if there was any indication that there was a rise in incidence of cancer in Gibraltar I would have already been contacted by the professionals in Gibraltar.

HON P R CARUANA:

With the greatest respect, Mr Speaker, she cannot know if there is any rise unless you compile the statistics and then compare them from one year to the other. I think that it is self-evident in this community that the incidence of cancer is very great. Now whether it is greater than in other towns of 28,000 people requires the compilation of statistics, so that three years from now we shall know whether it is any greater. If we do not start compiling these statistics we shall never know.

HON MISS M I MONTEGRIFFO:

Perhaps, Mr Speaker, I did not explain myself properly but the Health Authority does have statistics of the number of people who die and the cause of the death and that is therefore why I was harbouring on the argument that if those statistics were alarming I would have already been informed.

HON P R CARUANA:

Those statistics, Mr Speaker, do they exist in relation to cancer specifically, death from cancer and the various types of cancer?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, they refer to all types of death and that is why I was telling the Opposition that if there was any information which the professionals thought were alarming I would have already been informed or the Government would have been informed.

HON P R CARUANA:

Finally, Mr Speaker, I will not ask another supplementary because I think it would be unfair as the Minister could not possibly be prepared to answer the question. Would the Minister provide to me privately, that is to say, not privately in the sense that I cannot subsequently use it, those statistics so that we may have them in our possession?

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Hon Member referring to all the deaths in Gibraltar or just the deaths related to cancer?

HON P R CARUANA:

Well, deaths related to cancer and the various types of that fatal disease.

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker.

HON P R CARUANA:

I am obliged.

MR SPEAKER:

Next question.

THE HON L H FRANCIS

What sports facilities have MOD released to Government in the last four years and has Government had any indication that any further sports facilities will be handed over in the next four years?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, no sports facilities have been released by the MOD to Government in the last four years. We have recently been informed by the MOD that they will be releasing the sports facilities at South Barracks area, ie a squash and rackets court and three tennis courts.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1992

HON L H FRANCIS:

Mr Speaker, I was thinking in particular of Europa Point sports field, but in any case, will the Minister undertake that the facilities that are going to be handed over as she has indicated are going to be kept on as sports facilities?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, in the past I have already given a commitment to this House that that will be the case.

HON P R CARUANA:

Mr Speaker, when the Hon Minister says that no sports facilities have been handed over in the last four years, is she overlooking such things as the No. 2 Naval Ground or were those given four years and six months ago or four years and four months ago?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, they were handed over with an agreement that we had to reprovide them with the same facility.

HON P R CARUANA:

So it was a transfer of a sport facility from the MOD to the Government of Gibraltar?

HON MISS M I MONTEGRIFFO:

No, in exchange for us providing the same facilities for them, Mr Speaker. I have been assured by the MOD that civilians will be able to use the facilities on the same basis that Naval Ground No. 1 was being used previously.

HON P R CARUANA:

Mr Speaker, with the greatest of respect, it seems a very tenuous and irrelevant distinction to make. The question is not what was given in exchange. The question is what was received and what the Gibraltar Government received was sports facilities. Now even subject to the same tenuous distinction that the Hon Minister has made, are there any other sports facilities that fall into that category?

HON MISS M I MONTEGRIFFO:

Not to my knowledge, Mr Speaker.

HON L H FRANCIS:

Mr Speaker, is the Hon Minister aware that one of the sites in particular that she has mentioned is going to be handed over, the squash courts and badminton complex at South Barracks, is being heavily vandalised, I am given to understand? Can nothing be done to prevent damage prior to its actual handing over?

HON MISS M I MONTEGRIFFO:

I can assure the Hon Member that it was being vandalised but at the moment it is being refurbished by the MOD before they release it to the Government.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government still under an obligation to reprovide Naval Ground No. 2?

HON MISS M I MONTEGRIFFO:

It has been reprovided already, Mr Speaker.

HON P R CARUANA:

Yes, Mr Speaker, I hesitate to base the question on rumour, but is there any truth in the rumour that, in fact, the Navy may have no intention of using that reprovided area as a sports facility at all?

HON M A FEETHAM:

Whatever the MOD wishes to do with their particular land as a result of agreements reached three years ago, is really a matter for the MOD to decide in the light of their own policies. I can tell the Hon Member that the MOD, and it is public knowledge, are reviewing their land position in Gibraltar in a drastic manner and they have not made any final decisions as to where they are going to finally finish up in the light of the rundown in the next three years. So whether that will be used as a football pitch by them or by us or whether it is used for something else is a matter for the MOD.

HON P R CARUANA:

I am grateful to the Hon Minister for his answer because he has touched on the point that I was trying to get to, that there is at least a possibility that we might get that back sooner than we had anticipated.

HON H CORBY:

As a sportsman myself, are the facilities that are being handed over been used by clubs in Gibraltar or will these facilities be made available to the public in general?

HON MISS M I MONTEGRIFFO:

I think that all facilities will be available to the public in general, but as regards the rackets and the squash area, we are at this moment in time negotiating with the Gibraltar Squash Racquets Club so that they in turn make it their premises, Mr Speaker.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Mr Speaker, is Government satisfied that the existing arrangements and procedures of Lyonnaise des Eaux in respect of water and electricity bill collections, receipts and its dealings with the public in general are of a sufficiently high standard expected of a public service and that these arrangements are to the satisfaction of the people of Gibraltar?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Yes Sir.

SUPPLEMENTARY TO QUESTION NO. 43 OF 1992

HON LT-COL E M BRITTO:

How, Mr Speaker, does the Honourable Member then explain the letters in the press of complaint, the opinions being openly voiced by members of the public, the queues that form on a daily basis at the offices of Lyonnaise des Eaux and the disagreeable scenes that occur there on a daily basis, the complaints we are receiving and the fact that all this is aggravated by the fact that Lyonnaise appears unable to issue bills which do not include payments that have been made to them within the previous period and that therefore the balances on these bills are wrong and that the balances, because they are wrong, aggravate all the problems that I have just mentioned?

HON J C PEREZ:

Mr Speaker, the Honourable Member perception of the situation, if I may say so, is incorrect. There have been two letters in the press on the subject. I have received several complaints on the metering, which has nothing to do with Lyonnaise and has to do with the fact that the December bills are usually higher because the period of metering is lengthier. There are no daily disagreeable queues or outcries in public as the Honourable Member has said. There have been several occasions where, as part of teething problems as a result of taking over the billing of water and electricity, there have been problems. There have been certain representations by individuals made to me. I have sent those directly to the management of Lyonnaise des Eaux who have sorted it out with the people who are complaining and who are telling me that they are now totally satisfied that the teething problems will be overcome and that a satisfactory service is being provided to the general public. I am certainly satisfied that they have taken corrective action on some of the issues that have been raised by some

people, some of which I have raised myself. There will be even changes made to the billing so that there is no muddle like there is at present as to what is the monthly payment as opposed to the arrears one which is what the Honourable Member has lastly referred to. So I accept that there are teething problems and I accept that certain problems have been put to me but I do not accept the suggestion of the Honourable Member that it is chaos which is what he has suggested. I have certainly only seen two letters in the press. I pass there every morning and I do not see the queues that the Honourable Member has seen. On occasions there were certain queues because, as a result of the postal strike, there were three and four bills which have been received together and that created the problem as well and it coincided with the take-over of Lyonnaise from the Collection. I have been satisfied by the company that certain corrective actions are to be taken on the bill itself and I have made sure that they have satisfied all the customers that have come to me with complaints. I am confident that no other problems will arise in the future.

HON LT-COL E M BRITTO:

Mr Speaker, I am sure the Honourable Member will accept the usual reticence of Gibraltarians to write letters in the press (unless of course they happen to be members of the GSLP in the lead up to an election) but the fact that he has seen only two letters in the press is not indicative of the feeling out in the street. But having said that, I hope he will accept that I understand from his explanation that he is in fact agreeing with the general spirit of what I have said. I welcome the fact that he has taken steps to approach Lyonnaise to try to correct, what he calls, teething troubles and which I hope are teething troubles and which we will nevertheless monitor to ensure that they are teething troubles. But having said all that, will he also give us an indication, Mr Speaker, whether he will tackle a particular bone of contention with the public in general on the issue of receipts that Lyonnaise appear not to be want to agree to and possibly change the system so that receipts are issued for payments by post by cheques?

HON J C PEREZ:

Let me first say that I do not agree with what the Honourable Member has said. Secondly, that it is obvious that now the perception of how many letters can go to the press, according to the Honourable Member, allows the Honourable Member to say has he seen the number of letters in the press. When I tell him that there are two, then he says that it is the perception that he has of how many people would have written if they had thought that writing a letter could have made a difference. On the question of the receipts, the answer is, no, I have not made representations to Lyonnaise about people, who pay their bill by cheque and by post receiving receipts because those who want a receipt

may receive one at the counter whether they pay by cheque or in cash. These number of people who are now paying by post and by cheque has increased as a result of the service and I do not notice that there is a deterioration in the service. On the contrary, if there are more people paying by cheque and by post, I do not think that it is barring people generally from using that service and therefore I am satisfied that, as everywhere else in the world, if one pays by cheque and the record of the payment to the company is held by the bank, in case you need it, there is no reason whatsoever why that person should get a receipt. He obviously has the possibility of getting that receipt if he goes to the counter either with a cheque or with cash. If he wants to use the service provided to pay by mail then he will have to go without the receipt. I have not made representations to Lyonnaise because I have asked for the figures and the figure is that the number of people paying by cheque and by post has increased since the service was provided.

HON LT-COL E M BRITTO:

Mr Speaker, of course it has increased precisely because of all the problems that I have graphically explained previously about long queues and so on. The point is, Mr Speaker, that the Minister agrees precisely that people who pay by post and by cheque are the ones who are not prepared to go and stand in the queue. So therefore, it is ludicrous to suggest that if they want a receipt they should go and stand in the queue to get a receipt. The Minister should advise Lyonnaise to send the receipts with the next bill and then they can save on the post.

HON J C PEREZ:

You see, Mr Speaker, there is always an advantage to it, the Honourable Member has pointed it out.

MR SPEAKER:

Next question.

30.4.92

ORAL

NO. 44 OF 1992

THE HON LT-COL E M BRITTO

Will Government make public the terms of the contract between Government and Lyonnaise des Eaux?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 45 and 51 of 1992.

30.4.92

NO. 45 OF 1992

ORAL

THE HON LT-COL E M BRITTO

On what terms as to commission or remuneration does Lyonnaise des Eaux collect the electricity charges on behalf of the Government?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 44 and 51 of 1992.

NO. 46 OF 1992

ORAL

THE HON L H FRANCIS

Has the Government considered the effects of fumes from the new Incinerator on the area of Windmill Hill and Lathbury Barracks?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the 'white smoke' emanating from the incinerator is steam and not fumes. It therefore has no detrimental effect whatsoever to the area referred to by the Honourable Member or any other area.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1992

HON L H FRANCIS:

I thank the Honourable Member for the information. I was just concerned about any possible fumes because the chimney top is on a level with the Windmill Hill flats area. Thank you.

HON LT-COL E M BRITTO:

Mr Speaker, is the Honourable Minister saying that the Incinerator produces no fumes at all?

HON J C PEREZ:

At the stage of emission yes, no fumes at all. It is reconverted.

MR SPEAKER:

Next question.

NO. 47 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, what plans have been made to keep the area around the new Incinerator clean of rubbish?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there are no special plans to keep the area surrounding the new incinerator in a clean state. The commencement of operations of the incinerator, the ceasure of open burning in the area, the eventual total removal of the refuse at a holding site and the continuing regular cleansing of the area should bring about the desired result. Indeed the area in question has already experienced a vast improvement.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1992

HON L H FRANCIS:

Indeed it has, Mr Speaker. I am concerned about rubbish blowing out when the strong winds in the area prevail. Could the Minister say whose responsibility it will be to clean up any rubbish that blows out of the compound? Will it be the private company's responsibility or Governments?

HON J C PEREZ:

Mr Speaker, there will be no compound for any private company in the area once the residue of the refuse that was being taken to Los Barrios is finished and therefore the issue will not arise in the future. It will only arise whilst that residue is there and the company is disposing of it as under the terms of the contract.

HON L H FRANCIS:

I hope the Honourable Minister will agree that it is an area of prime tourist and environmental importance and therefore it is important that it should be kept as clean as possible under the circumstances. Thank you.

HON LT-COL E M BRITTO:

Mr Speaker, is the incinerator working to full capacity?

HON J C PEREZ:

The incinerator is working full time, yes.

HON LT-COL E M BRITTO:

Sorry, Mr Speaker, not full time, to full capacity?

HON J C PEREZ:

It is taking all the refuse of Gibraltar. Whether it works to full capacity in that it works for longer hours than we in Gibraltar need it is a different issue. It will work to full capacity when it is producing water and electricity and then refuse in Gibraltar would need to be supplemented by coal. At the moment, it is not working to full capacity only because of that. But it can take all our refuse and all our wood and it meets all our requirements already.

HON LT-COL E M BRITTO:

Mr Speaker, by implication then the residue is being taken slowly because it cannot meet more demand at the moment than it needs.

HON J C PEREZ:

No, the residue is part of the contract that there was with the previous company. We used to dispose of it in Los Barrios. We have already informed that company that if it wishes to, the incinerator can take on that residue and it need not carry it to Los Barrios. But it has got contractual obligations with Los Barrios which it has to meet. So unfortunately that refuse might have to be taken to Los Barrios anyway.

MR SPEAKER:

Next question.

THE HON L H FRANCIS

What will be the cost to Government of waste disposal at the new incinerator?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the figure the Honourable Member is seeking is included in the Estimates of Expenditure presented to the House this morning.

SUPPLEMENTARY TO QUESTION NO. 48 OF 1992

HON L H FRANCIS:

Mr Speaker, can the Honourable Minister say how it compares to the cost of the old incinerator?

HON J C PEREZ:

Mr Speaker, that is specific in the Estimates presented. I suggest that if he has supplementaries he raises them at Committee Stage of the Appropriation Bill once he will have had the chance to look at the Estimates and compare the figure himself.

HON L H FRANCIS:

Thank you. Can I ask the Honourable Minister if any agreement has been come to by the Government or the private company to take in waste from Spain to burn at the incinerator?

HON J C PEREZ:

Mr Speaker, the only agreement that the Government has entered into is the agreement for the disposal of refuse for Gibraltar. Whether the company finalises the agreement itself to dispose of refuse other than Gibraltar ie La Linea, it is up to the company and the authorities in La Linea. The Government has not intervened in that at all.

HON L H FRANCIS:

Could I just ask whether the Minister is aware that any agreement is in the air or has been agreed?

HON J C PEREZ:

I am aware that the offer has been made and that the Ayuntamiento in La Linea has taken some eight months to consider it and that they are still considering it and that they have put a proviso that everybody must be in agreement if they are going to bring it. It is in their court as

far as I know and I shall assist the management of the company in any way if they think that by my intervention it can come about but unfortunately I think it would have a detrimental turn if the press reports emanating from the Ayuntamiento of La Linea, are anything to go by.

HON P R CARUANA:

Mr Speaker, the Honourable Minister will be aware of many press reports emanating from Spain casting doubt on the technical adequacy of that incinerator. Can we take this opportunity to have it publicly confirmed that those criticisms are technically without foundation?

HON J C PEREZ:

Mr Speaker, those criticism are technically without foundation. The Environmental Groups that have bothered to come and see the incinerator and take the specifications of the incinerator away with them across the border have been satisfied that what I am saying is true and it is only political parties in La Linea who have not bothered to do this, that are claiming that the incinerator is an environmental hazard. But even those Environmental Associations from Algeciras and further afar that have come to see the incinerator have been quite impressed, have taken the specifications the company has given them and have been assured that it is not only not an environmental hazard but would be a vast improvement, were these installed in Spain, to the methods prevailing in most areas in Andalucia.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Why is the cost of a telephone call from Gibraltar to the United Kingdom higher than the cost of a comparative call from UK to Gibraltar?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, neither the European Community nor the International Telecommunications Union have standardised charges because it is widely known and recognised that the customer base, usage and investment are what eventually determine the charges one is able to offer ones own customers.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, does the Minister recollect that at the initial stages of the Nynex operation there was speculation in the media reports that, due to the increased traffic being envisaged both from the new company and because of the expansion of the Finance Centre and because of the more modern equipment then being installed, charges would drop in the short to medium term?

HON J C PEREZ:

Mr Speaker, I do not think that the Hon Member knows what he is talking about. Nynex has nothing to do with international communications. It is Gibtel that has to do with it and therefore the rumours emanating at the time of Nynex cannot be perceived to affect the operations of Gibtel.

HON LT-COL E M BRITTO:

Mr Speaker, it must be the time of day and the heat and the fact that I am still wearing my jacket. Of course, I meant Gibtel and not Nynex. I am sorry if it has confused the Minister. Perhaps he could answer the spirit of the question.

HON J C PEREZ:

Yes. When Gibtel came into power the Party that was in power is the Party that the Hon Member belonged to, so he should know.

HON LT-COL E M BRITTO:

Mr Speaker, the Party might have been in power but I was not part of the people who were in power as the Minister will know. So I do not know the answer to the question. Does the Minister recollect the speculation and is he in a position now to bring pressure to bear so that charges can be lowered?

HON J C PEREZ:

Mr Speaker, the answer that I have given the Hon Member is that what determines the charges are not the prices charged by other administrations but your own investment, your own customer base and the usage that your customers make of that particular capital expenditure. Therefore, the prices that we charge are based on that and our customer base is very small as compared to the United Kingdom. Therefore, we have more capacity than what we really need and we have to pay for it if we want more telecommunications. The situation has been the same for the last ten years where charges in Gibraltar have not moved either up or down. Charges in UK have fluctuated during that period but has not affected the charges that we have put. In fact, in the United Kingdom there is VAT on charges which we do not impose. If you add together the VAT and the charges in the UK it is not as far away as seems to be the case in normal circumstances other than the cheap rate, of course.

HON LT-COL E M BRITTO:

Mr Speaker, it is not quite correct to say that the charges have not changed. If we go back far enough telephones were free.....

HON J C PEREZ:

What is the question the Hon Member is making?

HON LT-COL E M BRITTO:

The question is whether the Government is in a position under the terms of the contract to bring any pressure to bear on Gibtel to lower if possible the charges.

HON J C PEREZ:

International calls have never been free. The question the Hon Member made is why the disparity between UK and Gibraltar. I have told him why the disparity and now he says can Gibtel decrease. Well, that is a business decision that the Board of Gibtel will have to take given the circumstances prevailing at the time. I cannot guarantee that the Hon Member will get the desired results because it is a business judgement taken by a company as on any other issue.

HON P R CARUANA:

Yes, Mr Speaker, the fact of the matter remains that in other countries, for example, in the United Kingdom there are regulatory authorities to ensure that those that have to take business judgements are not looking only at their own bottom line. What regulatory regime exists in Gibraltar? Perhaps a power reserve to the Government, if it has indeed a contract with Gibtel to ensure that the cost of telephone calls are not decided only by the Board of Gibtel.

HON J C PEREZ:

Mr Speaker, there is no decision being taken. The same charges have existed throughout a ten year period when Cable and Wireless was there, when the Telephone Department was there, when the AACR was in power, when the GSLP came into power, so the situation has not changed whatsoever. The question he has asked is why the disparity between the UK and Gibraltar. I have informed the Hon Member that the disparity arises because decisions on charges are not related to the cost to the operator in Gibraltar of providing the service to the customer. He has then said that there are regulatory controls in the United Kingdom and I am saying that not on pricing. They removed them at the time that they liberalised telecommunications and allowed Mercury to give a service. Therefore, the competition that there is in UK today is the one that is pushing prices one way or the other, not the regulations of the regulatory authority in the United Kingdom. If what the Hon Member is saying is whether the Government could ask Gibtel to lower prices then he should have asked exactly that question and I would have answered on that basis. On what premise is the Opposition asking Gibtel to lower prices?

MR SPEAKER:

Next question.

NO. 50 OF 1992

ORAL

THE HON LT-COL E-M BRITTO

How many public telephones are installed and available to the public south of Referendum Gates?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, I am informed by the telephone company, that there are three public telephone booths south of Referendum Gates and over 20 payphone facilities in public businesses such as bars, restaurants etc. There are another three paybooths in MOD areas.

SUPPLEMENTARY TO QUESTION NO. 50 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister give us an indication of where the three public phones are?

HON J C PEREZ:

Yes Sir. One is in Europa Road, the other one is in Camp Bay and the other one is in Little Bay, south of the Referendum Gates.

HON LT-COL E M BRITTO:

It may interest the Minister to know that at least during the summer period of last year both the telephones in Camp Bay and Little Bay were out of order throughout the whole summer. I do not know whether they have been repaired since then and are working.

HON J C PEREZ:

Mr Speaker, they are only supposed to be functioning in the summer, anyway.

HON LT-COL E M BRITTO:

They were not.

HON J C PEREZ:

The experience of the Honourable Member is taken on board. Is that the basis of the question of the Honourable Member?

HON LT-COL E M BRITTO:

No, Mr Speaker. The basis of the question is a serious one. I was not, quite honestly, including Camp Bay and Little Bay which I would have looked upon as functional

telephones only during the summer periods. The basis of the question is again from representations that have been made to Members on this side on the need for telephones south of Referendum Gates. I put it to the Minister to consider that one telephone in the whole of the south area along Europa Road - ignoring the telephones inside businesses and so on which are not really public telephones - and to agree with us that there is a need for increasing the number of public telephones which are needed throughout the south district.

HON J C PEREZ:

I shall put it to the company, if he wants, but the general view is that there will not be much usage for them because 97% of people living in the south area have a private telephone themselves and with the 20 payphones in public facilities they seem to be satisfied. But I shall put the anxieties of the Honourable Member to the company.

HON LT-COL E M BRITTO:

Mr Speaker, by the logic that 70% are private telephones there should not be any public telephones in the town area either.

HON J C PEREZ:

Mr Speaker, the town area is used by tourists whereas the south area is not so much used by tourists and the Navy.

HON H CORBY:

Mr Speaker, will the Honourable Member consider advising the Telephone Department to have one installed by the Post Office in the south district? Would that be agreeable to the Hon Minister?

HON J C PEREZ:

Mr Speaker, I will put it to the telephone company and it will be up to them whether they put it or not. But I will pass on the comments of the Members.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government make public the terms of the contract between Government and Gibraltar Nynex Communications?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, when entering into contracts with the Government, reputable international companies such as Nynex and Lyonnaise include normal clauses of confidentiality which both parties are bound to respect. I am therefore unable to make public the full terms of the contracts referred to by the Hon Member. Needless to say that he already knows this since he himself raised the matter at the time of the completion of the Nynex contract. Some of the terms of the agreement have already been made public, by agreement with the company, at the time of the signing of the contract. I would suggest that the Hon Member researches to see whether the information he now wants is already public.

SUPPLEMENTARY TO QUESTION NOS. 44, 45 AND 51 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, the Hon Member introduces the word "full" in his answer. I have not asked for full details. I am looking for what the terms of the contract are in general terms. Members on this side of the House have not been here for a long time and were certainly not here when that information was disclosed. I think it is as well in the public interest if that information could be made available in general terms.

HON J C PEREZ:

Mr Speaker, as far as the public is concerned, their interests have already been safeguarded since in general terms matters have been made public at the time of the signing of the contract. It is my view that we are not bound to answer in the House for any public information that exists. Mr Speaker, since the matter is made public it is open to Hon Members to look for it and get it however they want. There have been press statements. It is in Hansard in May 1990 and April 1991 on both Nynex and Lyonnaise and it is open to anybody to research it and look for it.

HON P R CARUANA:

Given, Mr Speaker, that these are or were important public utilities in the sense that they were owned by the people, does the Government consider that it is appropriate then that the Government should have agreed to the terms of contract containing a confidentiality clause? For whose benefit does such a clause exist in a contract which, in effect, privatises public assets?

HON J C PEREZ:

Mr Speaker, it is only at the instigation of the lawyers representing these companies such as OESCO, for example, that these clauses are being included. I presume that the Hon Member has not mentioned lawyers because of one of his clients.

HON P R CARUANA:

The Hon Member has not mentioned any utilities in his supplementaries, he has just referred to it in normal terms. But the mischievous purpose of the Minister's comments are taken on board. The fact of the matter is, will the Minister agree in future to resist, insofar as vicious lawyers acting for the utilities, the inclusion of clauses in contracts to privatise public assets which then give the Hon Minister a pretext for standing up in the House and saying: "I will not tell you the terms of the contract in which I have privatised your assets"?

HON J C PEREZ:

Mr Speaker, I have not said that. I have said that I have already said so. I have already explained to this House, to the general public on television, in the newspapers, everywhere else, what the terms of the contract, in general terms are and that has been with agreement with the companies concerned. What I am saying to the Hon Member is that he cannot expect to come two years later and say "we want the Minister to impart the same information again". I do not mind boring the House reading Hansard again, if the Hon Member wants to, but I think he can do his own research and save the House the delays that would have to be encountered if I were to read to the Hon Member the Hansard which is available to him for him to find out in private.

HON P R CARUANA:

Mr Speaker, I am not interested in general terms, I am interested in the detailed terms of contracts. We ought to have available to any member of the public who wants to know the basis and terms upon which its Government has, in effect, privatised public assets. I am not interested in the general terms or in the selected general terms that the Hon Minister may have in the past chosen to publish.

HON J C PEREZ:

Mr Speaker, I take offence from the term privatisation. It has been privatisation on a joint venture basis and the Government retains a shareholding in the company and has protected the workforce from the viciousness of privatisation which the Hon Member supports in his Thatcherite manner.

HON P R CARUANA:

It is privatisation to the extent that whereas before I could question him in detail about matters of electricity generation and water and telephone, now he can come and tell me that it is none of my business because it is in the hands of a private company. If that is not privatisation it is as near as that.

HON J C PEREZ:

I had not realised totally the extent to what benefits me. I will take it into account in answering other questions for the Hon Member.

THE HON LT-COL E M BRITTO

In respect of Phase I of the Westside Development, will Government say whether the Chief Fire Officer is satisfied that those Building Regulations and sections of the British Standard Code of Practice concerning fire resisting doors and precautions against fire which are applicable to Gibraltar and relevant to the responsibilities of the Fire Brigade have been complied with, as hitherto interpreted and enforced by the Fire Brigade?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, was there any abnormal delay in the Fire Brigade issuing certificates of fitness or whatever applies from the Fire Brigade point of view to the Department of Trade and Industry on the subject of fire safety in Phase I of Westside?

HON J C PEREZ:

Mr Speaker, I put this question to the Chief Fire Officer, because I had advance notice of the question as a result of the Hon Member having written to me, and the answer I received was "Yes, they are totally satisfied". That is it, Mr Speaker.

HON LT-COL E M BRITTO:

No, Mr Speaker, I am afraid that that is not it. There are a lot of supplementaries that I need to ask on this very important subject of fire risk and human lives possibly being at stake. I will put the following supplementary to the Hon Minister since like he himself has said, I wrote to him on the 27th February and to date have not had a reply, and would ask him why I have not received a reply?

HON J C PEREZ:

Mr Speaker, because the City Electrical Engineer and the Chief Fire Officer were both, at different intervals away from Gibraltar, and their letters to me to enable me to reply did not reach me until very near the meeting of the House and then the Hon Member gave notice of his question and thought it best to give him a reply in the House.

HON LT-COL E M BRITTO:

Fine, Mr Speaker. Will the Hon Minister agree, that according to the Building Regulations and the Standard Code of Practice all doors in new apartments with the exception of bathroom doors, cupboards and toilets, are required to be 30 minutes fire resistant?

HON J C PEREZ:

Mr Speaker, according to the reply from the Chief Fire Officer "Yes" and that is being complied with. In fact, the Hon Member asked me, in respect of the Fire Regulations, "I would refer you in particular to Building Regulations E15E11 and Table 1 to Regulation E1 and to Sections 2(2), 3(2), 1(1), 431 and 432 of the British Standard Code of Practice Chapter 4, Part 1 1971". The Chief Fire Officer has said that "Yes", he is complying with all the Sections and all the standards mentioned by the Hon Member.

HON LT-COL E M BRITTO:

Right, Mr Speaker. Can the Hon the Chief Minister tell this House on what basis, on what information, on what certificate and from whom is the Chief Fire Officer acting on to say that these doors are 30 minutes fire resistant?

HON J C PEREZ:

Mr Speaker, the Hon the Chief Minister may or may not, I presume, be able to tell the Hon Member but I am going to tell him. Mr Speaker, I have complete confidence in the information that I have been given by the Chief Fire Officer and by his Deputy. I have put the question that the Hon Member has asked to them and they have informed me that "Yes", they are complying with all the Regulations quoted. Then I have no need to question what they say because I am satisfied that they are telling the truth. I am therefore telling the Hon Member that as far as the Chief Fire Officer, his Deputy and his staff are concerned, their compliance has been given in writing and I have it in front of me in answer to a letter from the Hon Member to me. If the Hon Member is not satisfied with that he can put all the supplementaries that he wishes but unless he has facts to be able to suggest that the Chief Fire Officer is not telling me the truth I suggest that he keeps quiet.

HON LT-COL E M BRITTO:

Mr Speaker, yes I will ask further supplementaries. No I am not satisfied. Yes there is more information that I require before I am satisfied. I suggest that we all keep our cool, Mr Speaker, because this is a serious matter because should there be a fire lives could be at risk. Mr Speaker, I have information, which I will disclose in a moment, which shows that the essential part is not quite 100% accurate. I repeat the question that I asked a minute ago "Does the Hon Minister have the information on what basis is the Chief Fire Officer basing himself....."

MR SPEAKER:

I think we are now entering into repetition. The Hon Minister has stated on what he is basing himself and that is on his reliance on the Chief Fire Officer's Report. We cannot therefore go on asking the same question. So please proceed but do not repeat the same question.

HON LT-COL E M BRITTO:

Does that mean, Mr Speaker, that if I do not receive an answer I cannot be allowed to ask for it again?

MR SPEAKER:

The Hon Minister has already given an answer to your question.

HON LT-COL E M BRITTO:

I have not received an answer to the basic question. My information is, Mr Speaker, that the doors at Westside are about 35 millimetres thick and that the standard practice in the UK is for fire resisting doors to be not less than 44 millimetres thick. I wrote to the developers concerned and asked to see a copy of the fire certificate of the doors concerned and the developer refused to do so and referred me to the Chief Fire Officer. I cannot ask the Chief Fire Officer and that is why I wrote to the Hon Minister. The Hon Minister is not prepared to show me the certificate.....

HON J C PEREZ:

Mr Speaker, I have not said that.

HON LT-COL E M BRITTO:

Mr Speaker, I have asked to see the certificate.

HON J C PEREZ:

No, Mr Speaker, the Hon Member has not asked me to see the certificate.

HON LT-COL E M BRITTO:

Mr Speaker, I have asked on what basis is the Chief Fire Officer basing himself that the doors are 30 minutes fire resistant and have up to now not received an answer.

HON J C PEREZ:

Mr Speaker, can I clarify matters for the muddled Hon Member? I do not go around, Mr Speaker, measuring doors or checking whether the Fire Brigade do their work. If I were to do this I could not be the Minister with responsibility for so many Departments as I am. If the Hon Member expects that Ministers should actually physically do this type of work he does not

know what our role is. I have asked the professionals whether they are satisfied that the development is in accordance with the regulations that the Hon Member has mentioned. Their reply is that they are satisfied. I have not told the Hon Member that I refuse to show him the certificate. I have not seen the certificate. If the Chief Fire Officer is satisfied with the information provided well that then is good enough for me. What I have said and I repeat is that the word of the Chief Fire Officer is good enough for me. Let me add, Mr Speaker, that the Hon Member is making a big issue about something which is without foundation whatsoever because he is talking about people being at risk as a result of a fire hazard which is totally untrue and the last time that he put his foot in it, in this House, he was told to go and see Gibraltar Homes and after seeing them agreed with Gibraltar Homes that he would come back to the House and make an apology for the innuendos that he had made about the state of the houses. He has not done so and he is falling into the same trap again by creating innuendos about the safety of the flats which the Chief Fire Officer and all his staff say that does not exist.

HON LT-COL E M BRITTO:

Mr Speaker, I would ask the Hon Member to withdraw what he has just said.

HON J C PEREZ:

Mr Speaker, I shall not withdraw one word.

HON LT-COL E M BRITTO:

Mr Speaker, I was not told to go anywhere, I accepted an invitation from the developers in order to relieve some of the worries that I had. Some worries were relieved and others were not and I certainly gave no undertaking to anybody to come back to this House and say anything. If the Hon Minister is saying that I did then that is a total fabrication of the truth.

HON J C PEREZ:

Mr Speaker, I believe the developers and not the Hon Member.

HON LT-COL E M BRITTO:

Mr Speaker, I have been accused of fabrication and innuendos but I have here a report from the UK Timber Research and Development Association, Mr Speaker, the biggest fire testing organisation in the UK and the one that tests to established British Standards in UK. Before I proceed, Mr Speaker, will the Hon Minister accept that if there are facts in this report that are contrary to what he has said then there is legitimate cause for me to raise this in this House and he has no right to say what he just said?

HON J C PEREZ:

Mr Speaker, I have every right to say what I have said and I will restate what I said that I have every confidence in the Chief Fire Officer and his staff. If they say that the doors at Westside comply with the safety standards as specified by the Hon Member then I believe them. If the Hon Member does not, well then that is his problem and the onus is on him to try and prove the contrary. If the Hon Member fails to prove that then an apology is owed to those people.

MR SPEAKER:

This is now turning into a debate and I will allow the Hon Member one more supplementary. After that if the Hon Member wishes to pursue the matter he should bring a substantive motion or ask for the matter to be dealt with on the adjournment. What is certain is that he is not going to resolve the matter with more questions.

HON LT-COL E M BRITTO:

If necessary I will take the matter up on the adjournment but I would ask the Hon Minister that although I realise that he must accept the advise of his professionals would he accept political responsibility after I read the conclusion of this Report about part of a door from Westside which has been sent to UK to this leading testing agency. I will not read the whole Report but the conclusion states "as stated," and there are seven conclusions, "as stated it is our opinion that a full sized door set to the details submitted, if subjected to a BS476 Part 22 1987 fire resistance test would fail to achieve an integrity performance of 30 minutes". Now, Mr Speaker, this is not me inventing anything, this is the biggest testing agency in the UK. It is the one that tests all doors manufactured in the UK to British Standards and they are saying, amongst a number of other things, that the door will not stand up to 30 minutes fire resistance. Mr Speaker, will the Hon Minister also accept that this Report also says that "the hinges are made of a metal that is likely to melt in about 10 minutes, that the hinges have plastic or nylon bushes which are also likely to melt in that sort of time and that therefore the door would not stand up to the 30 minutes test but would collapse as a result of the hinges burning"? This, Mr Speaker, is too important because lives are at stake and I would ask the Minister whether an investigation needs to be carried out to establish whether the facts contained in this Report are true?

HON CHIEF MINISTER:

No, Mr Speaker. We do not accept political responsibility for a development which is not being carried out by the Government. The development is being carried out by a private developer and like every other development in Gibraltar has to be tested by professionals who have to satisfy themselves that they meet the required standards. The political responsibility that we will have to accept would be to discipline the people in the Fire Brigade if, in fact, they have failed to carry out

their jobs correctly which is the allegation that the Hon Member opposite is making. That, Mr Speaker, is the part that we will have to investigate, whether the allegations of unprofessional conduct on the part of the City Fire Brigade are justified or not. Certainly what, I think, the Hon Member ought to have the guts to do is to repeat what he has said in this House without the protection of parliamentary privilege so that Gibraltar Homes can sue him for the damages that he may be doing to their sales if it is proved that he does not know what he is talking about. So what I would invite him to do, Mr Speaker, if he is so confident of his grounds, is to repeat without parliamentary protection what he has said. Because commercially he is saying something which is very, very serious. What we have to satisfy ourselves is that the professionals that we employ in the Brigade know their job. We have no reason to doubt that because whenever our people from the Fire Brigade go to the UK they always come out with flying colours in competition with any other Fire Brigade, I do not think that the Hon Member is suggesting that these people are being somehow influenced to give unprofessional decisions. So it can only be incompetence in giving unprofessional decisions.

HON LT-COL E M BRITTO:

Mr Speaker, our intention in raising this matter is because it is our duty to bring this matter to the attention of the House and give it maximum effect to safeguard the lives of the people concerned. I have no intention of casting aspersions on anybody my concern is that I am told in a report that the doors are not 30 minutes fire resistant. My question to the Hon Minister is what action will he take to act on this Report?

HON CHIEF MINISTER:

No, Mr Speaker, I have already told the Hon Member the degree of our political responsibility. We do not know who has sent the door, we do not even know if the stuff that has been sent to the UK is a door from Westside. Presumably the people in UK have tested a piece of material that has arrived through the post and they do not know that that is a door at Westside. I imagine that the difference between the test carried out on the wood in England and the test done by the Fire Brigade here is that the Fire Brigade have gone actually down to the Estate. I do not know but I can tell the Hon Member one thing. If it is a purchaser who has obtained that information then it is up to that purchaser to take the matter up with the seller of the property. All that we have to do in the light of the doubts that the Hon Member has cast on whether the Department is doing its work properly is to go back to the Department. If the Hon Member wishes to take the matter further he must do so with the people who are building and selling the houses that are shoddy and a health hazard as the Hon Member is trying to make out they are.

HON LT-COL E M BRITTO:

Mr Speaker, on a point of fact. Can I clarify that the Fire Brigade in Gibraltar do not carry out any tests. Let us be clear about that. I am not accusing the Fire Brigade for not carrying out the tests properly. The Fire Brigade do not carry out the tests. The developers and the Fire Brigade act on a certificate that is produced for them, and this is what I was asking the Minister earlier on "What certificate has been produced to show that those doors are fire resistant?"

HON CHIEF MINISTER:

All that we know, Mr Speaker, is that as a result of an approach made by the Hon Member opposite, the Hon Minister did what he is politically charged with doing, he went to the Department said: "There is some doubt being cast on these standards being met, are you satisfied?" The answer has been "Yes". The Hon Member is saying that notwithstanding that the Hon Minister has been told "Yes", he has reason to believe that the Fire Brigade is wrong. The Hon Minister will go back to the City Fire Brigade and say: "Mr Britto thinks you are wrong".

MR SPEAKER:

Next question.

NO. 53 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Is there a long-term aim to integrate the MOD Fire Fighting Services with the City Fire Brigade and, if so, what is the target date for this to be achieved?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

No Sir, the Government has no such plans.

SUPPLEMENTARY TO QUESTION NO. 53 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, does the Honourable Minister recollect that in a media interview, within the last three months, the Chief Fire Officer gave indications that there was a preliminary stage of integrating the two MOD Fire Services and then a long-term aim of integrating them with the Fire Brigade?

HON J C PEREZ:

Mr Speaker, the Chief Fire Officer was talking about the ideas that the MOD had put to them but the Government has no plans to do this. The MOD can carry on doing what they feel they should but the Government does not agree with those plans and will not continue with them.

MR SPEAKER:

Next question.

NO. 54 OF 1992

ORAL

THE HON L H FRANCIS

Has Government studied the possibility of introducing a recycling scheme into the collection and disposal process of household waste in Gibraltar?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has received a number of proposals from different parties for the recycling of part of the refuse disposed of in Gibraltar. We have studied these and have our ideas on the matter. None of the schemes looked at have proved to be either practical or economical.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1992

HON L H FRANCIS:

Mr Speaker, I would urge the Government to continue or to still have an open mind on the matter because in this day and age we all have to do our part within the environment and if we want to take our place as a modern society.....

HON J C PEREZ:

Mr Speaker, the Government has an open mind on the matter but if it is very costly we will not do it. One of the things that we were planning to do was to have glass banks here but the vehicles that collect in the surrounding area refuse to come in and collect our own because of the problems encountered in the Customs and because of the narrowness of our streets. Anybody who would do it locally would first have to find an outlet for the material being collected and a site in which to deposit it. Sites in Gibraltar are so valuable and because the land is at a premium it is not a feasible business for anybody in Gibraltar. On the other side, the wood and carton part of the business is one which we do not want to promote because that is of a very high calorific value which we need for our own incinerator to mix with the humidity element of the refuse that we collect in Gibraltar generally.

MR SPEAKER:

Next question.

NO. 55 OF 1992

ORAL

THE HON L H FRANCIS

Has Government studied the possibility of installing sewage treatment facilities?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Gibraltar still complies with the EEC standards on sewage disposal since populations of our size need not have treatment facilities. However already some research has been made towards the possibility of treatment in the future and to this purpose the laboratories of Lyonnaise des Eaux in Paris are studying ways in which this could be done. Gibraltar is rather unique in this since, because we use sea water for flushing our toilets, the traditional methods of treating bacteria are unsuitable for our needs.

SUPPLEMENTARY TO QUESTION NO.55 OF 1992

HON L H FRANCIS:

Mr Speaker, the Honourable Minister has pre-empted my next question which was, in fact, on EEC Regulations. Will there not be any effect, however, on EEC Regulations and Directives with reference to the quality of water at beaches, etc as opposed to the actual sewage itself?

HON J C PEREZ:

We continue to monitor that but we are complying with all the Regulations on that. We are one of the cleanest areas in the Mediterranean possibly because of the Straits and the currents here in the area surrounding Gibraltar.

HON F VASQUEZ:

Mr Speaker, I wonder if the Minister can confirm that there are inspectors who are in charge of inspecting and checking the quality of the sea water at our beaches?

HON J E PILCHER:

Yes, Mr Speaker, all the water at the beaches are tested once a week by the Environmental Health Department.

MR SPEAKER:

Next question.

NO. 56 OF 1992

ORAL

THE HON P R CARUANA

How does the creation of a production company by certain employees of GBC lower that Corporation's costs?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, let me remind the Hon Member that the last time there were exchanges over GBC across the floor of this House, it was he who suggested that I should not even be answering for the Corporation. I therefore find it strange that he should be putting questions to the Government of what is strictly Board policy. However, given that as part of the restructure plans at GBC an interest free loan has been given to the company by the Government, I shall inform him of the little I know on the subject. The number of employees who have joined the company are those who were previously employed in production, directly or indirectly. The arrangement with GBC is that the company will be producing a far greater number of local programmes than was the case previously mainly because of the need to do so in order to fill in the space negotiated with BBC. This will be done at practically the same cost as before, but the company is able to acquire business from other quarters to supplement its income. This GBC could not do previously.

SUPPLEMENTARY TO QUESTION NO. 56 OF 1992

HON P R CARUANA:

Mr Speaker, is the Hon Member saying that the Government has made a substantive loan to the production company although he knows little about it?

HON J C PEREZ:

Mr Speaker, I have told the Hon Member that the arm's length relationship that he insisted Government should keep with GBC is being maintained and that, therefore, the information is limited to the participation of the Government and that the Hon Member voted with me in favour of the £400,000 loan which we made to the company at the time when an explanation of what it was for was given to the House. So if the Hon Member was satisfied at the time I must have been as well if we both voted for it.

HON P R CARUANA:

Yes, that was the subvention the Hon Minister referred to GBC.

HON J C PEREZ:

No, that was the.....

HON P R CARUANA:

The £400,000 that we voted on was a vote to GBC and not a vote to any local production company. That came later and in private.

HON J C PEREZ:

I explained at the time, if he cares to look at Hansard, that it was a loan for GBC and that GBC would be buying the equipment and loaning it to the company which would be repaying the £400,000 over a ten-year period.

MR SPEAKER:

Next question.

THE HON P CUMMING

When will Calpe House start to function on a permanent basis as accommodation for local patients who go to the UK for medical treatment and will Government explain the reasons for the delay in achieving this?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has been and continues to be in constant communication with the trustees over the delays encountered by them with the Westminster Council in London in respect of repairs which are being carried out to the property in question. The surveyor employed by the trustees initially advised them wrongly and as a result works being carried out to the building have had to be stopped whilst negotiations have been taking place between representatives of the trustees and the Council over certain conditions that the Council insist need to be met before the works can proceed. These are of a planning nature but in the meantime the amount of scaffolding around the building and the incomplete works to part of the extension makes the building uninhabitable. The latest position put to the Council by the trustees is that after a meeting last week the matter is again in the Agenda of the Council for the next meeting in which the legal representatives and quantity surveyors engaged by the Calpe House Trust believe everything will have been clarified and works allowed to proceed.

Mr Speaker, having noticed a reluctance on the part of the Westminster Council to clear matters expeditiously, I have been in constant touch with the Deputy Governor who in turn has been raising it with the Foreign Office to see whether they could 'explain more clearly' to the powers that be the great need that exists for the Calpe House to be in operation and the many people who could have used it, were it not for the delay, and who are encountering unnecessary hardship as a result. Mr Nick Carter from the Foreign Office was, in fact, present at last week's meeting to reiterate the position.

Mr Speaker, I would like to take this opportunity to praise the trustees for the hard work they are continuing to put in to see Calpe House realised and disassociate the Government from any aspersions cast upon them by the manner in which Opposition Members raised the matter publicly recently.

Government continues to support the trustees of Calpe House in doing everything possible so that it commences operation and is available to sponsored patients who may want to make use of it.

SUPPLEMENTARY TO QUESTION NO. 57 OF 1992

HON P CUMMING:

Mr Speaker, is the Hon Member satisfied that the Government, before investing so much public money in this venture, had done its homework properly to have prevented this sort of thing happening?

HON J C PEREZ:

Yes, Sir.

HON P CUMMING:

It seems to me, Mr Speaker, that the Minister is very easily satisfied. It seems to me that buying a listed building, even to a total amateur in such matters like myself would know that it is flawed with difficulties and to go bashing around a listed building in the centre of London they were asking for trouble. Now we cannot blame Madrid or the MOD or Brussels or anybody, we ourselves got into this and yet the Minister is satisfied that.....

HON J C PEREZ:

Not only the Minister, the whole House was satisfied when it voted the money. Everybody voted in favour of it with the details that we had at the time. We were all satisfied so at the time there were fifteen Members satisfied.

HON LT-COL E M BRITTO:

Mr Speaker, I am the only Member of the then Opposition who voted in favour at the time. One of the things why we voted in favour of, when it came up on the 29th May, 1990, was because of the assurance that we had from the Hon Minister who said, amongst other things: "It is in very good condition and the Government itself authorised expenditure to undertake a survey before we committed ourselves with the money and the only thing pending is approval from Westminster Council", and that is a straight quote from Hansard, Mr Speaker, of the 29th May, 1990. On that assurance and.....

HON J C PEREZ:

I can assure the Hon Member that the only thing still pending is the authority from the Westminster Council. The situation has not changed, that is the problem.

HON P R CARUANA:

Will the Hon Member confirm that the problem arises from the fact that unauthorised works were commenced on a listed building?

HON J C PEREZ:

No, Sir. I can confirm that the surveyor who was employed by the trustees of Calpe House authorised that work should proceed. We were then informed that the surveyor had not done this work properly and the trustees are now suing the surveyor. So one can go through the normal procedures and those normal procedures sometimes do not work as they should do. If the surveyor were to come to you with a report and you do not question the report of the surveyor, you take it and you go ahead with the works and then it happens that it is not the case. But let me say that the issue being raised by the Westminster Council, in my view (and it is a personal view that I take because, as you know, the question is very much in the hands of the trustees) are petty issues and in my view the bringing in of the Foreign Office man has made sure that the issue is more expeditiously dealt with. I think that they were dragging their feet because they might not like such an operation to be part of their Council area.

HON P R CARUANA:

Mr Speaker, I think the Hon Member is so fearful that he might inadvertently agree with something that I say that he says 'no' immediately after I finish and then started to talk. What he has just done is to confirm the question that I asked him. Will he confirm that the problems that have arisen are that unauthorised works were proceeded with? And the answer is 'yes'. I have not said who is to blame or who is not to blame but the problem arises from the fact that works were commenced before they were authorised by the Westminster Council.

HON CHIEF MINISTER:

The problem arises from the fact, Mr Speaker, that the street in which this particular building is had had a lot of work done on other buildings of a similar age and similar character and, in fact, precisely because the Government was involved in this particular building, we insisted that the proper procedures had to be followed. If it had been done without our involvement it would probably be open now but when the Westminster Council was approached they discovered not only that the building that had been purchased, which had been used to house students, had already had alterations done beforehand, of which they had not had any notice, but so had other buildings in the area. The Hon Member must be aware that the initial problem was that once this happened and once the permission for the operation was submitted and the use to which the building was going to be put was submitted to Westminster Council, Westminster Council came back and said it was against Council policy to allow buildings in that particular street to be used for short-term lets and they were not prepared to grant a change of use. This then had to go to appeal to the Secretary of State and I, in fact, wrote to Mr Heseltine asking him to intervene personally given the importance that this particular building had for our patients

who went to London. We believe that the fact that there was this extra external interest brought into the decision making process has not endeared the project to the Westminster Council who, as a consequence (we believe, we do not know whether this is true or not) are being unnecessarily obstructive.

HON P R CARUANA:

Mr Speaker, I am grateful to the Hon Chief Minister for what he has said. Is it not then a case that substantial amounts of taxpayers' money, in addition to all the money that was collected by public contribution, were invested in the purchase of the property which could not lawfully be used for the purposes for which it was required, namely, this was the fund for the acquisition of a home for visiting Gibraltarians, and it could not lawfully be used for that purpose without the consent of the Westminster Council and that that consent had not been obtained before we were committed to the purchase.

HON CHIEF MINISTER:

Mr Speaker, the only thing that the Hon Member is interested in doing is standing up and saying that we are to blame for whatever has gone wrong. Then I will cease trying to give him information and he can go away satisfied that he has put the blame on us and that can be the end of the story because, at the end of the day, it is not a question that money was unlawfully used for anything, this was money.....

HON P R CARUANA:

I have not said that money was unlawfully used.

HON CHIEF MINISTER:

This was money that was used with the authority of an Appropriation Ordinance which will no doubt at least keep him happy on that count. And having done it with an Appropriation Ordinance it was money used to buy a business not whether public money was being used to do something that was not authorised. It was public money being used to buy a property which on the basis of the information available at the time, was authorised. It was only because we insisted that any changes subsequently should go through the proper procedures irrespective of whether other people were properly following those procedures or not, precisely because there was public money invested and it is Crown property, that we started having the problems. The first problem we had was that the Westminster Council questions the fact that the Government of Gibraltar is the Crown. Now, if one is going to say: "Well, because there is a doubt in the mind of the Westminster Council whether the Government of Gibraltar is the Crown" because if it is Crown property, let me say none of the arguments of the Westminster Council apply because the Crown does not need to apply for permission. So that is one of the areas which immediately was in dispute which we have, in fact,

referred to the legal advisers in the Foreign Office because as far as we are concerned the property is in the name of His Excellency the Governor and as Crown property, in fact, we can do the alterations and inform the Council. The Hon Member cannot say he is surprised because I am giving him information to demonstrate that the conclusion which he just asked me to confirm is incorrect because at the time that we did it nobody was questioning that the Government of Gibraltar represented the Crown. Nobody was questioning that it was Crown property. Nobody was questioning the fact that the Crown can develop a property without requiring the permission of the local authority and that the local authority needs to be informed and does not have the right. So it was money that was invested in a project which everybody in the House agreed was a very good thing to support. It was a unanimous decision because we were all in favour of supporting it. It was on the basis of the information available at the time, that it was possible to do everything that we wanted to do at the time and we are saying, in fact, today that we believe that none of the problems that we have encountered should have been encountered. That is what I am telling the Hon Member. So it is not that somebody made a mistake, it is that we feel there has been unnecessary obstacles placed in the path for a variety of reasons.

MR SPEAKER:

I think the question asked for an explanation and the reasons for the delay and that has been given and we cannot depart from that issue. Next question.

NO. 58 OF 1992

ORAL

THE HON P CUMMING

In view of the recent tragic and fatal accident on the road crossing the runway apparently caused as a result of a motorcycle's wheels becoming entrapped in a gutter, what steps has Government taken to prevent recurrence?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the questioner is pre-supposing that the accident was caused as a result of the motorcycle having entrapped its wheels in the gutter of the runway. I am informed by the Police that if this were true, the motorcycle should not have been in that area given that the gutter in question is outside the road markings painted by the MOD designating the road on the runway. I am also informed that the markings are deemed satisfactory by the traffic authorities.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1992

HON F VASQUEZ:

Mr Speaker, may I reply to the Hon Minister that the gutter in question is approximately two inches from the edge of the road and in my opinion and in the opinion of anyone on this side of the House represents a substantial road hazard and is this not a question that concerns the Minister?

HON J C PEREZ:

Mr Speaker, it could be a precipice, for all we care. If it had been a precipice the person in question would have fallen down from the precipice. The road markings are there. People, according to the law and according to the Police, are required to keep within those road markings. If they go out of the road markings it is not the responsibility of the traffic authorities. They should not be going out of the road markings. It is not that there is a road with a gutter through it. It is that there is a gutter adjacent to the road and the person should not be in a gutter.

HON P R CARUANA:

Mr Speaker, are we to understand that the Hon Minister is concerned only with the Road Traffic Ordinance and not with the safety of the citizens of this community? Does he understand that what he is saying is that because anyone that encounters that danger must perforce have caused a breach of the Road Traffic Ordinance, that therefore he does not care the fate that they

HON J C PEREZ:

Mr Speaker, the Hon Member is trying to.....

HON P R CARUANA:

That is exactly what the Hon Member has said.

HON J C PEREZ:

Mr Speaker, there is an accident. A person dies from it and the Hon Member is trying to pin the blame on the Government for a person having died. This is incredible. This kind of Opposition is what leads, Mr Speaker, to non-constructive contributions in the House and to a disregard for proper conduct of democracy. Mr Speaker, let me say that I take the opinion of the Police and of the traffic authorities and this is what I have come to the House to respond to. They are saying that there is a probability that the wheels were entrapped in the gutter and that if this were true what are we going to do about it? Well, first of all, they have not established that that is the case and, secondly, the traffic authorities are satisfied that the people in question should be within the markings and the gutter in question is outside the markings. I do not think that there is anything further to discuss on this matter.

HON P R CARUANA:

So, Mr Speaker, if there were a road adjacent to a cliff at a bend this Government would not follow the practice of Governments anywhere in the world of having barriers round the outside edge because after all if somebody goes off the road and falls over the edge of the cliff they must necessarily have been driving without due care and attention and whatever fate they meet thereafter is their fault.

HON J C PEREZ:

If the traffic authorities recommend it, yes, but I doubt that a fence across the runway would do the trick, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, I think the point at issue here is this. One person has already been killed as a result of the purely.....

HON J C PEREZ:

No, Mr Speaker, a person has not been killed because of that.

MR SPEAKER:

Order, order. Let the Hon Member ask a question.

HON F VASQUEZ:

Mr Speaker, there is a gutter not inches from the edge of a road in an unlit road which has already been proved to be exceedingly dangerous and the purpose of the question is to ask the Minister whether he recognises that he has a responsibility to try and ensure that that sort of accident does not reoccur. Does the Minister 'feel he has that responsibility?

HON J C PEREZ:

On top of it all it is MOD land.

HON P R CARUANA:

The responsibility for the welfare of the local community does not rest with the MOD unless there has been a drastic change in the philosophy of the Members opposite, it rests with the Government. All that it would require is for the Minister to have said, for example, that that gutter ought to be covered over with some sort of grill but we know now.....

HON J C PEREZ:

Mr Speaker, I am sorry, I take my advice from the professionals. We are back to the same thing. If professionals that the Government of Gibraltar employs say that they are satisfied with the conditions, I am satisfied with that, Mr Speaker. I do not see the danger that Hon Members see and it has not been proven yet that the fatal accident occurred, as Hon Members think it should have occurred. In any case, Mr Speaker, the manner in which Hon Members are raising the issue is deplorable. The kind of Opposition we have now, Mr Speaker, certainly reflects the amount of votes that they got.

HON P R CARUANA:

The approach of Hon Members opposite, namely, us, on this issue, reflects the attitude of the Hon Minister in answering what is a perfectly simple, civilised question. But as he interprets everything as a a personal attack and defends himself on that basis, he ought not to be surprised that tempers are raised. But they are raised by him and not by us.

HON P CUMMING:

Mr Speaker, months before the accident happened there were already complaints in a letter to the press - I know the Hon Mr Perez is not very keen on letters to the press - but there was a letter to the press complaining about that very gutter. The gutter goes deeper and deeper, if you get out of it quickly enough you are alright but when it gets too deep you fall. I was lucky to get out just on time. But there have been many complaints. All you have to do is drive a motorbike and you will see how dangerous it is.

HON P R CARUANA:

I think the attitude of the Hon Gentlemen opposite is quite clear. They believe that you should not be driving in the gutter and if you do and get killed, well, that is your problem. I think that is the comment that has just come from the other side.

HON CHIEF MINISTER:

We believe Members opposite are engaging in gutter politics, Mr Speaker.

HON LT-COL E M BRITTO:

One final point, Mr Speaker, if I may. Would the Minister, who I know does not ride a motorcycle, accept that driving a motorcycle in that area under certain wind conditions can be fairly hazardous. The wind will push a motorcyclist sideways ten or twelve feet off the road and, in fact, I have seen a whole group of motorcycles pushed in front of oncoming traffic and there have been accidents averted or caused through no fault of anybody driving.

HON J C PEREZ:

Sp we will have a safety net in case it is windy?

HON LT-COL E M BRITTO:

The point I am making is that that is one of the problems with the gutter. However safely people drive it is very easy to go into the gutter unintentionally.

MR SPEAKER:

And the question is?

HON LT-COL E M BRITTO:

The question is, back to what we were saying, will the Minister accept that there is a need to at least think about doing something about it instead of raising the temperatures.....

HON J C PEREZ:

No, Sir.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Following an incident earlier this year of a fire in a car in the frontier queue, has Government made any plans to make the area safer for the occupants of cars trapped in "the loop" should a similar incident re-occur and what funds have been earmarked for this?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, as I have explained once before already, the emergency exits distributed around the loop and the continuous Police presence in the area, is thought by the Police to be sufficient adequate safeguards which will allow them to respond expeditiously were there to be a similar incident to the one mentioned by the Hon Member.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, will the Hon Minister accept that what he has just said goes totally contrary to what the Chief Fire Officer said in a media interview where he said that the conditions for exist from 'the loop' are not totally satisfactory, with which I would agree because they are fairly well spaced out, and that a study had been made and that there were intentions to modify to make the area safer? What I am asking is what those plans are.

HON J C PEREZ:

Mr Speaker, I have not heard what the Chief Fire Officer has said but the people I asked to see whether they could get to the car immediately and out of 'the loop' are the Police and the Police seem to be satisfied that they can do it. Notwithstanding that, I know that there are plans for extending the loop and if those go ahead there will be better safeguards. That does not mean that the system that there is today is not sufficiently adequate for the Police to respond to the incident. The fact that you can make it better is something that has been taken on board in reviewing what is going to happen to the loop, whether it is going to be extended or not.

MR SPEAKER:

Next question.

30.4.92

NO. 60 OF 1992

ORAL

THE HON LT-COL E M BRITTO

What practical arrangements is Government making to alleviate the traffic chaos that will occur during peak periods this summer if car drivers approaching the toll paying entry point to the Nature Reserve realise the level of the entry fees, decide not to pay and attempt to turn round in the narrow confines of Engineer Road to drive back down towards Europa Road?

ANSWER

THE HON THE MINISTER FOR TOURISM

Answered together with Question No. 102 of 1992.

THE HON LT-COL E M BRITTO

Is Government aware of the danger to motorists, motorcyclists and cyclists due to the slippery surface of the road in the area of the Sun Dial roundabout and will it say what remedial action will be taken?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government is aware that the area referred to by the Hon Member is starting to become slippery and Police notices warning motorists of the fact have been put up. Because the area is constantly in use a new method of resurfacing has been identified so that the road may be repaired overnight, thus inconveniencing motorists as little as possible and ensuring a continuous traffic flow.

The area is earmarked for this coming year's roadworks programme and should be done shortly after the House has voted funds for this purpose as part of the Appropriation Bill.

THE HON LT-COL E M BRITTO

Will Government consider the construction of a suitable ramp along Forty Steps to make access to the Upper Town easier and shorter from Town Range and vice versa for persons pushing prams?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, no Sir. Government considers that the suggestion made by the Hon Member is preposterous.

SUPPLEMENTARY TO QUESTION NO. 62 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, I am surprised by the comments from the Honourable Member seeing that the person who approached me in making the suggestion told me that he had made the same suggestion to the Hon Chief Minister in 1988, shortly after the election, who had said: "What a very good idea. I am going to mention it in my address".

HON J C PEREZ:

Mr Speaker, I do not know whether you have been to the area recently but anybody who goes to that area can see that because of the steepness of it we would need to have a hoist to pull up the prams and the mothers later. We do not agree with the suggestion of the Honourable Member. No, Sir.

HON P R CARUANA:

Which puts into doubt the Chief Minister's judgement in 1988, if indeed he made the comment.

HON CHIEF MINISTER:

I think he got me cold with the suggestion.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Is the eastern side of Corral Road between the Public Markets and Smith Dorrien Bridge a paying car park and, if it is not, why were there traffic signs in this area indicating that it is and that appropriate tickets must be purchased from non-existent machines?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the area referred to by the Hon Member was designated as a paying car park until some two months ago. When the infrastructural works on the upper side of Corral Road was completed, the paying car park area was moved to that side and the ticket machines removed from the eastern side. The Road Section of the Department of Trade and Industry have now been notified that the notices need to be removed and the lines on the road, washed away. There has been a slight delay in doing this because the Traffic Commission is considering the re-routing of the buses and might want different road markings in the area.

Indeed, Sir, I believe that work has already started in the area in question.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1992

HON LT-COL E M BRITTO:

I almost withdrew the question, Mr Speaker, but I thought I would leave it. I thank the Hon Minister for his information. It may interest him to know that having placed the question last week I was very interested to see that in the early part of this week all the signs had disappeared.

HON J C PEREZ:

Not the road markings because we have not implemented the system yet.

HON LT-COL E M BRITTO:

The road markings are still there but the signs disappeared.

HON J C PEREZ:

I might give the Hon Member a job in the Efficiency Committee.

HON LT-COL E M BRITTO:

I take that as a compliment, Mr Speaker.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

What permanent parking facilities will Government make available to container lorries and similar large sized heavy goods vehicles during their obligatory 24 hour stay in Gibraltar for unloading and reloading purposes before returning to their country of origin?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, some weeks ago representations were made to Government about the facilities referred to by the Hon Member. The car park at the MOT Test Centre was immediately made available to those concerned and this seems to have alleviated the problem temporarily.

In the meantime the MOD have been approached with several proposals as to possible sites that they might be able to make available to the Government of Gibraltar for the purposes of accommodating the heavy goods vehicles.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, I thank the Hon Minister for the information. I assume from the reply that it will be expedited and not left.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

In view of Police warnings of prevalent and increasing numbers of incidents of damage to, breaking into and thefts from motor vehicles at night, what steps is Government taking to improve the standard of lighting at public car parks?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, neither the Police nor anyone else has suggested to Government that the level of lighting provided in public car parks has had anything to do with the recent spell of incidents including damage to and theft from vehicles. Indeed, the public campaign mounted by the Police coupled with a more intense policing of the areas concerned seems to have put a stop to such incidents.

SUPPLEMENTARY TO QUESTION NO. 65 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, there was no intention in my question to suggest that there was a link, it seemed to me so obvious that if there is bad lighting there are increasing incidents that one has to be linked to the other. I take it from the answer that there is no intention to provide more lighting?

HON J C PEREZ:

There are no plans because no one has suggested that there is bad lighting.

HON LT-COL E M BRITTO:

Mr Speaker, in places like Naval Ground Car Park, Engineer Lane Car Park and Grand Parade Car Park, it is not a question of bad lighting, it is a question of no lighting.

HON J C PEREZ:

Mr Speaker, Grand Parade Car Park and Engineer Lane Car Park have lighting. As regards the Naval Ground Car Park we are reviewing the situation whether we are going to keep it as it is or it is going to change either position or structure. So I shall correct the Hon Member and tell him that we introduced lighting in the two other car parks that he mentioned, last year.

MR SPEAKER:

Next question.

30.4.92

NO. 66 OF 1992

ORAL

THE HON F VASQUEZ

Have any locally owned businesses been granted exemption from import duty under the Import Duty (Exemptions) (Amendment) Regulations 1991, and if so, which are they, when were they granted exemption and in relation to what category of goods was such exemption granted?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, if by locally owned the Hon Member means a business owned by a Gibraltarian, it is not possible to say whether any business granted exemptions are businesses owned by Gibraltarians or not because there is no requirement in the application with reference to the nationality of the shareholders in the business.

At present the only one exempted is Kvaerner.

SUPPLEMENTARY TO QUESTION NO. 66 OF 1992

HON F VASQUEZ:

Is the Minister saying that only one company has been granted exemption under these Regulations?

HON M A FEETHAM:

That is correct at the moment.

MR SPEAKER:

Next question.

30.4.92

NO. 67 OF 1992

ORAL

THE HON P R CARUANA

What exemptions of import duties have been given to the developers and/or the contractors of the Europort and Eurotowers Projects?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

None, Sir.

30.4.92

NO. 68 OF 1992

ORAL

THE HON F VASQUEZ

Does Government intend to accord the same generous tax concessions in terms of 100% allowances on new capital expenditure and exemptions on import duty to established and locally owned hotels as to new hotels currently under construction?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the same generous tax concessions of 100% have been given to new construction of hotels until now and the Government has no plans to change this policy in respect of any future new hotel.

SUPPLEMENTARY TO QUESTION NO. 68 OF 1992

HON F VASQUEZ:

I am not sure I follow the Minister's answer, Mr Speaker.

HON M A FEETHAM:

In other words, Mr Speaker, I will make it even more simpler. All new hotels that have been built in Gibraltar in the past, the same as the present ones, have all been given 100% development aid.

MR SPEAKER:

Next question.

THE HON F VASQUEZ

Does the Government intend to introduce tax or other incentives for new businesses opened in Gibraltar by Gibraltarians?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government does not intend to introduce any incentives available only to Gibraltarians.

The introduction of incentives for new businesses are designed to attract to Gibraltar businesses established elsewhere and are not dependent on the nationality of the shareholders.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1992

HON F VASQUEZ:

Mr Speaker, perhaps I could try and impress upon the Minister that the purpose of the question was to represent to the Minister the fears that abound amongst the local business community within Gibraltar, that the Government is going out of its way to grant exemptions and concessions to businesses coming in from abroad and the question is designed to elicit an answer as to whether there is any intention on the part of the Government to try and encourage Gibraltarians themselves to establish new businesses that will lead to employment of Gibraltarians and the expansion of the local community?

HON M A FEETHAM:

First of all, nationality has got nothing to do with the principles involved here in the establishment of new businesses and tax incentives. The other thing is that we have not given any exemptions. The only exemption we have given is to Kvaerner which everybody knows was in the best interest of Gibraltar and that we should come to an agreement with that particular company. If there are things that are important to the economy in that respect, of course, they will be judged on the day and the decision will be made accordingly.

MR SPEAKER:

Next question.

THE HON F VASQUEZ

Has the Government succeeded in obtaining any firm commitment for the establishment of any light industrial activity in the New Harbours in respect of a business not already established in Gibraltar and which will therefore be a fresh source of employment for the local economy and, if so, which?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it would be commercially improper to state in the House matters concerning any negotiations being undertaken in respect of new businesses desiring to set up in the Industrial Park until such time as these have been completed and the interested party desires to make it public.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1992

HON F VASQUEZ:

Mr Speaker, is the Minister saying that, in fact, to date there have been no firm commitment for the establishment of any fresh light industrial activity in the New Harbours area?

HON M A FEETHAM:

No, that is not what I have said.

HON F VASQUEZ:

Well, Mr Speaker, what he has said is that he is not prepared to give that information until that company has established itself. So as the question is "has any firm commitment been made by any fresh light industry concerned", obviously one has to assume that there has been that firm commitment.

HON M A FEETHAM:

Mr Speaker, I think the Hon Member opposite can assume what he likes on what I have said but I think I have made it quite clear that it would be improper to state what is happening in respect of new businesses moving to the Industrial Park because we consider it to be commercially improper to do so and until such time as those things are completed and the interested parties themselves wish to announce that they have moved to the Industrial Park, it will be very much up to them. It is not up to the Government.

HON P R CARUANA:

If I can slightly rephrase the supplementary, Mr Speaker. Would it be true to say that there are such businesses but that the Hon Member is not at liberty or willing to have them?

HON M A FEETHAM:

I think you can infer that by the way I have answered the question.

HON F VASQUEZ:

But are these light industrial businesses which are going to bring new employment to Gibraltar and which have made a firm commitment? They may not be prepared to disclose it at this stage but have the Government got a firm commitment from firms to establish a light industrial base in that New Harbours area?

HON M A FEETHAM:

As I say, matters are under negotiation and until they have been completed and all aspects of it..... - the Hon Member opposite laughs and I do not know why he tends to do that but I think he is obviously being cynical. The realities are that as a legal representative of a company who has been dealing with matters of the Government in the past, he will understand that these things are commercially in confidence. Until everything has been worked out and all matters are looked at in relation to what we want to do in the Industrial Park and what the interested party wants to do; it takes some time; it would not be proper to say one way or the other because people may even want to withdraw at the end of the day.

HON F VASQUEZ:

Mr Speaker, I have to insist. I am not asking the Minister to state what industry it is. I am only asking him to confirm that, in fact, there is a firm commitment so that when the New Harbours opens in six months time we will have the establishment of a fresh industrial base in Gibraltar. I am not asking him, Mr Speaker, to tell me what company it is and what it is going to indulge in. What I am asking is, "Has there been a firm commitment yet from a single new manufacturing concern to establish in that area?"

HON M A FEETHAM:

There are a number of proposals under discussion, Mr Speaker.

HON F VASQUEZ:

Of proposals? I am asking for firm commitments.

HON M A FEETHAM:

This man, obviously, believes in instant miracles but this is not the reality of commercial.....

HON F VASQUEZ:

I am asking for an answer.

HON M A FEETHAM:

Mr Speaker, I am answering the Hon Member. He was asking for more details than just an indication and I have said that I am not prepared to disclose commercial negotiations in this House. It is up to the company that wants to move in if it wants to make it public at the time that it decides to set up in Gibraltar. On top of that, I have already said to the Leader of the Opposition that by the way I have replied to that, that there are interested parties that want to set up and there are on-going discussions and let us hope, for the sake of Gibraltar, that it does result in being successful and we do get new businesses and we do get new jobs, Mr Speaker.

MR SPEAKER:

Next question.

NO. 71 OF 1992

ORAL

THE HON F VASQUEZ

Other than the Department of Trade and Industry, what Government Department or Government Office or company in which the Government has a shareholding is the Government contemplating relocating in Europort?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Company and Shipping Registries.

Insofar as any company is concerned, if any, such a decision will be taken by the company itself and not by the Government.

SUPPLEMENTARY TO QUESTION NO. 71 OF 1992

HON F VASQUEZ:

Well, the question refers to Government Departments as well as companies.

HON M A FEETHAM:

Mr Speaker, the Company and Shipping Registries.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Mr Speaker, the answer to this question, of course, is implicit in the previous one and here is one question which could legitimately have been answered together with the previous one.

Is the Government considering moving the Supreme Court to Europort or elsewhere?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir. I am sure to the delight of the Judiciary, Heritage and everybody else.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1992

HON F VASQUEZ:

Mr Speaker, if I could ask a supplementary which is really relevant to the last question. The question I would like to put to the Minister is this. Has Government at any time ventured into any undertaking to the developers of Europort that Government will take all steps necessary or try and ensure.....

MR SPEAKER:

This is a different question altogether.

HON F VASQUEZ:

No, it refers to Europort.

MR SPEAKER:

You cannot now, that question has passed. We are talking now about the moving of the Supreme Court.

HON F VASQUEZ:

No, I was referring to whether the Government had given any undertaking to the developers that they will take steps to.....

MR SPEAKER:'

I think you want to ask another question. The question is about the Supreme Court and Europort. We cannot go now generally what the Government's policy has been with Europort. Next question.

30.4.92

NO. 73 OF 1992

ORAL

THE HON P R CARUANA

Have any public funds been invested directly or through Government owned companies in the Queensway Quay Project or the Europort Project or any other property development project and, if so, how much in each such project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir. Other than the shareholdings obtained as part of the consideration for the disposal of the land for the project, information made public at the time, there are no other investments.

NO. 74 OF 1992

ORAL

THE HON F VASQUEZ

Does the Government have any plans to develop the Port to enhance its contribution to Gibraltar's overall economic performance and, if so, what are those plans?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, there are no specific plans for the Port alone. Clearly the utilisation of the Port is linked to the overall performance of the economy.

However, in close consultation with the commercial interests involved, the Government responds to projects designed to create more business.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1992

HON F VASQUEZ:

Mr Speaker, can I ask the Minister then if the Government has any immediate plans, at this stage, to try and develop the Port area. At least, from the point of view of a reception area for visiting liners to try and redress the recent and continuing fall in numbers of liners visiting Gibraltar and to make the area a more attractive amenity for tourists getting off liners in Gibraltar?

HON M A FEETHAM:

Mr Speaker, the Hon Member opposite refers to liners. I have talked about the Government responding to the overall performance of the Port in relation to the economy and you will see even from the figures published by the Chamber of Commerce that as a result of decisions which we have taken with regards to the Port there has been enormous increasing activities in matters like offshore banking and so on. So it has not been a general decline. Insofar as the liners are concerned, I could not agree more with the Hon Member opposite but that has to be taken into consideration with everything that has been happening in the Port in relation to the reclamation, in relation to putting the infrastructure in place and so on. As we are now getting over that particular problem, we will, of course, look at improving that aspect for the people coming ashore from liners so that they get the same kind of presentation as they would do at the airport and elsewhere; because first impressions are very important.

HON P R CARUANA:

Mr Speaker, is the Hon Minister for Trade and Industry aware that the Spanish Government has issued instructions to all its visa issuing authorities to the effect that they should not issue visas for crew transitting Spanish territories to or from Gibraltar and although I knew this before, I can tell you that I have myself been the victim of it within the last.....

MR SPEAKER:

I must warn the Leader of the Opposition that in asking supplementaries he cannot include something that was not contained in the original question. I will allow it this time because I think it is of general interest but please will questioners bear that in mind. I have been extremely lenient today but will you please bear that in mind for the future because gradually I shall have to restrict it to the contents of the original question. We cannot just wonder away.

HON P R CARUANA:

Mr Speaker, I am always grateful to Mr Speaker for his laxity and generosity. The question that I am going to put could not be more connected with the aspect of the business and development of the Port and I am certain that when Mr Speaker hears the question that I am going to put he will agree.

MR SPEAKER:

That is why I have allowed it. But remember we are talking now about what it says here "contribution to Gibraltar's overall economic performance and, if so, what are those plans?" The question asks: "Does the Government have any plans to develop the Port...." but we are talking now about foreign affairs. Please go ahead.

HON P R CARUANA:

Is the Hon Minister aware that the Spanish authorities will not grant visas either for crew disembarking in Gibraltar and transitting to Malaga airport or crew arriving at Malaga airport and Madrid to transit overland to Gibraltar and that therefore that has serious and great potential to diminish the visits of ships to Gibraltar? I do not say this by way of criticism of the Government but simply by way of information because I have, in the last 48 hours, tried to repatriate the crew of an arrested ship from Gibraltar and they have been refused visas. Would the Government agree that such steps, if not rectified by the authorities which are not the Gibraltar Government in this case, would have the potential to decrease the number of ships that visit Gibraltar since they tend to visit for crew changes and other things?

HON CHIEF MINISTER:

Yes, Mr Speaker, I regret to say that I am aware of that. This was brought to my attention by representatives of the Shipping Association and I have raised the matter with the UK Government to formally protest about this but I am not sure that that necessarily produces the desired results. I agree with the Hon Member that, in fact, providing crew changes is an important part of the facilities our Port offers and therefore we want to be able to do it without hindrance.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

What steps, if any, is Government taking to give greater protection to boats berthed at Western Beach and will Government consider favourably the request of the boat owners concerned for their berths to be relocated at a safer and more suitable location?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, Government has done what it could reasonably do to assist.

The Committee at Western Beach are fully aware of the facts.

Insofar as further relocation is concerned, if the Member opposite has any suggestions, I will consider them.

SUPPLEMENTARY TO QUESTION NO. 75 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, in view of the considerable losses to some of the owners that have been suffered and in view, I understand, that the situation is likely to become worse because insurance companies are now refusing to provide cover to boats berthed at Western Beach, I would suggest that the Minister might agree with me that the matter deserves slightly more serious consideration than merely trying to bat it back across the floor. It is meant to be a serious question whether alternatives can be found or if not, whether the present berths can be better protected?

HON M A FEETHAM:

Mr Speaker, I think this matter has been aired in the past on a number of occasions. This was a situation when we came into office in 1988. The Camber had been disposed of by the previous administration in an agreement with Taylor Woodrow and it was left up to us to find a solution. We have looked at every possible conceivable place where we could put approximately 500 small boats. We also had the Montagu Basin to relocate, but we found two areas. One was alongside Waterport and the other one was Western Beach. Having identified that area as being the area, we then had to get clearance from the RAF, the Foreign Office and everybody else. Having got clearance we had to spend a considerable sum of money, after having done two separate Survey Reports by

hydraulic experts, to establish how we had to construct the groins that would protect the boats in there. We have done everything that is possible at great public expense. Historically, the boat owners have been paying a very low fee. Some of them have got very big boats that ought to be better in private marinas but we have accepted that and at the end of the day the return that the Government is getting is peanuts for the investment we have had to make. Gibraltar is very small and if the Member opposite can tell me where else we can put the boats then, of course, I will be only too happy to look at it. Let me tell you that one of the suggestions was Rosia Bay. Having surveyed Rosia Bay and having looked at the expense of protecting just the arm that is there, without actually closing the very wide opening, that turned out to be over £2m. So really it is a problem that we have had to face because I think I have probably had about 70 meetings with different boat owners and Associations over the last two years. We have done what we could reasonably do. The problems are, I think, more to do with the winds than of actual protection. I have done, as the Minister responsible, everything that is humanly possible to do. And what I have now said to them as a matter of public information, is "Look, instead of giving us the fees for the boats, keep the fee and help yourselves as a cooperative to maintain your boats and cover your costs in that way". So instead of us getting the £30,000 or £40,000 a year that we may be getting out of that, it will go to them and they will need to enhance that. That is all I can reasonably do and I am quite happy that I have done everything possible, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, I appreciate the difficulties and the explanation. Talking of alternative sites - and let me say I have no interest myself personally or expert knowledge to bring into the matter - one possible site that was suggested was the area within the Port where the Rowing Clubs are going to be reallocated. Is that totally unsuitable?

HON M A FEETHAM:

First of all, it is MOD waters. We are talking about having HMS Rooke adjacent to the boats. That is MOD waters. That is where the special boats squadron is housed and where the Royal Yacht Club is as well. But apart from that let me tell you that the long-term planning of the MOD is not to release that area. It is to concentrate in that area and move out of other parts. So it is not possible. Let me give you my undertaking that I have really looked at that problem from top to bottom and I cannot do more than what I have done.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Has the area on the Eastern side known as "NATO Distilleries" been handed over to Government, and if so, what are Government's future plans for this area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, are there any indications that it is going to be handed over?

HON M A FEETHAM:

There are indications but I have not got any dateline at the moment.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Has the FHQ building in Rosia Parade already been handed over to Government and, if not, is it expected that this will happen and when?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, how do I understand the "no" in terms of the question?

HON M A FEETHAM:

No, it has not been handed over. No, we have no indication what is going to happen to it. It is still internally being staffed by the MOD.

HON LT-COL E M BRITTO:

Thank you, Mr Speaker.

MR SPEAKER:

Next question.

THE HON M RAMAGGE

Will Government provide a full list of all MOD properties that have been transferred to the Government of Gibraltar since March, 1988?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Sir, most of the properties have been transferred in recent times, as against 1988, and are as follows:-

W/T Station
 Transport Lane
 49 Europa Road
 Sergeants' Mess
 Gibraltar Regiment Officers' Mess
 Raglan Battery
 19 Town Range
 13 Town Range
 Elliots Battery
 Buena Vista Barracks
 1-6 Europa Pass
 1-10 Buena Vista Flats
 16 Library Street
 Brewery Crusher
 Boat Squadron - New Camp
 1-4 Rosia Cottages
 Part of Governor's Cottage Camp
 1-3 Hospital Ramp
 Four Corners Guardroom
 317 Main Street
 Queen's Street
 21 Town Range
 Bayview 1-2 - 49 Line Wall Road
 Cumberland Buildings
 Tower Buildings
 BFBS
 8 Rodger's Road
 South Barracks
 Europa Road Hockey Pitch
 St George's School
 British Lines
 Peppertree Cottage

THE HON L H FRANCIS

What plans does the Government have for the King's Bastion site once the Generating Station is dismantled?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1992

HON L H FRANCIS:

Mr Speaker, is the Hon Minister in a position to say when the Generating Station will be dismantled?

HON M A FEETHAM:

No, Sir, but I think my colleague will probably give the Hon Member a better reply.

HON J C PEREZ:

Mr Speaker, there are two phases to it. One is that there is a possibility of selling one of the engines intact. That we are pursuing. For the rest of it we would have to take offers from scrap merchants because it is scrap. But believe it or not, engine no. 13 is still going strong.

HON L H FRANCIS:

Mr Speaker, can I ask the Hon Minister for Trade and Industry whether Government will undertake to ensure that any future development of the site protects and enhances the historical character of the area?

HON M A FEETHAM:

Absolutely. That must be the philosophy because it is one of the key sites to the Fortress of Gibraltar.

HON P R CARUANA:

Mr Speaker, given that very helpful and valuable admission - I do not use the word "admission" in any derogatory sense - that that is indeed a valuable and historic site. Would Hon Members opposite consider using this when it comes up for redevelopment, as some sort of experiment given their concern

that public consultation has the capacity to tie developments up in knots? Would Members opposite consider using the development of this site experimentally and allow public consultation when it comes to proposals before they are approved?

HON M A FEETHAM:

Well, what is happening is, in fact, that the Heritage Trust is looking at it with General Sir William Jackson and the Tourist Agency and everybody who is involved on the official side to see what we can come up with and what use we can make of it.

HON P R CARUANA:

Mr Speaker, whilst we all value greatly the work done by the Heritage Trust, I think it is incorrect to assume that only the Heritage Trust have an interest, as far as the public interest is concerned, in expressing their views. The Hon Minister knows - and we have debated this in this House before and I do not wish to go into that now - in other places all members of the public including their Environmental and Heritage Societies get a limited period of time - 1 week, 2 weeks, 3 weeks - in which to be able to inspect the proposals and write a letter and make representations and that is all I ask in this case. Will the Hon Members opposite experiment with an opening of the planning process in Gibraltar in the case of this important site by agreeing to make proposals before they are approved, open to the public at large for comment?

HON M A FEETHAM:

What I can do is, since the Heritage Trust are leading on it because in our opinion they do have the support of a wide cross section of the community and different consolation elements within; point this out to them and trust that they themselves may want to come out with something public in due course. I have no quarrel with that. So long as you do not lead me to something else.

MR SPEAKER:

Next question.

30.4.92

NO. 80 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Further to the answer to Question No. 86 of 1991, has Government made a decision concerning the relocation of Police Headquarters and, if so, what is the proposed new location and what will be the future use of the building housing Central Police Station at present?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the position remains unchanged.

THE HON F VASQUEZ

Will the Government state what its policy is in relation to the location of the Street Market and whether it will be relocated and, if so, when and to where?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, when an appropriate site is identified and after consultation with the stall holders, a decision will be taken.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1992

HON F VASQUEZ:

Mr Speaker, the Hon Minister has had four years now to try and identify an alternative site. In the past various alternative sites have been mentioned. Could the Minister please explain the delay in finding an alternative site? If he does not find it now presumably he is never going to find it.

HON M A FEETHAM:

Mr Speaker, a lot of things which have been happening in the last four years in Gibraltar have restricted the ability to be able to place people in particular areas. If the Hon Member opposite has any suggestions as to where he feels we can place them, since he says that various sites have been identified, I am prepared to look at it. But as I say, we have not finally made a decision where to put the Street Market. When we do, after consultation with them, we will make a decision.

HON P R CARUANA:

Mr Speaker, would I be wrong in suggesting that, in fact, the Government had already decided to relocate the Street Market at the Waterport approach road opposite Watergardens and that the Street Market simply refused to relocate at that site?

HON M A FEETHAM:

Let me also say, in fairness to the interested parties, that the fact that there was so much infrastructure going on at the time in that area was not a very attractive proposition to put to them at the time.

HON P R CARUANA:

Does the Hon Member share the view held by many that the present site of the Street Market is not ideal from the point of view of the aesthetics of the town centre as a whole? Obviously from the point of view of the street marketeers themselves it is ideal, but does the Hon Member agree that it is not ideal from the point of view of town planning and amenities and of things of that kind?

HON M A FEETHAM:

Yes, Sir. I entirely agree with the Hon Member. It is a matter of trying to resolve a problem that somebody else has created and trying to find a different site. I could not agree more with the Hon Member.

HON F VASQUEZ:

Can the Minister confirm, Mr Speaker, that in fact Government is not issuing any new licences for stallholders in that site?

HON M A FEETHAM:

As I understand it (my colleague is not here) I can fairly confidently confirm that that is the case and as you see they are getting less and less.

MR SPEAKER:

Next question.

NO. 82 OF 1992

ORAL

THE HON H CORBY

Will Government say whether a system of Consumer Protection exists and, if so, will it explain how and from where it operates and what has been the average monthly number of complaints received from the public during 1990 and 1991?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

A system of Consumer Protection does exist and has been extended to give effect to EC legislation. It is presently housed at Waterport under the Collector of Customs.

The average monthly figures are as follows:-

1990 - 7

1991 - 5

SUPPLEMENTARY TO QUESTION NO. 82 OF 1992

HON H CORBY:

Mr Speaker, I have myself gone to great lengths to find where the Consumer Protection lies. It is not stated anywhere in the Telephone Directory under Customs. It is a faceless department and, I think, most of the people in Gibraltar do not know from where it operates. Most of them think that it has disappeared completely. Would the Minister make the information available to the general public so that they know that there is a place where people can take their complaints because it is not registered anywhere at all?

HON M A FEETHAM:

Yes, I think that is a fair comment and I will endeavour to do so.

HON P R CARUANA:

Mr Speaker, would the Hon Member agree that there is a distinction between transferring the responsibility to the Customs on the one hand and having an effective Consumer Protection Department on the other? Because the figures for complaints are frankly; the Minister will agree; ridiculous compared to what they used to be when there was a purpose-built Consumer Protection Unit.

HON M A FEETHAM:

One of the problems with Members opposite is that they seem to talk about consumer protection and compare it with the level of complaints that people make. I put it to Members opposite that there is a Consumer Protection system in Gibraltar. It exists through Customs which is protecting the interests of consumers through the Imports and Exports Ordinance. It exists through the Public Health Ordinance whereby members of the public are protected. It exists through financial matters where the Financial Services Commissioner protects the public interest and investors. There is a whole range of consumer protection legislation and enforcement officers in place. Having said that then, what the Hon Member is referring to is people who want to complain about a particular item. But you cannot on the other hand say and give the perception that there is not a Consumer Protection system in Gibraltar. It is far ranging and since we have come into office we have introduced all EEC directives on the matters which were not there before. We have taken care of toys safety so that side of things is going quite well. The Hon Member talks about people who want to complain because they are unhappy about something they may have bought in a shop. They can go down to Customs where there are officers who will deal with the matter. The legislation in place has never changed at all. They have still got the same recourse as before if by friendly persuasion the Customs staff cannot clear the problem. Nothing has been taken away and, although we are looking at improving the system in other respects, that is a matter of policy in due course.

HON P R CARUANA:

Mr Speaker, if you will allow me just one more supplementary. The point that I am making is that it is self evident from the fact that there were only five complaints in 1991.....

HON M A FEETHAM:

Five a month.

HON P R CARUANA:

Yes, five complaints a month. Either there is nothing for consumers to complain about in Gibraltar or it is that the existing regime for consumer protection is not user friendly because there used to be literally hundreds of complaints a month to the old Consumer Protection Unit. This is the information that we have.

HON M A FEETHAM:

Yes, but I have also said to the Hon Member that on the enforcement side there were a whole variety of things that perhaps before were not being enforced so much. We are now meeting EEC directives on a whole range of things. I think now

it is a matter of education. The trade itself, in the last three years, has become very much aware about the responsibilities to the consumer and as a result of the opening of the frontier it is more and more evident that matters are being resolved. People are going to the shops and complaints are being resolved before they are taken to the Customs.

HON P R CARUANA:

Mr Speaker, by way of correction with what I said before, I said hundreds which suggests 200 or more. Our information is, in fact, an average of 120 complaints a month whilst the Consumer Protection Unit was in existence.

HON M A FEETHAM:

I will not go back on the policy we implemented when we did away with the Department as it was set up before. There was an empire built there around one officer that was costing us about £180,000 a year just to look after those complaints that the Hon Member is talking about. It is a question of moving resources and how we spend resources. What we have done is concentrate on legislation. We have concentrated on EEC directives ensuring that the Departments do their job. That has taken away an awful lot of pressure as regards the complaints handled in the Customs Department under the Consumer Officer who is down there. I take the point that we ought to have perhaps more signposting in different places. I will look at that. I think it is a very valid point and as a result of that we may be able to monitor. Next time I am asked the question there may be a further increase and as the increases go we may have to have more resources but not at the moment, Mr Speaker.

HON H CORBY:

Mr Speaker, I have the Hansard for 26th March, 1991, in which the Hon Minister talked about this and I am going to ask him if there has been any development in the small claims court that he wanted to develop in conjunction with the Consumer Protection Unit?

HON M A FEETHAM:

Mr Speaker, in looking at the small claims court principle we have consulted and sought advice from the Foreign Office. That advice has come back and we are now looking at what we can do as regards the drafting of legislation and so on. As I have said, it is the next stage in trying to, at least, give people a recourse that they did not have before, if the complaints fall through.

HON P R CARUANA:

Mr Speaker, will the Hon Minister accept that, although I am certain that they have been extremely efficient at saving money in the steps that they have taken with the abolition of the old Consumer Protection Unit, the reality of it is that the consumer in Gibraltar now feels much less protected than they used to before?

HON M A FEETHAM:

Excuse me, Mr Speaker, that may be his perception. The point that I am making.....

HON H CORBY:

The word has stuck.

HON M A FEETHAM:

Yes, of course, because that is the perception you are continuing to create. You talk about things and you never come in with any evidence whatsoever. As far as I am concerned, the proof of the pudding is in the eating. We have brought in major legislation and directives on consumer protection. Everything is now up-to-date. We have improved on that score. What we are saying is that none of the existing legislation has been touched so people can have recourse. We have not touched any of that. We may have got rid of bodies that were costing too much money and writing too many letters and doing nothing at the end of the day. We may have done that and you may think that that is a mistake but we do not think so. What we are saying is that the next stage of evolution of consumer protection is that we are looking at a small courts procedure so that if somebody complains to the Customs and by friendly persuasion the matter cannot be resolved, at least we are going to provide a machinery that will expedite the nature of the complaint and come to a decision. What is happening now is that if somebody wants to take it to the next stage he has to go to a lawyer, then the Magistrates' Court and it never ever gets heard. At least give us credit that if we do go and introduce a small courts procedure it is a hell of a step forward in the policy of consumer protection.

HON P R CARUANA:

Mr Speaker, I try not to be ungenerous in these things but if the Hon Member oppsite actually expects us to congratulate them on their achievements on the matter of consumer protection I regret to say that, in this case, I cannot accede to his request. It is self evident, is it not, that there is grave discontent in this community about the extent of cover that exists on consumer protection? Will the Hon Minister accept that having accused me of coming to this House without evidence, not that it is a Court of Law but still, that that is not the case? I have said that there is evidence. It is

self-evident in the figures. The Minister says that there were five complaints per month during 1991 and I tell you, although I have seen heads shaking on the other side, that our information is that until the abolition of the Consumer Protection Unit it used to be 120 a month. It is self-evident that the difference between 120 and 5 is 115 and that therefore there are either no complaints or people do not think that they have got anywhere that they can go and complain to.

HON H CORBY:

Mr Speaker, will the Hon Minister be so kind as to give me the EEC directives and also would it be possible for the Minister to relocate the office to a central point in town, if possible?

HON M A FEETHAM:

In the light of what we are doing about possible legislation, those are the things that we are likely to be looking at. And I said very clearly at the beginning that it was not going to be a permanent place. We were just moving out of a particular area as a result of shifting resources around and it was not going to be the final objective to leave them down there.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

What are the principal terms of Government's contractual arrangements with Land Property Services Co Ltd for the collection of Crown rents and the provision of other estate management services and will Government make the contract public?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, as I have already stated in the House at the time the agreement was signed, the contract will not be made public.

HON P R CARUANA:

Mr Speaker, will the Honourable Member agree that the same considerations of the need for secrecy, as were used as the answer when we were discussing the privatisation of public utilities, cannot possibly apply to the privatisation of a Government function basically by farming-off the activity to a company formed by the ex-civil servants themselves. I put it to the Honourable Minister opposite that the only reason why he will not give the answer is that he does not want it in the public domain and there is no commercial sensitivity here.

HON M A FEETHAM:

No, Mr Speaker. We have discussed it. I do not know how many times the Honourable Members opposite want to raise it. Presumably everytime there is a new member he has got a right to raise something which has been done two or three years ago, two years ago at least. This, as you quite rightly say, is not a question about assets being privatised or commercialised. This is about a section of Crown Lands, a section of my department that came to the Government and said "We would like to carry out our functions commercially because as well as carrying out our functions commercially as a result of the growth in property management in Gibraltar as result of developments and investments we will be able to fill a vacuum there and therefore not have people coming from outside doing property management in Gibraltar. It gives us an opportunity to compete in the private market which we cannot do now." As a result of that which was in-keeping with Government policy of commercialised departments, we went ahead and commercialised on terms which we feel are competitive and in line with established principles in Gibraltar and within the cost agreed that was there at the time.

HON P R CARUANA:

Mr Speaker, I take it that there is some commission payment arrangement whereby in exchange for collecting rents on behalf of the Crown, this company, quite understandably, gets a commission and I say why should not the public know what that commission is. What is the need to jealously guard that as secret?

HON M A FEETHAM:

Not jealously guard. I am sensitive to commercial arrangements which have been reached and in the interests of the company itself, I do not think that those matters should be divulged.

HON P R CARUANA:

Mr Speaker, either the Government is paying this company, which I doubt, more than the usual going rate, in which case I think I have the right to know, or it is paying less, in which case whose interests are you protecting?

HON M A FEETHAM:

As far as we are concerned, Mr Speaker, as a matter of principle, I have already said and you can carry on asking, that we are not prepared to disclose it. It is within the cost that we had in running the department at the time. In fact, we did make a number of savings as a result of commercialisation as far as Crown Lands is concerned and that is our decision.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Does Government intend to permanently pedestrianise Main Street and/or any other City centre streets and, if so, when will this happen?

ANSWER

Mr Speaker, there are no intentions to permanently pedestrianise Main Street and/or any other City centre streets at the present time. Any such decision is reviewed periodically from a trade and traffic point of view.

HON LT-COL E M BRITTO:

Mr Speaker, will the Honourable Minister confirm that he said publicly some time ago that he had a store of tiles already lined up in order to pedestrianised Main Street and if so, has it been used somewhere else?

HON J C PEREZ:

Mr Speaker, if the Honourable Member recalls the question of tiles adequately, it was not what we were going to do with them. When the road section used to be part of my responsibility, tiles were ordered and chosen by the then President of the Chamber of Commerce to replace the tiles on the pavements along the north end of Main Street. When the coup d'etat in the Chamber of Commerce removed the former Honourable Member of LegCo, Mr Serruya, and Mr Gaggero became President of the Chamber of Commerce, it coincided that the section came under my colleague Mr Feetham and at the request of the Chamber of Commerce, because they did not want the works to interfere with the tourist season during the summer, they were delayed for about six months and they were going to be scheduled to start in January of the following year. Then as a result of representations made by members of the Chamber of Commerce including the Honourable Member opposite, Mr Vasquez, who was then a director of the Chamber, there were efforts made to try and get the trade to contribute towards a full pedestrianisation of Main Street and the Government were prepared to delay the works on the tiling to see whether any substantial contribution could be made by the trade. We were able to look at the whole pedestrianisation of the area with the removal of the pavements rather than only re-tiling the pavements as such. Since that proved unsuccessful because traders in Main Street were reluctant to contribute we now come back to square one where we have got the tiles; we are ready to repave the pavements but it does not seem that traders would like us to proceed during this summer season so we might yet have to delay further until after the Christmas period to the soft months of January, February and March. So we might have to wait until next January to be able

to proceed with the retiling of the pavements of the northern end of Main Street, which was what was scheduled in 1989/90 but we got onto the hands of the Chamber and everything started to be delayed.

MR SPEAKER:

Next question.

THE HON P CUMMING

Mr Speaker, is the Government satisfied that an adequate standard of safety towards the general public is maintained at building sites and road works adjacent to the public highway?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, standards of safety are constantly monitored by the Safety Officer's Section. Any deficiencies detected are immediately actioned.

HON P CUMMING:

Mr Speaker, does the Minister agree that the great number of road works and building sites close to the road that are going on simultaneously has a cumulative effect of lowering the safety standards and what is now needed are more resources dedicated towards safety measures?

HON M A FEETHAM:

Mr Speaker, as I say, when developments take place and when the infrastructural works takes place, the Safety Officer and the developers who are responsible for the infrastructural works get together and decide what needs to be done in order to protect the safety of passers-by and as far as I am concerned that continues to be the situation. I am told that our people are satisfied, that that is being done.

HON P CUMMING:

Mr Speaker, is the Minister saying that there is one Safety Officer?

HON M A FEETHAM:

There are two in the section and we are looking at improving that section at the moment.

HON P CUMMING:

Mr Speaker, could the Minister tell us how complaints are dealt with?

HON M A FEETHAM:

If there are any complaints or anybody points out anything which is unsafe or is detected to be so by any member of the public or the department, the matter is then dealt with by the Safety Officer through the people who are responsible and they have to make good whatever is at fault.

HON P CUMMING:

Who should I direct my complaints to?

HON M A FEETHAM:

To the Safety Officer in the Department of Trade and Industry.

HON P R CARUANA:

Mr Speaker, will the Honourable Minister accept that it is inherently dangerous that the public should be passing freely underneath a building site or underneath a scaffolding that is being worked on. We do not have to wait for accidents to happen to know that certain events, certain practices are inherently unsafe. For example, if there is a road work in Irish Town - and I say Irish Town because I pass there frequently, and there are building works in Irish Town and there are scaffoldings up the walls of some buildings and there are men working up, erecting the scaffolding, handling nuts and bolts or whatever it is you fit it with - and there are people walking immediately below that scaffolding, all that is required is for a man to drop something, his screw driver or his bolt or his pole or his hammer and it will fall on whoever happens to be passing underneath and that that is inherently an unsafe practice.

HON M A FEETHAM:

I am not a professional in the field. We have people employed and construction companies by law have to have Safety Officers in place and it is really up to those people and the authorities concerned to ensure that the public are protected. Short of closing down Irish Town and not allowing any movement at all, which maybe something that could be looked at, I do not know what the traders would think about that, but short of that, I do not think we can do anything else, so long as I am advised. Remember that I do not take political responsibilities for matters which are taken by people who are employed to do a particular job. I take advise. My advise is that they are reasonably contented and if there are any deficiencies those deficiencies are looked at and I have already said to the Member opposite that we are, in fact, looking at this section in particular to see in what way we can actually improve upon it.

HON P R CARUANA:

Mr Speaker, I would ask the Honourable Minister to accept that in Gibraltar, pedestrians are protected more by the grace of God than they are by any efficient

application of any safety regulations in respect of accidents of the kind that I have described. Happily the grace of God has been very effective up to now but it is literally fortuitous whether or not something falls from the building site.

HON M A FEETHAM:

No. No. I will go further than that. I know that somebody up there that loves us so much that he constantly gets us out of many, many problems that we have in a very wide range of matters. I think that we are blessed in many respects.

ORAL

NO. 86 OF 1992

30 4 92

THE HON M RAMAGGE

Mr Speaker, how much will the so-called 50/50 scheme cost the Government in respect of the Brympton project if all buyers opt for it on a 50/50 basis?

ANSWER

THE HON THE MINISTER FOR HOUSING

Answered together with Question No.87 of 1992.

THE HON M RAMAGGE

Mr Speaker, how much will the so-called 50/50 Scheme cost the Government in respect of the Westside project if every purchaser in Westside who has not yet completed opts for the Scheme on a 50/50 basis?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, the estimated level of investment in both projects on the assumption that all purchasers opt for the 50/50 scheme is of the order of £28m.

NO. 88 OF 1992

THE HON M RAMAGGE

Mr Speaker, how many of the flats at Elliott's Battery were offered to residents of North Gorge and how many such residents have taken up the offer?

ANSWER

THE HON THE MINISTER FOR HOUSING

Mr Speaker, sixteen offers were made to residents of North Gorge and fourteen took up the offer.

HON M RAMAGGE:

Will the Honourable Minister please tell me why in view of the dilapidated state of North Gorge and the living conditions which adhere there, not more tenants have taken up the offer to be reallocated.

HON J L BALDACHINO:

Mr Speaker, offers were made to those tenants living there to whom the Government gave a commitment in 1988 that they would be rehoused in other estates and therefore the first offers were made to those tenants and even though there are other tenants living in North Gorge, many of them had already been decanted after 1988 when we came into office. What we have done is that rather than leave those that were left vacant, vacant and get squatters, we have lent them to some of the purchasers of either Westside or Brympton.

HON M RAMAGGE:

Will the Minister not agree with me that the living conditions at North Gorge are not very desirable and that the utmost effort should be made to rehouse everybody there?

HON J L BALDACHINO:

Yes, and that is the policy of the Government and I totally agree with him, Mr Speaker. If he were to look at Hansard, when I was in that side of the House, I said that people in North Gorge should be decanted and we have taken that responsibility. We have decanted ten tenants prior to the those allocated in Elliott's Battery. The process is that on tenants going to Elliott's Battery, the houses that will become vacant will then be offered to the others who did not apply for Elliott's Battery and to the two who did not take the offer.

HON M RAMAGGE:

I thank you for your answer and I look forward to seeing the North Gorge flattened in the near future.

HON J L BALDACHINO:

I have to bring to the notice of the Honourable Member that that is my policy and the policy of the GSLP, even though once we move those residents who are there we might still need to use that to allocate to people who will be buying in Westside because otherwise if we leave it vacant we will get squatters and then it will be very difficult to flatten it out like the Honourable Member suggests.

NO. 89 OF 1992

30 4 92

THE HON M RAMAGGE

Mr Speaker, have all the houses at Elliott's Battery been allocated and what in general terms are the main conditions of the leases?

ANSWER

THE HON THE MINISTER FOR HOUSING

Mr Speaker, all the flats at Elliott's Battery have now been allocated. The general terms are on the basis of 20 year self repairing leases which provide the standard conditions already in existence on such types of leases.

HON M RAMAGGE:

Thank you, Mr Speaker.

THE HON M RAMAGGE

Mr Speaker, will Government say whether it is its policy to allocate ex-MOD houses as soon as possible and, if so, will Government explain the delay in allocating the units at Transport Lane and Rock WST Station?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, yes Sir. It is the policy to allocate as soon as possible.

HON M RAMAGGE:

What has been the delay in the allocation of these two Sir.

HON J L BALDACHINO:

Because as my Honourable colleague and friend the Minister for Trade and Industry said in a previous question Transport Lane and the Rock WST Station have recently been transferred. Before the transfer we had to carry out a survey to ensure that they were in good structural condition and now that we are satisfied we will start the allocation of those dwellings.

HON M RAMAGGE:

Is it not correct to say that during the time that you had been trying to check whether the buildings were structurally sound, the places had been vandalised and probably gutted out and it is now more expensive to put right than had you done the survey with probably tenants living in there?

HON J L BALDACHINO:

No, Mr Speaker. I would agree on the first part of the Honourable Member's question and that is that the places have been vandalised up to a certain extent and therefore it might be that there is an additional cost for the repair of the houses now but in view of the level of the structural survey that we had to carry out it could have been unwise, in my opinion, to have allocated them before carrying out that survey.

HON M RAMAGGE:

Thank you.

HON F VASQUEZ:

Mr Speaker, could the Honourable the Minister for Housing tell the House when the properties at Transport House were handed over by the MOD to the local Government?

HON M A FEETHAM:

I cannot remember the date exactly but I would say in the last six or seven months officially.

HON F VASQUEZ:

It is our understanding, Mr Speaker, that they were handed over at least six months ago.

HON M A FEETHAM:

Yes, but one of the things that the Member opposite must understand is that in accepting handing-over of properties, whilst the MOD have insisted in handing them over, I have insisted in not officially signing the document of handing-over until I am satisfied that those properties, as handed over to us are structurally sound enough for us to allocate because what is being said in various official circles is that the Government of Gibraltar is getting an awful lot of land and an awful lot of properties. We are getting, with respect, an awful lot of junk handed over to us that should have been maintained years ago and kept structurally in reasonably condition. What we have been handed over, in respect of 60% of what we are getting, is a huge maintenance bill. Really, at the end of the day, it is a demolition bill. So what I want is a record of everything that I am handed over so that if at any time in the future we have to show anybody what the British Government is handing over to the people of Gibraltar, I would have a properly documented record about all the properties. That has to be done for obvious reasons which I do not want to go into at a public debate at this point in time.

HON F VASQUEZ:

Mr Speaker, can the Honourable Minister either for Housing or for Trade and Industry reassure this side of the House that it is this Government's intention to use those houses at Transport Lane for housing or is it possibly that they will be redeveloped for other uses?

HON M A FEETHAM:

No, I can say that those houses will now be allocated and my colleague has already said they will now be allocated for housing.

HON L F FRANCIS:

Mr Speaker, will the Honourable Minister for Housing please take note of the vandalism that is taking place, not only in some housing properties handed over by the MOD, but also in the sporting facilities which we were talking about this morning. Is there no way that properties handed over will be protected in the future so that we do not get a recurrence of this problem?

HON J L BALDACHINO:

I am grateful to the Honourable Member for asking this question because he gives me the opportunity to tell them that, especially in Transport Lane, even before the official transfer was made to my Honourable colleague, my department boarded them up. It did not work and they have been boarded up at least three times but it does not work. It is just that people do go in and vandalise. Unless you have somebody there permanently looking after the property; and in many cases that does not even work; it is difficult to keep track.

THE HON M RAMAGGE

Mr Speaker, what was the starting date of the improvement works to the balconies and exterior of MacMillan House, Tank Ramp and what has been the total cost to date of these works?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, improvement works to the balconies and exterior of MacMillan House started on 1 August 1990. The total cost to date is £209,000.

HON M RAMAGGE:

Does not the Minister think that it is unduly long to repair that House and also unduly expensive?

HON J L BALDACHINO:

I am sure that if I explain to the Honourable Member because of his profession he can understand it better than the other Members on that side. The balconies at MacMillan House were suspended balconies and when we tried to repair them we had to do a different type of balcony construction which needed foundations. When we tried to do the foundations we hit solid rock and therefore that delayed us and was more expensive. Apart from that, the tenants in MacMillan House had used the balconies as an extended additional part of the kitchen and therefore they had electrical and other appliances inside those balconies which we had to reprovide into the original kitchen. We tried to bring down expenses by doing the concrete on site because it is a very difficult site to take 'ready-mixed' vehicles to. When the test was done on the concrete it failed and therefore we had to remove it because the structural engineer was not convinced. Then we had to buy from Readymix but manhandle the concrete in vehicles to take it up there. We have encountered certain problems like that but we had to repair the balconies. The cost has proved to be higher and we have had many delays. The existing balconies had to be removed and we had no option but to carry on.

HON M RAMAGGE:

I agree with the Hon Minister's explanation as to the cost and the difficulty of the site, but I still maintain that perhaps the job is taking too long. Two years to build a number of balconies is a bit too long even in that area which is, I agree, a very difficult site.

HON J L BALDACHINO:

No. No. The work that has been done in MacMillan House is not only to the balconies. We have done certain other repairs to the building itself during that period. For example, the gutters which run through the balconies had to be removed. That did not coincide with the manhole cover. The manhole cover had to be moved. We have done certain repairs to the roof and in a couple of weeks, we are starting to paint the building. So there has been work done to the building apart from the balconies, to prepare it for painting. So it is not correct to think that the money and the time that has been spent up there is just on the balconies.

HON M RAMAGGE:

Thank you very much.

30.4.92

NO. 92 OF 1992

ORAL

THE HON F VASQUEZ

What is Government's strategy for the tourist industry in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM

Answered together with Question No. 93 of 1992.

THE HON F VASQUEZ

Given the practically non-existent nature of the overnight and long-stay holiday tourist industry in Gibraltar, what strategy does the Government have for this sector of the tourist industry in Gibraltar and how does it intend to implement that strategy?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, the Government's strategy for the tourist industry has been explained by me in this House since inception in late 1988. This medium to long-term policy has not changed and is aimed at converting Gibraltar into a high profile destination which provides an upmarket base from which to visit or link up with the nearby countries or regions. The overnight market produces the basis for tourist industry in Gibraltar but tourism in its global definition is also concerned with the day excursionist market which provides a substantial basis for commerce in Gibraltar. Within the limited resources available to this sector of Government responsibilities, the Government has been able to tackle the three areas which form the basis of this policy, ie improvement of the product, international marketing and public relations.

During 1990 and 1991 and as a result of the Gulf crisis in the first instance, which caused the downfall of Air Europe and Intasun, and the general worldwide recession which has affected the United Kingdom in particular, many destinations have suffered from decreasing number of tourists. This affected Gibraltar at a time in its growth as a different tourist destination when we had relied on the volume business provided by the major tour operators and were concentrating in attracting the more discerning client prepared to pay more to visit Gibraltar. Intasun's collapse precipitated this even more since some of the hotels were still dependent on this market.

During 1991 and the early part of this year, the Government, has in close consultation with the industry, sought to redress the situation in the short-term, by attracting to Gibraltar major players in the tour operator field and at the same time helping those established already.

I must stress that the Government continues to believe that the only way forward for tourism is in creating a more upmarket destination in keeping to Gibraltar's expanding prestige as an international finance centre.

SUPPLEMENTARY TO QUESTION NOS. 92 AND 93 OF 1992

HON F VASQUEZ:

Mr Speaker, I am delighted to hear again the usual reassurances that my predecessor on this side of the House, Mr Mascarenhas, who used to shadow tourism, used to receive meeting after meeting from the Hon Minister for Tourism. Does the Minister accept that this so-called policy of trying to make Gibraltar a more upmarket destination has been singularly unsuccessful and that due to the Government's total lack of activity in the field of tourism the hotel industry in Gibraltar faces a crisis unprecedented in its history and is facing occupancy levels never before seen of approximately 35%, as we understand, at current levels? Will the Minister accept that to blame the Gulf crisis, has he has, time and time again over the last twelve months is now beginning to wear a little thin?

HON J E PILCHER:

No, Sir, to the first part; no, Sir, to the second part; and no, Sir, to the third part of that statement.

HON F VASQUEZ:

Is the Hon Minister for Tourism telling this House, Mr Speaker, that he is satisfied with the present levels of occupancy and that he attaches no responsibility to himself for the present state of the industry in Gibraltar?

HON J E PILCHER:

No, Sir, to the first part. The Minister obviously is not satisfied with the hotel occupancy, the Minister has explained in his answer the reasons which I believe and which the industry believes are part of the problems facing Gibraltar, Mr Speaker, and obviously, as I have mentioned, over the last six months we have already, with the people concerned, tried to put short-term mechanisms in play to bring volume back. This is something that the hotel industry needs in the short-term and we have done this successfully over the last nine months.

HON F VASQUEZ:

Will the Minister make up his mind as to whether the policy, which is all we are trying to determine by these questions, Mr Speaker, what is the policy? Is it a short-term policy to try and attract low cost holidaymakers or is it a long-term policy to attract the upmarket tourist that the Hon Member has mentioned time and again?

HON J E PILCHER:

Mr Speaker, perhaps I can read the whole answer again. If it is helpful I will. The medium to long-term policy remains the same. The short-term policy, as a result of the Gulf crisis and as a result of recession particularly in the UK, is to try in the short-term to attract some volume through major tour operators to try and keep the hotels bouyant whilst we continue on the medium to long-term policy. It is quite simple, Mr Speaker. I do not expect the Hon Member to agree but what I have said is quite simple and straightforward.

HON F VASQUEZ:

Could the Hon Member explain the results to date of the short-term policy to attract the high volume low cost holidaymaker?

HON J E PILCHER:

Yes, Mr Speaker, I can and if the Hon Member opposite looked at all the operators that we have attracted over the last nine months - Travel Scene, Cosmos, Crestas, Ultimate Holidays, Thomas Cook, we have attracted which are now featuring Gibraltar. Some started in winter, some are starting in April and, obviously, we hope that this will bring volume back, Mr Speaker. So we have been successful, not directly ourselves but directly with the industry. Also through the UK Gibraltar Tourism Association we also have helped the local trade and helped to create another brochure for the people established in Gibraltar, like Cadogan, Gibraltar Travel in order to try and generate their market as well. So we have been doing various things in the short-term that does not affect our medium to long-term plans, Mr Speaker.

MR SPEAKER:

Next question.

NO. 94 OF 1992

ORAL

THE HON F VASQUEZ

How much money does Government intend to allocate to the promotion in the United Kingdom of tourism, in Gibraltar for the summer season of 1992 and the winter season 1992/93? When will this money be allocated and what company will be retained to carry out the marketing exercise?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, the money that it is intended to allocate is included in the Estimates for the current financial year and when the Estimates are discussed, an explanation will be given.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1992

HON F VASQUEZ:

Since the Minister is not prepared to give me, as it were, a little résumé and a foretaste of what is in the Estimates and actually having received them only this morning I have not been able to study them yet. Could I remind the Minister that he has been quoted in the past as saying that his Government is the one that has spent most in marketing Gibraltar in the past and he has also claimed that the UK Association of Gibraltar Travel Agents has had nothing but praise for the way that the Government has gone about the business of promoting Gibraltar in the United Kingdom and in the light of that, and I have the relevant quotes from Hansard, the Hon Minister quoted on 26th March last year: "with the Association of UK Travel Agents and they have had nothing but praise about what we are trying to do here". I would like to quote certain statements made by the Chairman of the UK and Gibraltar Tourism Association to the Gibraltar Chronicle on the 11th April where he is quoted as saying: "I believe that due to the lack of all the necessary promotional activities in the UK to stimulate tourism to Gibraltar it falls far behind its competitors. That although the Gibraltar Information Bureau have now been given the role of promoting the destination, the fact that they still have no budget for the forthcoming promotional activities, meant that they had once again missed the boat. Whilst other Tourist Offices completed their summer activities at the end of March, Gibraltar is unlikely to start their summer campaign until at least May or early June this most definitely is far too late and it will be money thrown away. I emphasise that if tourism takes a nose dive this summer or next winter, the Information Bureau will be held in

the main responsible for this". And he carries on: "I do not know who is to blame but I have never experienced a situation where the world stops and tourism dies for months because nobody can make a decision on a budget which has major bearings for many people. Tourism benefits hotel trade, restaurants, shops, taxis and helps employment. Without a budget all this is being neglected". Will the Minister accept that if he is waiting for the allocation of funds to spend on the marketing of Gibraltar for the summer 1992 and winter 1992/93 season, it is far too late? He has already missed the boat. These are not my words, they are the words of the professional, ie the Chairman of the Gibraltar/UK Tourism Association and he is the one that is saying it. What is the Hon Minister's comment on that?

HON J E PILCHER:

Mr Speaker, I do not really know what all that has to do with the question. Let me say it is a long statement and it is difficult for me, at Question Time, as opposed to a debate because I do not take notes of what Hon Members are saying. However let me say in the first instance that the article in the Chronicle, I think it was Golt In Print, in fact, is something that I have taken up with the UK/Gibraltar Tourism Association because I do not believe that what the Hon Member has quoted is a reflection of what the UK/Gibraltar Tourism Association believes. Hopefully by the time that we discuss the Estimates we will have a situation where I can shed light on those statements which run totally contrary, Mr Speaker, to everything that I have been told by the UK/GTA. If the Hon Member has bothered to read the whole article then he must have found out that it does say in the article that I have virtually joined them at every single meeting. As I say, Mr Speaker, the article does not reflect the feedback that I am getting. So I am in the process of clearing up the matter with the UK/GTA and then I will be replying to the Hon Member. That article, Mr Speaker, is fraught with lies and innuendos and I can tell the House that in one of those paragraphs I think it says, I do not have it in front of me, it says that the UK/GTA has spent £26,000 in promoting Gibraltar. However, Mr Speaker, what it does not say is that the Government has also spent £13,000 out of the £26,000 because we had an agreement with the UK/GTA that we would back them up pound for pound. So out of those £26,000, £13,000 has come directly from the Tourism Agency. Not the Government but the Tourism Agency who was marketing that. I am prepared, Mr Speaker, to answer every single one of those points in that article. However, before I do so I want to clear my lines of communication with the UK/GTA.

MR SPEAKER:

I cannot allow this to develop into a debate. I think we have aired the question sufficiently now. Hon Members will have another opportunity at Estimates time. Next question.

THE HON F VASQUEZ

How much money has Government spent on promoting tourism in the financial years to the 31st March, 1991, and 31st March, 1992?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, since 1989 the Tourism Agency has been responsible for the expenditure in relation to tourist promotion and therefore, strictly speaking, the answer to the question should be zero expenditure in the two financial years by the Government. However, the Hon Member opposite must be asking for the marketing expenditure by the Tourism Agency during those two financial years.

The figure of the amount expended by the Agency in the year ended 31st March, 1991, was £485,000. We estimate that the expenditure for the year ended 31st March, 1992, will be in the region of £380,000. The accounts have not been audited and the final figures are not yet available.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1992

HON F VASQUEZ:

I see, Mr Speaker, that the Hon Minister has given me the figures for the amount spent by the Agency. The question is "How much has been spent promoting tourism?" We have heard time and again that the Agency is responsible for the payment of all sorts of costs. For the flying of Ministers hither and thither to the Far East etc. What I want to know, Mr Speaker, and I would be grateful if the Hon Minister could answer the question, is how much has been spent not by the Agency but actually in promoting Gibraltar as a tourist resort?

HON J E PILCHER:

I missed that bit about the Agency spending money flying me to the Far East? Can the Hon Member repeat the question, Mr Speaker?

HON F VASQUEZ:

Mr Speaker, the Minister has told me the expenditure of the Agency, that is one thing. I want to know how much the Agency has spent on promoting tourism in Gibraltar, actually on promoting campaigns, on advertising campaigns, etc.

HON J E PILCHER:

Well, I missed the part about flights to the Far East. Mr Speaker, that is again another of the innuendos which are so typical of the Opposition and to which my Hon friend and colleague Mr Juan Carlos Perez has referred to.

HON F VASQUEZ:

It is not an innuendo. It is a question, Mr Speaker.

HON J E PILCHER:

Mr Speaker, first of all, when I read the question it showed, firstly that obviously Mr Vasquez had not done his homework because in 1988/89 I explained the policy of marketing tourism and how the Agency was going to be responsible for that. Therefore when I read the question I said to myself the Government has not spent any money because I explained quite clearly and in detail, in the House, in late 1988/89 how we were going to be handling that. Secondly, Mr Speaker, if the answer had been "How much money has the Agency spent in promoting tourism?", the answer would have been "£1.9m" because everything that the Agency does is done to promote tourism. The essence of the Tourism Agency is, in fact, to promote tourism. If I repair St Michael's Cave then obviously I am promoting tourism because I am doing something to improve the product in order to market it better. The marketing budget which is what I have answered in the hope of helping the Member opposite is the budget which is purely what he terms "promotion", ie all costs for advertising, brochures in the UK, that is the marketing budget and the marketing budget, as I said, ending 31st March, 1991, was £485,000 and ending 31st March, 1992, £380,000.

HON P R CARUANA:

Mr Speaker, the Hon Minister has heard the views of the expert that my colleague quoted from that article in answer to a previous question. Given that his colleague has spent much of today claiming that they are so advised by experts and who are they to doubt the words of experts, has he noticed that he is the only Minister today who has expressed a desire or a willingness to disagree with the view of an expert?

HON J E PILCHER:

Mr Speaker, first of all, I have in fact in a previous answer mentioned the fact that I do pay a lot of attention to what experts say. In answer to question on traffic I said that as far as I am concerned the public service vehicles and the Taxi Association.....

HON P R CARUANA:

Mr Speaker, but let not the Hon Minister misunderstand me, I am saying that the Hon Member ought to be congratulated.....

HON J E PILCHER:

What I am saying is that the follow-up to that, Mr Speaker, is that obviously there are other experts, other professionals in the field and I listen to every single professional in the field. What I then do is look at what vested interests that professional in the field has when he advises me, Mr Speaker. Mr Gary David apart from being the Chairman of the UK/GTA is also Managing Director of an operator and he also has certain vested interests. I have not said that I disagree with him at this stage. What I said was that the article was fraught with innuendos and lies. I said to the Hon Member opposite that I will personally check with the UK/GTA to find out whether the Association believes what their Chairman of has said in that article. Once I have done that I will inform the Hon Member when we debate the Estimates. I am prepared to answer every single point raised in that article, Mr Speaker.

MR SPEAKER:

We cannot revive that subject again. We must wait for the Estimates. Next question.

NO. 96 OF 1992

ORAL

THE HON F VASQUEZ

What steps has the Government taken to attract tourist traffic to Gibraltar during Expo '92 in Seville?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, the Government intends to build on the success of last year's advertising campaign and repeat the exercise particularly targetted at the Seville area in order to attract tourist traffic during Expo '92.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1992

HON P R CARUANA:

We will see how successful your targetting is but in principle what you have announced is what you should have been doing.

HON J E PILCHER:

He has just killed his supplementary.

MR SPEAKER:

Next question.

NO. 97 OF 1992

ORAL

THE HON F VASQUEZ

Will Government make a statement of policy in respect of the future, if any, of the Gibraltar Tourism Agency?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, in April this year, as stated in our election manifesto, the Government has passed the international marketing responsibility to the Gibraltar Information Bureau. As a consequence of this the Tourism Agency is looking at all aspects of its business with a view of utilising better its manpower and the achievement of its commitments.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1992

HON F VASQUEZ:

Mr Speaker, could the Minister then confirm, just to be absolutely clear about this, that in future, as of whenever this arrangement was made, the Gibraltar Tourism Agency is not going to be involved at all in the marketing of Gibraltar as a tourist resort?

HON J E PILCHER:

Yes, Mr Speaker, that is why the answer to Question No. 94 is different to the answer to Question No. 95 because up to the 31st March, 1992, the Agency was responsible for it, and after that date the Gibraltar Information Bureau became responsible for it.

MR SPEAKER:

Next question.

NO. 98 OF 1992

ORAL

THE HON F VASQUEZ

In the light of Government's much heralded announcements in the past in relation to the creation of a specialist Ape Park on the Upper Rock, will Government explain its decision to discontinue its contract with Medambios for the running of the Park after only one year?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, at the time of the decision to give Medambios the contract for the running of the Ape Park, this site was an independent site for the purposes of both management and entrance fees. With the creation of the Nature Reserve, the resources needed to manage and upkeep this integrated site were reviewed and the Tourism Agency decided that 'in-house' management with outside professional support was the most efficient and cost effective system.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1992

HON F VASQUEZ:

Mr Speaker, I would just like to know, if the Minister can confirm, that when the whole idea of the Ape Park was mooted and announced, just over a year ago, the whole thrust of the statements made by the Minister was that at last we had a proper professional concerned expert individual looking after the apes in the Apes Den. What future, obviously now that it is accepted by this side of the House, Mr Speaker, that money has been spent on the Apes Den and it is all looking very smart, but what arrangements has Government now made to look after the wellbeing and protection of those ape packs on the Upper Rock without the presence of the very individual who this time last year was being heralded, as it were, as the saviour of the packs?

HON J E PILCHER:

Mr Speaker, I think the Hon Member opposite has to differentiate between two things. One is the running of the site, ie the cleaning, control, monitoring and, I think, the second part, the professional advice which goes towards the welfare, husbandry, efficient management and control of the apes. Those are two different things. What I said in my answer is that the first part of that will be taken care of inhouse by the Tourism Agency. The second part, the expert advice on things like welfare, husbandry, the medical side, for that we are bringing outside professional support to advise us in this area.

HON F VASQUEZ:

Mr Speaker, does not the Hon Minister regret that having had a Gibraltarian brought back to Gibraltar, especially to fulfil the very role he has just outlined, that we should lose an individual with that sort of talent to fall back again on outside expert advice as yet undefined?

HON J E PILCHER:

Mr Speaker, when I am talking about outside professional support I am talking outside the Agency and not outside Gibraltar. We will continue to have professional support from within Gibraltar.

HON P R CARUANA:

Mr Speaker, given that I understand that there is a contract with this organisation, is it likely to cost the public funds anything to terminate that arrangement?

HON J E PILCHER:

No, Sir.

HON F VASQUEZ:

Mr Speaker, could the Minister please identify exactly from where within the community this expert and care for the apes is going to be found?

HON J E PILCHER:

I prefer at this stage not to have to do that. I can tell the Hon Member that, for example, the veterinary support is coming from the inhouse local veterinarian that we now have.

HON F VASQUEZ:

From the RSPCA?

HON J E PILCHER:

Yes, from the RSPCA. The professional advise at this stage is not something that I am absolutely sure of but we have various mechanisms which we can use and all those are inhouse, ie inhouse Gibraltar and not outside professional advise.

HON F VASQUEZ:

If I may be allowed to persevere, Mr Speaker. But are these not the very bodies and the very individuals that only a year ago were being highlighted as actually insufficient to carry out the service that was properly required for the protection and maintenance of the apes?

HON J E PILCHER:

No, Mr Speaker, again the Hon Member confuses the two issues. I do not like to use the word 'bodies' but if the bodies necessary for cleaning, wardening, security are now amply produced and under the new inhouse management of the Agency there will be more support given to the Nature Reserve and henceforth to the Agency. The expert advice on the efficient management of the apes from the ape control point of view, the professional support, is being sought at this stage and there are various systems that we can utilise but at this stage I am not sure, Mr Speaker, which of those I am going to use.

HON F VASQUEZ:

But the point I am trying to make, Mr Speaker, is that a year ago it was felt that the resources available to Government within Gibraltar for the expert support of the packs, ie the RSPCA and any other local individuals who might have any knowledge in this field, were said to be insufficient which is why Medambios and Dr John Fa were seen, as it were, as the saviour and the person who was actually going to introduce a Gibraltar expert in this very field. Now that that individual has gone, where is the Minister, Mr Speaker, going to find this expertise that a year ago was not available in Gibraltar?

HON J E PILCHER:

Mr Speaker, the Hon Member opposite will accept that on the veterinary side we already have local support and what I am referring to is not the management but the advise that the professionals, like Dr John Fa, can give us on what is the best way of dealing, controlling and the husbandry of apes. In this particular field, at this stage, we are still not sure, Mr Speaker. We have offered certain consultancy contracts and because of other matters we are not sure what the way forward is going to be. I cannot see anything any plainer than that.

MR SPEAKER:

I think that the Minister has made the position extremely clear now. He cannot give an answer and obviously it is no use pursuing the point. Next question.

NO. 99 OF 1992

ORAL

THE HON F VASQUEZ

Does the Government consider it appropriate to establish a telephone link to the Upper Galleries, the Apes' Den and other relatively inaccessible tourist sites in the Upper Rock area?

ANSWERTHE HON THE MINISTER FOR TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1992

HON F VASQUEZ:

Mr Speaker, will the Minister be so kind as to explain when this is to happen, given that they have not been established to date and it is important that they be established?

HON J E PILCHER:

Mr Speaker, in conjunction with Nynex we already have working "Pay Phones" installed at St Michael's Cave. We have working "Pay Phones" in the Upper Galleries. We are looking at Jew's Gate and the Apes' Den and I am assured that over the next three or four months those areas, because there are problems with MOD land, those areas will be taken over by Nynex and I expect that within the next three or four months all those sites will have "Pay Phones".

HON J C PEREZ:

Mr Speaker, the concern the Hon Member has about the Apes' Den has nothing to do with the apes wishing to talk and we need to provide telephones for them. That would be a revelation on the part of the Hon Member.

HON F VASQUEZ:

No, Mr Speaker, I am actually more concerned about young boys falling off walls and breaking their heads open as happened only a few months ago and be able to summons an ambulance.

HON P R CARUANA:

Mr Speaker, now that the Hon Minister for Government Services has lightened the spirit of things and whilst we are talking about the Apes' Den, can the Hon Minister confirm, given a recent letter written to the editor of a local newspaper, that there is no danger of the apes being repossessed by people claiming to have given them to Gibraltar in the first place?

MR SPEAKER:

Could the Hon Member put the question again because I do not think it has been heard.

HON J C PEREZ:

The answer is no, Mr Speaker.

HON J E PILCHER:

Obviously it has been taken in the jest. I do not think it deserved an answer.

MR SPEAKER:

Next question.

THE HON F VASQUEZ

Is Government satisfied that Gibraltar's Tourist sites are maintained in a presentable and attractive state, likely to enhance the touristic appeal of Gibraltar?

ANSWERTHE HON THE MINISTER FOR TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1992

HON F VASQUEZ:

Mr Speaker, I wonder if the Hon Minister has paid a visit recently to the Upper Galleries and seen the state of those delightful exhibits there that are now growing mushrooms instead of shedding light on our history. I wonder if the Minister, for example, has managed over the last couple of weeks to step outside into the Piazza and seen the state of the fountain, examined the state of the lavatory there and other such matters, in particular the Upper Galleries?

HON J E PILCHER:

Mr Speaker, the Hon the Minister for Tourism does go round the sites two or three times a week, which is more than can be said for the Hon Member opposite, because if he had he would have known, before he put the question, that the Upper Galleries has been closed now for the last three weeks for refurbishment. He would have noticed that if he had bothered to check. I think, Mr Speaker, that he only bothers at Question Time. This was the only site that we had not refurbished. St Michael's Cave, the Apes' Den, the Nature Reserve, the Museum have all been done and only the Upper Galleries remained. We are looking at th that now. As to the question of the famous fountain, Mr Speaker. Well, believe it or not this is a matter that has racked not only my brains but other Members have also been looking at it. Over the next week or two that fountain, unfortunately, will have to be converted into a small garden. It will be a beautiful garden with railings. We have been looking at the possibility of restoring the fountain but the cost of changing the whole of the piping system, Mr Speaker, is prohibitive and in any case we feel that it is not assured that if we did have that fountain working again that we would not continue to have it vandalised again. I will not mention the toilets, Mr Speaker, because the Hon Member has a question on that.

HON F VASQUEZ:

Mr Speaker, I am delighted to hear of the developments in relation to the fountain. As regards the Upper Galleries, again I am delighted to hear that at last the refurbishment is being undertaken but I do not think it exonerates the Hon Minister, Mr Speaker, from the responsibility of having had those Upper Galleries for the last two or three years in a shocking state of neglect and a source of constant embarrassment to visitors to Gibraltar.

HON J E PILCHER:

Mr Speaker, this is really not part of the supplementary but the Hon Member thanks me on the one hand and then he stabs me on the back. I think all Shadow Ministers of Tourism tend to do this. If I may take back the Hon Member opposite to my answer to Question No. 93 which said: "Within the limited resources available to this sector of Government responsibilities" that, Mr Speaker, is the truth of the matter. We would like to have money to refurbish everything. We had a three-year programme and we have with the Upper Galleries completed the refurbishment and completed that three-year programme, Mr Speaker.

HON H CORBY:

Mr Speaker, can I ask the Minister if the refurbishment of the Upper Galleries, and I move in Gibraltar very much myself, was undertaken because of the Rock Tour by the Taxi Association and the exhibits were pointed out to the Minister there and then?

HON J E PILCHER:

Mr Speaker, like his Hon colleague, the Hon Member knows the answer to that question so I will not bother to give him the answer.

MR SPEAKER:

Next question.

NO. 101 OF 1992

ORAL

THE HON F VASQUEZ

Does Government consider it appropriate to install working toilets in the Coach Park, the Apes' Den and the Upper Galleries and to restore to working and hygienic condition the toilets in the Piazza?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, the Coach Park and the Piazza toilets are maintained whenever possible, to working and hygienic conditions. It is not Government policy to install toilets at the Apes' Den or at the Upper Galleries.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1992

HON F VASQUEZ:

Mr Speaker, given that it is one of Gibraltar's prime tourist sites and given that the Hon Minister is trying to market Gibraltar as an upmarket tourist resort, does he not consider it appropriate that (a) there ought to be toilets at the Apes' Den which is Gibraltar's prime tourist site, and (b) that he ought to ensure that toilets at important sites, for example, the Coach Park, are in working condition? The Minister says, Mr Speaker, that he wants to market Gibraltar as a high class tourist resort and I can quite assure him that tourists who walk round Monaco do not have to spend hours looking for a working toilet which is available to them.

HON J E PILCHER:

Mr Speaker, contrary to an article or a slight comment in the Chronicle, I have been to Monaco on three occasions.

HON F VASQUEZ:

I do not doubt it, Mr Speaker.

HON J E PILCHER:

Mr Speaker, first of all let me answer the part on the Apes' Den. The Apes' Den is part of the Nature Reserve, Mr Speaker, which is a relatively big area but is an integrated site that already contains toilets at St Michael's Cave and will contain toilets at Jews' Gate. So it is an area which is serviced by two sets of working toilets and we believe that that is enough for the area. The problem of the Apes' Den, Mr Speaker, is

that it is not just a question of providing a toilet, but that there are no sewage connections in the Upper Rock and to provide toilet facilities at the Apes' Den is not the cost of building the toilet but the cost of the infrastructure required. It would be a tremendous cost to put the necessary infrastructure. I am however satisfied, Mr Speaker, that in the Nature Reserve there are sufficient facilities and if you take a Rock Tour there are enough facilities. In the Upper Galleries we suffer the same problem, Mr Speaker, about the necessary infrastructure but during the refurbishment I am advised that the Tourism Agency is looking at the possibility of utilising an old well to try and see whether we can provide a toilet although that is not, in my estimation, the most hygienic of facilities because obviously, Mr Speaker, we then need to have a system to remove the sewage. As regards the toilets round Gibraltar, I can assure Members, Mr Speaker, that we have a maintenance contract which cleans the toilets two or three times a week. We have spent a lot of money refurbishing toilets and when I have said that the Coach Park and the Piazza toilets, in particular, are maintained whenever possible, Mr Speaker, it is because they suffer tremendously, like many other areas in Gibraltar, unfortunately, from acts of pure vandalism. We have had to close the Piazza men's toilet some three weeks ago because after refurbishing the toilets for a second time all the urinals were ripped out and thrown all over the place. We have now closed it to refurbish it again, Mr Speaker, and we are adjusting our policy and we will have people manning that toilet but I assure the House that at the end of the day even when toilets are manned we suffer certain vandalism in the toilets because obviously the attendant cannot follow people into the areas. I assure you, Mr Speaker, it is something which I am conscious of and improvements are being tried and it is a question of adjusting and continuing to spend money to try and maintain them in a fit and proper manner.

HON P R CARUANA:

Mr Speaker, we understand that the problems of vandalism cannot be laid at the Hon Minister or his Department or any of his colleagues. But by the same token I would invite him to accept that the fact that the problem is caused by vandalism is not an explanation that can be offered to visitors to Gibraltar and therefore as a community we have to pay whatever price we have to pay for the fact that we have vandals in our midst.

HON J E PILCHER:

Mr Speaker, I assure the Hon Member opposite that we are paying dearly for having vandals in our community.

HON F VASQUEZ:

If I just might to finish, Mr Speaker, and I am grateful for your indulgence, just deal with the question of the Apes' Den. I am surprised to hear the Hon Minister state that he considers that the Apes' Den has satisfactory arrangements as regards toilet facilities.

HON J E PILCHER:

I did not say that, Mr Speaker.

HON F VASQUEZ:

I think the Hon Member did say that.

HON J E PILCHER:

No, Mr Speaker, I said that the Nature Reserve, which is now an integrated site that includes St Michael's Cave, the Apes' Den and the rest of the Nature Reserve, has enough toilets at St Michael's Cave and Jews' Gate to service the whole area and if somebody comes from St Michael's Cave and is issued with a leaflet saying: "Toilet facilities are at Jews' Gate and St Michael's Cave" then he should use the toilet facilities at St Michael's Cave before he visits the apes. That is forward planning, Mr Speaker!

HON F VASQUEZ:

All I am seeking, Mr Speaker, is a reassurance because, as I have said, whatever the Hon Minister says about adequate toilet facilities in the area of the Nature Reserve, the fact is that comes as precious little reassurance for a tourist to find out that he has to go to the lavatory at the Apes' Den and he cannot drive back. I just want to make this point and I would ask for the Minister's undertaking, if he can give it, that every effort will be made and obviously where there is a will there is a way and we have an enormous amount of technology in our hands that we can get refuse incinerators, that give us power, and that he will take every step possible to make sure that before the end of the tourist season there are functioning toilets at the Apes' Den which is an important matter.

HON J E PILCHER:

The Hon Leader of the Opposition will be happy with this answer, yes, Sir.

MR SPEAKER:

Next question.

NO. 102 OF 1992

ORAL

THE HON F VASQUEZ

What plans has Government made to relieve traffic congestion in the Upper Rock area in order to ensure that the emergency services will be able to attend at the scene of any accident, fire or other emergency?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, before the new system was put into operation, there was already a problem of traffic congestion due to the limited access to the rock.

The new system has just been implemented and is being closely monitored. Any problem arising will be dealt with in consultation with the Public Service Vehicles and Taxi Associations.

SUPPLEMENTARY TO QUESTION NOS.60 AND 102 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, have there been any results positive or otherwise of this monitoring so far?

HON J E PILCHER:

It is slightly soon, Mr Speaker, but I can tell you that on average, over the last two or three weeks, the number of vehicles turning back is in the region of about ten vehicles a day which is about 1% or 2% of the traffic going up. We have had a couple of situations where one or two vehicles have actually been there at the same time and created a slight problem. We are looking at a holding area. We are looking at a traffic light system to stop the traffic in order to allow the traffic back and at a turnaround area. As I said, it is being monitored on a day to day basis and we are meeting every week with the professionals in order to look at these problems.

HON P R CARUANA:

Mr Speaker, will the Hon Minister acknowledge that the problem is not so much one of a head to head meeting on coming down because, after all that stretch of road has always been two-way and, we have always managed one way or the other. The problem is that at the point where the barrier is the vehicle that changes its mind about going into the Nature Reserve is the point where presumably it will have to turn round. There is physically no space for the vehicle to turn round.

HON J E PILCHER:

Yes, Mr Speaker, I would acknowledge that and this is why I am saying that we are looking at a holding area and a turnaround area to allow the vehicle being held and turned to go back down without holding up the traffic that is coming up to enter the Nature Reserve.

HON P R CARUANA:

Mr Speaker, unless you are going to extend the road by reclaiming on the side of the road, you would have to let them go through to Jew's Gate, turn round there and then face problems of oncoming traffic which will be much less than the problem of turning round, I accept that. But how are you going to monitor that?

HON J E PILCHER:

That is one possibility, Mr Speaker. When we are monitoring we are looking at different scenarios. Obviously when we look at that and we see which is the best possible way, in conjunction with the professionals, the people who are going up and down the Rock on a day-to-day basis, we will find out which is the best solution, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, I refer more in particular to Question No.102. In the light of the accidents which have already happened up the Rock, there have been incidents of fire and injuries to tourists, does the Minister not consider it prudent that contingency plans ought to be in place now as to how there is going to be reaction to those instances when they happen as opposed to saying that the matter is being looked at and that, hopefully, when something happens contingency plans would have been made? Are there plans now to deal with that sort of incident which invariably will happen with the passage of time?

HON J E PILCHER:

Yes, Mr Speaker, there are contingency plans like there have always been contingency plans because it is not the congestion in the Upper Rock, which is really Question No.102, (and I accept that I only referred to it at the start), that is created by the Nature Reserve. It is something which has been getting progressively worse since the opening of the frontier. There are contingency plans. The Police and the Fire Brigade have contingency plans and what we are looking at is to see how we can facilitate the problems as a result of the opening of the Nature Reserve but it is not that the problems are new problems created as a result of the Nature Reserve.

HON P R CARUANA:

Only the Hon Minister has linked two issues by choosing to answer both questions together. Our questions about the congestions do not refer to the Nature Reserve.

HON J E PILCHER:

Yes, I accept that but I also accept that over the last two to three months (perhaps I am wrong and I am looking at a situation which is totally different) this is a matter which has been raised by different bodies and the two have been linked together. What I am saying is, that if you want to separate the two, there are contingency plans in answer to Question No.102. We are, in fact, very closely monitoring the situation together with the Fire Brigade and I do not envisage that there will be other problems other than that the access to the Upper Rock is a limited access and whatever contingency plans you put into operation there is always the likelihood of accidents happening in the area like they can happen in any other area anywhere in the world, Mr Speaker.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government make public the terms of the contract between Government and Kvaerner and will it say whether it has taken any steps to try to ensure that Gibraltarians are given priority of employment?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, no, Sir. The detailed contract between a private company, in this instance, Kvaerner, and the Government is a matter which is commercially in confidence and it is not our intention to make it public. The overall terms were made available to the general public at a Press Conference held with Kvaerner when the contracts were finalised.

Agreement was arrived at between the Transport and General Workers Union and Kvaerner that priority of interview would be given to ex-GSL employees. Other than this the same conditions for employment applies to Kvaerner as to any other private company in Gibraltar, in accordance with EC law.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister say whether as a result of the priority of interviews, this has de facto resulted in priority of employment?

HON J E PILCHER:

In practice it has, Mr Speaker.

MR SPEAKER:

Next question.

NO. 104 OF 1992

ORAL

THE HON P R CARUANA

Will the Government lay before the House the accounts of GSL to 31st December, 1991?

ANSWERTHE HON THE MINISTER FOR TOURISM

No, Sir. As was stated by me in the House on 9th July, 1991, GSL accounts will no longer be tabled at the House.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1992

HON P R CARUANA:

Will the Hon Minister, Mr Speaker, explain why? I know the Government has no longer an obligation to do so having repealed the Ordinance with indecent haste, but what is the reason why the Government will not do so?

HON J E PILCHER:

No, Sir, I will not explain it now because I explained it on the 9th July and all the Hon Member has to do is go back and read the Hansard.

MR SPEAKER:

Next question.

NO. 105 OF 1992

ORAL

THE HON H CORBY

When will Government be in a position to provide information to the people of Gibraltar about the future of the Old Age Pension Scheme and the final solution of the so-called Spanish Pensions problem?

ANSWERTHE HON THE CHIEF MINISTER

When the information is available it will be provided.

SUPPLEMENTARY TO QUESTION NO. 105 OF 1992

HON H CORBY:

Mr Speaker, the Hon the Chief Minister must agree with me that we are now in the second quarter of 1992. There are very worrying thoughts in the minds of the people of Gibraltar as to this very important issue. The people of Gibraltar also seem to think that the solution to the Spanish problem has also taken place. So I urge the Hon the Chief Minister to make a statement as soon as possible.

HON CHIEF MINISTER:

I agree with the Hon Member that we are in the second quarter of 1992, Mr Speaker.

MR SPEAKER:

Next question.

NO. 106 OF 1992

ORAL

THE HON F VASQUEZ

Does the Government still intend to open a Gib Office in Marbella and, if so, when?

ANSWERTHE HON THE CHIEF MINISTER

There are no immediate plans to do this.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1992

HON F VASQUEZ:

Mr Speaker, can the Hon Chief Minister confirm that he did at one stage state publicly that it was the intention? I think it was when Señor Jesus Gil visited Gibraltar one or two months ago?

HON CHIEF MINISTER:

No, Mr Speaker, I did not state that. Señor Jesus Gil stated that he was offering us the opportunity of doing it.

HON F VASQUEZ:

Did the Hon Chief Minister not say that he was interested in taking up that proposition?

HON CHIEF MINISTER:

No. However when I meet nice people who make me nice offers I listen to them, unlike Members of the Opposition who have only nasty things to offer us.

MR SPEAKER:

Next question.

NO. 107 OF 1992

ORAL

THE HON F VASQUEZ

Who is responsible for establishing the policy of the Gibraltar Information Bureaux?

ANSWERTHE HON THE CHIEF MINISTER

The Government, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 107 OF 1992

HON F VASQUEZ:

Mr Speaker, I was surprised, I must say, only a few minutes ago to hear the Hon Minister for Tourism say that one of the reasons he took objection to the article and the interview of the Chairman of the UK/Gibraltar Tourist Association was that he considered that this individual had a vested interest because as well as being the Chairman of the Association he happened also to be, I think, a director of Cadogan Travel. In that context, could the Hon Chief Minister give us a reassurance that the individual tasked with the running of the GIB Office in London, Mr Albert Poggio, whose task now is not only the running of the Information Bureau in London but handling all decisions relating to the marketing of Gibraltar, can he reassure us that that individual does not have his own vested interest that might cloud his judgement in issues of this nature?

HON CHIEF MINISTER:

I can assure the Hon Member opposite that in my judgement Mr Poggio is more capable of keeping his private interest differentiated from his duties in the GIB than the Member opposite is in keeping his private interest as a lawyer differentiated from his role as Member of the House.

HON F VASQUEZ:

I must say, Mr Speaker, I am delighted to hear again that sort of allegation made against me. It is something I suppose that I am going to have to learn to live with.

HON CHIEF MINISTER:

Mr Speaker, I have not made any allegation. I have said that in my judgement I am confident that Mr Poggio is more capable than he is. If he is very capable he should have nothing to worry about.

HON F VASQUEZ:

I am very grateful for the Hon Chief Minister's generous judgement. What I would like to know then is, does the Hon Chief Minister think that Mr Poggio's position had any bearing at all on what I considered, and I said so publicly that I considered and found it a rather extraordinary decision to withdraw the Cadogan Travel Brochure from the GIB Offices, a decision which I understand was subsequently overturned by the Government of Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, the question is about the policy of the Gibraltar Information Bureau and it was not the Gibraltar Information Bureau that withdrew all the Cadogan Travel Brochure. That decision, in fact, was something discussed with that gentleman in that particular organisation in January this year and when it came to my attention I was surprised that between January and the recent statement there had been no attempt to bring this matter to the attention of the Government.

HON F VASQUEZ:

I do not understand that answer, Mr Speaker. Could the Hon Chief Minister say who initially took the decision to withdraw the Cadogan Travel Brochure from the GIB Offices?

HON CHIEF MINISTER:

There was no decision to withdraw anything because there was nothing there to be withdrawn. The decision not to accept it for distribution in January, before the General Election, was a decision which was not something that somebody sat down and took a policy decision on but a consequence of a policy that had been there for a very long time and when the Gibraltar Information Bureau in London was asked whether they would distribute this particular brochure they communicated to the Association what was the standard policy. The gentleman concerned, at the time or in between the beginning of January and the date when the public statements were made, made no attempt to make representations about the decision that had been communicated to him, as an established long-term policy, which had nothing to do with the Gibraltar Information Bureau policy as such, but what had been there for a very long time.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Given the Gibraltar Information Bureau's access to public funds, who is responsible for the financial administration of the Gibraltar Information Bureau, what financial control systems are in operation in that organisation and does it produce accounts and will they be laid before the House?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Gibraltar Information Bureau does not have any more access to public funds than any other company which is contracted by the Government to carry out a task. It has the same controls as any other such company and produces audited accounts which are not laid before the House.

SUPPLEMENTARY TO QUESTION NO. 108 OF 1992

HON P R CARUANA:

Mr Speaker, is the Gibraltar Information Bureau not funded from Government resources and is it not now to have transferred to it the budget previously placed with the Gibraltar Tourism Agency?

HON CHIEF MINISTER:

Mr Speaker, just like the Gibraltar Tourism Agency previously was, in fact, contracted by the Government to carry out certain functions, operated the same as any other private company, had the same controls as any other company and produced accounts which were not laid before the House. So it is not that it has access to funds, it has a contract and a condition attached to that contract which it has to fulfil in order to get paid a certain sum of money. That is no different from any other contractor.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Does any Minister enjoy a salary, allowance or other emolument whatsoever or benefit in kind from any company of which he is a director by virtue of the fact that he is a member of the Government?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, none, as has already been stated in answer to a similar question in the previous House of Assembly.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1992

HON P R CARUANA:

Mr Speaker, I think the Hon the Chief Minister will find that this question is a little bit wider than that but still the answer is none?

HON CHIEF MINISTER:

The answer is none. All the work that Ministers are expected to do on behalf of the Government in any company, they are expected to do for free.

HON P R CARUANA:

And they do?

HON CHIEF MINISTER:

And they do unless the Hon Member says he does not believe us in which case he should come out and say so.

MR SPEAKER:

Next question.

NO. 110 OF 1992

ORAL

THE HON P R CARUANA

Does any Minister enjoy facilities such as (but not limited to) the use of office facilities or transportation facilities from any company and, if so, which Minister and what facility and from which company?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, all Ministers have access to the facilities of transportation or otherwise in the company of which they are directors, like all other directors who are not Ministers.

SUPPLEMENTARY TO QUESTION NO. 110 OF 1992

HON P R CARUANA:

Mr Speaker, the Hon the Chief Minister is aware that we have markedly different views as to the propriety of Government Ministers sitting on Boards. Does the Hon the Chief Minister agree that it would be improper for a Government Minister to have an office or office facilities made constantly available to him in the offices of a completely private company in which the Government has no shareholding?

HON CHIEF MINISTER:

No, Mr Speaker, because Ministers are not running private businesses for private profit and if a Minister is able to make use of facilities in order to carry out work which is for the public good, since we are all working for the same pay that Ministers were getting in 1987 when, in fact, previously they were allowed to have private businesses, then I would say I consider it improper for a Minister to be using a Government office for his private business but I see nothing wrong in using a private office for the business which is to the benefit of the Government and does not cost the Government money.

HON P R CARUANA:

Mr Speaker, I am aware that the Chief Minister sees nothing wrong in it and that is the difference in view that I highlighted it at the beginning of my question.

HON CHIEF MINISTER:

Yes, Mr Speaker, and a difference in view that the Member in January tried to persuade people in Gibraltar to accept as an aspersion on the commitment and the integrity of the Government that had been adopting this policy for four years and the result of that was that he managed to convince so few people that he is the Leader of the Opposition with the lowest vote in the history of the House of Assembly.

HON P R CARUANA:

I do not recall making any reference to this matter but still the point had to be made at some stage and it might as well be now.

MR SPEAKER:

Next question.

NO.111 OF 1992

ORAL

THE HON P R CARUANA

Does the Government, either directly or through a company, have any investment or business interest in Vietnam or elsewhere in the Far East?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, there are no direct Government investments in Vietnam or elsewhere in the Far East.

SUPPLEMENTARY TO QUESTION NO.111 OF 1992

HON P R CARUANA:

With the greatest of respect, that is not the answer to the question, it says direct or indirectly through a company.

HON CHIEF MINISTER:

It is the answer to the question because I have answered the question on behalf of the Government which is the only answer that he is going to get in this House about the investment, Mr Speaker. Every other company in which the Government has got a direct or indirect shareholding has in its Articles of Association, as most Articles of Association are in companies in Gibraltar, the freedom to invest anywhere in the world be it Vietnam or Sevastopol and, therefore, as far as I am concerned, if any company in which we have shares finds a profitable way of expanding its business then that is what we expect them to do.

HON P R CARUANA:

So as I understand the answer, it is simply that the Hon Chief Minister will not tell me rather than there is not?

HON CHIEF MINISTER:

No, it is not that I will not tell the Hon Member rather than there is not. It is that in fact whether there is or there is not, is a matter for the company concerned and therefore, as far as we are concerned, we are interested that any expansion abroad is profitable, if it is an investment that we have made in a particular business

not in a particular area. Of course, as the Hon Member opposite knows, I have visited Hanoi and the Government is interested in promoting greater trade between Vietnam and Gibraltar and therefore anything that we can do to encourage Gibraltar businessmen to do this we will do.

HON P R CARUANA:

Perhaps if I could rephrase my question the Hon the Chief Minister will have less difficulty in answering it. Is the Hon the Chief Minister prepared to say whether Government has invested public monies in the purchase of shares or otherwise in any company that has investments in that place?

HON CHIEF MINISTER:

Mr Speaker, the Government has got an Investment Fund which owns substantial shareholdings and within that there may well be a company that may or may not have such investments. I do not know and, frankly, I do not intend to seek to find out in order to tell the Hon Member because if I knew I would not tell him.

HON P R CARUANA:

So if public funds, Mr Speaker, had been used to purchase shares in a company that had investments in Vietnam the Hon the Chief Minister does not know?

HON CHIEF MINISTER:

No, what I am saying is that we have got investments in the Investment Fund in a range of companies and I cannot tell the Hon Member whether any one of those companies or all of them or none of them have made any investments in Vietnam. I know that there are companies interested in promoting trade with Vietnam but whether that includes investing or not I am not 100% sure. But in any case, as far as I am concerned, it is not something we intend to debate or answer on in the House because, in fact, as far as we are concerned, the investment of the Government is in the shares of the parent company and therefore that is as far as we have got to reflect it in the Accounts of the Government.

MR SPEAKER:

Next question.

30.4.92

NO. 112 OF 1992

ORAL

THE HON P R CARUANA

How many people are employed by the Gibraltar Development Corporation and are they all full-time employees and, if not, how many are full-time employees and how many are part-time employees?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 113, 114 and 115 of 1992.

30.4.92

NO. 113 OF 1992

ORAL

THE HON P R CARUANA

What are presently the assets of the Gibraltar Development Corporation?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 112, 114 and 115 of 1992.

30.4.92

NO. 114 OF 1992

ORAL

THE HON P R CARUANA

Who were the Auditors of the Gibraltar Development Corporation during the financial year ended 31st March, 1992?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 112, 113 and 115 of 1992.

THE HON P R CARUANA

Given that the Gibraltar Development Corporation collects substantial sums of money from the public payable as a requirement of the law, and given that Ministers sit as directors of the Corporation, will the Government lay the accounts of the Gibraltar Development Corporation before the House and, if so, when?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Gibraltar Development Corporation has no employees and it does not receive substantial sums from the public. Its first accounts were for the period ended 31 March 1991. These were audited by a local professional accounting firm appointed in accordance with Section 24(2) of the Ordinance. The accounts are not laid before the House.

At present the main asset of the Corporation is the Airport terminal building.

SUPPLEMENTARY TO QUESTION NOS.112, 113, 114 AND 115 OF 1992

HON P R CARUANA:

Mr Speaker, would the Hon the Chief Minister say who is the Registrar of the Insolvency Fund?

HON CHIEF MINISTER:

Mr Speaker, the position is that the role undertaken by the Corporation as agent of the Government is discharged through the secondment of civil servants to the Employment and Training Unit. It has nobody employed.

HON P R CARUANA:

But the fact of the matter is that the Honourable the Chief Minister has said that this Corporation receives no money from the public.

HON CHIEF MINISTER:

That is correct, Mr Speaker.

HON P R CARUANA:

That is not correct. It may not be money to which it is entitled as a matter of legal right but it does receive money from the public. The answer is too clever by half and assumes that the question is much more convoluted than it is intended to be! 'Receives' means 'literally receives'.

HON CHIEF MINISTER:

Well, I do not know when the Hon Member means that 'receives' means 'literally receives' but if the Hon Member is saying that the accounts should be laid before the House because it receives money then I have to assume that he is using the word 'receive' on the basis that it would be income shown in the accounts. Well, the income is not in the accounts of the Corporation; as the Hon Member has already been told in answer to a previous question by the Minister for Education; because it goes into the Insolvency Fund or it goes into the administrative costs of the Employment and Training Unit and therefore the money is not being received by the Corporation and if the Corporation were to show its accounts in the House it would not show receipts of the sums. So I have to assume that he meant that the money was being received by the Corporation as income otherwise the reference to the accounts is meaningless.

MR SPEAKER:

Next question.

THE HON P R CARUANA

How much revenue of a kind which prior to 1st April, 1990, would have been legally required to be paid into the Consolidated Fund has Government collected during the year ending 31st March, 1991, and 31st March, 1992, and paid into a Fund other than the Consolidated Fund and of those sums, if any, (and I now know that there are) how much has Government spent without the authority of an Appropriation Ordinance?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the figure for the financial year 1990/91 has been given in answer to Question No. 4 of 1992. The figure for the financial year 1991/92, inclusive of the sum already given in Question No. 4 of 1992, is approximately £15m.

Expenditure of any sums from any Special Fund does not require the authority of the Appropriation Ordinance.

SUPPLEMENTARY TO QUESTION NO. 116 OF 1992

HON P R CARUANA:

Mr Speaker, with the greatest of respect that is not the question that was asked. The question is how much money of the kind, and I now know the answer of £15m, has been spent? But that is not my supplementary. Presumably, Mr Speaker, and I ask the Hon the Chief Minister to confirm that, the sum of £15m that he has quoted in relation to 1991/92 includes sums collected in respect of import duty minus the cost of administration which are now payable into the Social Assistance Fund.

HON CHIEF MINISTER:

That is correct, Mr Speaker.

HON P R CARUANA:

Well, unless, Mr Speaker, I have myself fallen victim of the difficulties that we described earlier of using the Laws of Gibraltar because they had become so unmanageable, is the Hon the Chief Minister aware that my copy of the Import and Export Ordinance, Section 45 thereof, requires that monies collected in respect of import duty "shall be paid into the Consolidated Fund" and that therefore any money collected in import duty that has been paid into the Social assistance Fund has been unlawfully so paid?

HON CHIEF MINISTER:

Well, Mr Speaker, obviously we believe that we have done it lawfully but we will go back and check the position in view of what the Hon Member has said and if, in fact, there is a contradiction between the law and the policy of the Government the law will be changed.

HON P R CARUANA:

Given that the sum in relation to the next year is £17m or that it was that in the forecast outturn, does the Hon Member not think that this is a matter in which the Government might have taken a little bit more care to act within the ambit of the law?

HON CHIEF MINISTER:

Mr Speaker, I have not accepted that the Hon Member is correct. I have said that we will look at it again in case he might be because it is not impossible that he should be occasionally right. I expect him to be wrong but nevertheless I will give him the benefit of the doubt and I will check. It is a matter that is reflected in the Estimates which have been tabled today and I will be able to give him any further explanation he wants when the Estimates are debated.

HON P R CARUANA:

Mr Speaker, I have no doubt that a piece of green paper will be rushing its way around this House to the Opposition Members to amend the Import and Export Ordinance.....

HON ATTORNEY-GENERAL:

Mr Speaker, can I take a point of order on this and refer the House to paragraphs (5) and (6) of Clause 16 of Standing Orders and perhaps this practice of arguing about the law in this form can be put to an end because I think it should be. "A Member may put a supplementary question or questions for the purpose of further elucidating any matter of fact" and perhaps the Hon Member can take note of this and the emphasis which is placed upon the word 'fact' "arising out of an oral answer given provided that the Speaker shall disallow any supplementary question if, in his opinion, it infringes any of these Orders relating to the admissibility of questions and in that case the supplementary question shall not appear in the Minutes or in any report of its proceedings". And secondly: "A supplementary question must not introduce matter not included in the original question". And (6) states: "A question must not be made a pretext for a debate".

HON P R CARUANA:

As to the last part of that, Mr Speaker, I think he is bolting the door after the horse has bolted because this is what we have been doing all day. And as to the first part, with the greatest of respect, I do not accept that that means that the

Leader of the Opposition cannot comment in this House about the possibility that the Government had unlawfully paid substantial sums of public money into the wrong Fund. I do not accept that nor do I accept that it is a legal debate.

MR SPEAKER:

The ruling is made by me. I am fully conscious of the Rules and the Opposition is also, I believe, because they have had a chat with me and they know perfectly well what the Rules are. However, one has to be flexible as this Chair has always been flexible right from the beginning of this House when the Constitution started operating here and it is the intention to be so if, in the opinion of the Speaker, he thinks that the matter that is going to be aired is of enough public interest. The Rules are there, as I see it, to control the House rather than to stifle freedom of speech. It is with that spirit that I allow Members to go on and now and again, of course, as they know perfectly well, I put a stop to it.

HON P R CARUANA:

Yes, Mr Speaker, speaking for this side of the House, I can say and I do say that we are grateful for the latitude that Mr Speaker allows on the question of supplementaries and that we recognise the reason why Mr Speaker does it and that we think it is a laudible reason.

MR SPEAKER:

Next question.

30.4.92

NO. 117 OF 1992

ORAL

THE HON P R CARUANA

What is the total debt (other than debt to Government itself or to other Government owned companies) of companies which are either directly or indirectly wholly Government owned and how much money (other than as aforesaid) does Government envisage will be borrowed by such companies during the year ended 31st March, 1993?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 118 and 119 of 1992.

30.4.92

NO. 118 OF 1992

ORAL

THE HON P R CARUANA

What is the total debt of each of Gibraltar Residential Property Company Limited and GRP Investments Company Limited other than debt due to Government itself or to other Government owned companies?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 117 and 119 of 1992.

NO. 119 OF 1992

ORAL

THE HON P R CARUANA

Given that GRP Investments Company Limited and Gibraltar Residential Property Company Limited are leaseholders of much of the public housing stock of the Government of Gibraltar, will Government confirm that neither of those companies will borrow money from third parties other than Government itself or other Government owned Companies?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the debt of any company in which the Government has any money invested is a matter for the company to determine in pursuing its commercial interest to develop the business. As was stated in answer to Question No.43 of 1991, tabled by the Member opposite, the Government has no guarantees in respect of any such debts.

SUPPLEMENTARY TO QUESTION NOS. 117, 118 AND 119 OF 1992

HON P R CARUANA:

Mr Speaker, do the figures for the public debt of Gibraltar include the debt of any company of which the Government is the sole shareholder?

HON CHIEF MINISTER:

No, Mr Speaker. Obviously if the Government does not guarantee such debts they are not public debts.

HON P R CARUANA:

Mr Speaker, I am a bit thrown because, of course, I have now got to see that the answer is the answer to all three questions which have been joined up together. We have not done Question No.120. I think Question No.120 is separate. Is that right, Mr Speaker?

MR SPEAKER:

That is correct. Next question.

NO. 120 OF 1992

ORAL

THE HON P R CARUANA

Will the Government confirm that neither it nor any company directly or indirectly owned by Government will use publicly owned housing stock as collateral for any borrowing?

ANSWERTHE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1992

HON P R CARUANA:

No, the Hon Chief Minister will not confirm?

HON CHIEF MINISTER:

Yes, Mr Speaker.

HON P R CARUANA:

Am I to understand by that, that the Government may do that or that companies may do that?

HON CHIEF MINISTER:

The Hon Member may understand that the Government may do it if the property is held directly by the Government and that the company may do it if the property is held directly by the company.

HON P R CARUANA:

Mr Speaker, given; and again this is a matter upon which the Hon the Chief Minister and I have markedly different views; that there are companies that are completely owned and controlled by Government and by Members sitting on the other side of the House, will the Hon the Chief Minister agree that the use of these companies for the borrowing of money, secured or not, it does not matter, by publicly owned housing stock gives the Hon the Chief Minister the means of borrowing money through the medium of Government owned companies and that that will never be disclosed to this House?

HON CHIEF MINISTER:

Mr Speaker, since the question is about whether we are using publicly owned housing stock as collateral for

borrowing, I do not see what is the relevance of a totally separate issue as to whether companies should borrow or not and the answer must be that if companies borrowed money for expanding their business, then it is not public debt and does not need the approval of the Loans Empowering Ordinance. That is obvious.

HON P R CARUANA:

And therefore the answer presumably is yes, at least in theory. The fact of the matter is, Mr Speaker, that I have gone through the trouble of conducting a search at the Land Titles Registry and I have seen that practically all, I have not checked it off against the list, the Government housing estates and properties have been transferred or leased to one of the two companies that I have mentioned in my question and that alright, they have been leased back in terms that I have not yet been able to establish, because the documents are away at the binders, but it raises the spectre of what is the business of GRP Investments Company Limited that would justify exposing to creditors, housing stock which was public housing stock until the Government transferred it to a company?

HON CHIEF MINISTER:

First of all, Mr Speaker, the Hon Member did not need to do a search, he just needed to have a good memory because he asked me a question on that subject and I answered it and, in fact, I told him at the time that I was giving the explanation in the House for the fifth time but that the four previous times he had not been a Member of the House and I assumed that since he had so very little interest in politics before, he had not even bothered to tune into the radio to find out the explanation. But I did give him the explanation a fifth time so he did not need to search. All he needed to do was to remember. The second thing is I have not said that it has happened, the question is 'will I give a guarantee that it will not happen?' and I am saying that I will not give a guarantee.

HON F VASQUEZ:

Mr Speaker, I would like to put one simple question. Did the Government of Gibraltar receive any consideration for the transfer of all of these Government housing stocks out of Government ownership, going to the ownership of GRP Investments Company Limited and Gibraltar Residential Property Company Limited? Did any consideration pass from these companies to the Government of Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, that is what I have explained five times already and I am now explaining it for the sixth time and although I said the fifth time that it would be the last time and the fourth time that it would be the last time, I am now saying for the sixth time. This is the last time I am explaining it because obviously the Hon Member opposite has not heard the explanation before. If the Hon Member looks in the Estimates that we have tabled today he will find that there is an item of income in the Improvement and Development Fund which is property sales and he will find that that same item of income was there in previous years. Those property sales were the transfer of property from the ownership of the Government to the ownership of the Government-owned company and the Government-owned company paid into the Improvement and Development Fund cash which was used to finance the Development Programme.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Will the Government make a statement outlining the proposed functions of Gibraltar Procurement Limited and will the Government say whether that company and its employees will have access to taxpayers' files and confidential information?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, Gibraltar Procurement Ltd has been engaged to collect bad debts which had been previously dormant. As regards income tax this consists of arrears of PAYE collected by employers from their workforce but not remitted to the Tax Office as required by the provisions of the Income Tax Ordinance. The company will be provided, subject to confidentiality, with the information it requires to pursue each particular case that it is asked to act upon.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1992

HON P R CARUANA:

Mr Speaker, do I understand the explanation that really the company is acting as a debt collecting agency for the Commissioner of Income Tax?

HON CHIEF MINISTER:

That is correct, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, in that function as a debt collecting agency, is it only collecting arrears of tax or is it involved also in collecting tax owed now?

HON CHIEF MINISTER:

No, it is collecting arrears of tax which had been virtually given up for lost. At the moment it is tackling 1988/89.

HON P R CARUANA:

Mr Speaker, of course I accept that that is the position as the Hon Chief Minister says it. But can I then ask him why it was necessary to delegate to this company all the powers of the Commissioner of Income Tax for collection under Part 5 of the Income Tax Ordinance, which are large and wide and which

are not limited to the collection of tax arrears, in order to collect tax as agents for the Commissioner of Income Tax on a debt collecting basis? I do not think that Gibraltar Procurement Ltd needs this in the same way as a lawyer instructed by the Commissioner of Income Tax would not have needed powers to be delegated to them.

HON CHIEF MINISTER:

I agree with the Hon Member opposite but my advisers did not agree with him or with me and therefore they told me that to be on the safe side against a possible attack from the Hon Member opposite the thing to do was to put the notice in the Gazette that was put.

HON P R CARUANA:

The problem that arises from that, Mr Speaker, is that, of course, on the basis of the Regulations to be passed on the basis of the delegation, Gibraltar Procurement Ltd could substantially extend its sphere of activity, beyond the perfectly innocent point that the Hon the Chief Minister has explained and which I accept is the position today, without further instrument necessary or further publicity of any kind. That seems an excessive measure to take when the delegation of power could have been limited in the terms the Hon the Chief Minister has explained.

HON CHIEF MINISTER:

Well, Mr Speaker, I, in my innocence, assumed, when I wanted to contract Gibraltar Procurement Ltd, that I would in fact be able to do it without having to do anything else other than give it a contract but I was told that in pursuing through the Courts a recalcitrant payer, the authority of the company might be challengeable. That was the best way to protect it (I did not really mean what I said that they were protecting me against him, I do not think I need protection against him, but they were seeking to protect Procurement Ltd) against a challenge by the defaulting taxpayer. Whether it was necessary or not, I am not frankly qualified to say but if I am told that we might go through a long procedure and finish up losing the case because the lawyer defending the other side might be able to challenge, then I have to accept that it is better to be safe than sorry. But we have no plans to go beyond what I have said in the answer.

MR SPEAKER:

We cannot go into the legal merits of that now. Next question.

30.4.92

NO. 122 OF 1992

ORAL

THE HON P R CARUANA

What was the balance in each of the Special Funds as at 31st March, 1992?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, this information is not yet available.

NO. 123 OF 1992

ORAL

THE HON P R CARUANA

What was the total public debt of Gibraltar as at 31st January, 1992; 28th February, 1992, and 31st March, 1992, and in respect of the sum relating to the 31st March, 1992, how much of it had as at that date been spent?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the total public debt at the end of January, 1992, was £87,475,062. On the 28th February, 1992, it was £87,455,270 and on the 31st March, 1992, it was £87,441,058.

The receipts from public debt have been the main source of income for the capitalisation of property assets and the funding of expenditure in the Improvement and Development Fund - my sixth explanation which I just referred to, and now seventh. The question therefore of how much of the debt has been spent does not have any meaning except in this context.

A rough estimate would be that some £65m had been spent by the 31st March, 1992.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1992

HON P R CARUANA:

Except in that context, if it has been spent by the Improvement and Development Fund the fact that it has been channelled in through the transfer of property does not really affect the question. What I am really getting at is how much of the money is sitting in a deposit account and not spent.

HON CHIEF MINISTER:

The difference between the £65m and the £87m.

HON P R CARUANA:

I am obliged.

MR SPEAKER:

Next question.

NO. 124 OF 1992

ORAL

THE HON P R CARUANA

What has been the estimated Gross Domestic Product in the year ended 31st March, 1992, and what part of that GDP is estimated to have been contributed by the property and infrastructure development sector and what does the Government forecast GDP will be in the year to 31st March, 1993?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the information is not yet available.

When the Estimates for the current financial year are considered by this House I will, as is normal, give an indication of the targets for economic growth on which the Estimates are based.

THE HON P R CARUANA

Does Government consider that the UK Government has a moral obligation, given the severe dislocation to our economy of her run down of military spending in Gibraltar, to provide Gibraltar with financial assistance to replace the lost economic activity and in particular to assist with labour retraining, business start-up and job creation schemes and has the Government sought such assistance from the British Government?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Gibraltar Government does consider that the UK Government has such a moral obligation but the UK Government does not appear to hold the same view. Nonetheless the Gibraltar Government is pursuing the matter jointly with the TGWU and in the context of technical assistance for retraining programmes.

NO. 126 OF 1992

ORAL

THE HON P R CARUANA

Has the Government attempted to get the UK Government to include Gibraltar in UK Regional Aid Schemes so that Gibraltar may qualify for assistance from the European Regional Development Fund?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, Gibraltar has already been allowed to compete with regions in the United Kingdom for assistance from the European Social Fund for vocational training schemes. In fact, after competing with over 2,000 other applicants from UK regions, the GSLP Government was successful for the first time ever since we joined the Community, in obtaining funds from the EEC for the 3 years 1990, 1991 and 1992. To date, almost £1.7m have already been committed to Gibraltar to assist with our different training projects which attract funding from the European Social Fund. A further application for a direct wage subsidy project to assist those unemployed over 12 months and who are over 25 years of age, has also been approved for 1992 and is already in operation.

This ESF programme of assistance was envisaged to last only during the 3 years between 1990 to 1992. I am however advised that it is likely to continue and this may result in further funds being made available to Gibraltar next year.

In addition to the EEC funds we have received for our vocational training schemes, Gibraltar was also successful in attracting aid directly from EEC regional funds for a pilot project within the industrial park. Although the European regional funds are normally intended to assist depressed and underdeveloped regions within the EEC and Gibraltar cannot obviously compete, or be considered, under this category, the innovative nature of our application together with the exemplary value the project represented to other areas of the Community, made it acceptable and subsequently met with EEC approval. In this case, the amount involved is shown as income in the Improvement and Development Fund.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1992

HON P R CARUANA:

Mr Speaker, my question of course dealt with the European Regional Development Fund so whilst I am grateful to the Hon Minister for his repeated expose of his Government's successes under the European Social Funds, my question did not deal with that Fund. But he did touch briefly towards the end of his answer on the European Regional Development Fund and I would ask him, by way of supplementary, whether

there has been a change to Article 3 of EEC Regulation 724 of 1975, which excluded Gibraltar. Well it did not in terms but it made it a condition of access to European Regional Development Funds that the territory was subject to a national regional development scheme and that one of the problems that Gibraltar faced at that time was that there was no regional development scheme of which we were members. Therefore, we did not qualify because the definitions under that set of Regulations of "depressed" relate also to depressed in the sense of economic reasons caused by unemployment; caused by a restructuring of the economy or a radical alteration to the economic base of the area such as happened in the coal mining areas in the United Kingdom. If as a result of the unwinding of the defence presence in Gibraltar it may very well be that we can qualify under those rules provided that the United Kingdom has included us in a regional development scheme of its own. So I do not accept that part of the Hon Member's answer which implied that we could not qualify. We could qualify in relation to severely disrupted economy as a result of the military pullout.

HON R MOR:

Mr Speaker, if I may educate the Hon Member. If he will allow me to go over these structural funds which the EEC have made available. There are three special funds. One is the one that he has mentioned already which is the European Regional Development Fund, the second one is the European Social Fund, which has to do with the training, and also there is the European Agricultural Guarantee and Guidance Fund. With those Funds the Community set itself five objectives. Objective One is to do with the development and structural adjustment of regions which are currently underdeveloped. In the case of the United Kingdom, the only region which is considered underdeveloped is Northern Ireland and we obviously cannot compete for funds unless we are compared as underdeveloped as Northern Ireland. Objective Two. The Hon Member has a point to the extent that it is to do with the regeneration of areas which have been seriously affected by any situation. I think that is where we would have the difficulty in setting a level on how seriously we have been affected by the withdrawal of the Ministry of Defence or by anything else. So, it is difficult at this stage to compete under that Objective Two. Where we have been successful is competing with the training which is covered by Objectives Three and Four.

CHIEF MINISTER:

From the same fund.

HON R MOR:

No, that is not the same fund it is a different one.

HON J L BALDACHINO:

So the Chief Minister does not know about this one!

HON P R CARUANA:

I thought that the Chief Minister would know because he is always quoting these EEC Regulations and I said one day I get up in the House and quote from an EEC Regulation as well; which I have done today. Mr Speaker, by way of further supplementary, obviously this is a matter on which there is coincidence of interest on both sides of the House. The Chief Minister has put before the House information (I think it was in the budget session of 1990 that he produced charts in green and pink and brown which I have read about in Hansard) showing the impact of the decline in military spending on the local economy. I would surmise that the impact of the military pullout or rundown to Gibraltar's economy cannot be less than the impact of the closure of a steel plant to an area in the north-east of England or a coal mine in some part. The dislocation to our economy must be sufficient to qualify within those rules otherwise it is hard to imagine what sort of region, except for one industry region, could possibly qualify.

HON R MOR:

Mr Speaker, as I was saying before, the difficulty is that, for example, if we had 2,000 unemployed (the fears expressed by the TGWU some time ago) even that would set us at a level which is probably around the average of the EEC unemployment levels. So even that would be a major difficulty for us. It would still present a difficult case to put to the EEC to attract funding.

HON P R CARUANA:

Mr Speaker, obviously I do not expect the Hon the Chief Minister here and now to explain to me why the fund is not available. The point of the question was really to highlight the possibility that a case could be made and that it ought to be made if it can possibly be put through within the rules and that we should find arguments why 10% or 14% or 15% unemployed within Gibraltar has much greater social consequence than the same percentage in a country of 45 million or 50 million people.

HON CHIEF MINISTER:

Mr Speaker, we have not got 10% unemployed. We cannot make a case saying that we want funds in case in 1993 we have 10% unemployed. That is not a possibility. Regrettably, we have to suffer the evil first before we can appeal for the cure. We prefer to avoid the evil.

MR SPEAKER:

Next question.

30.4.92

NO. 127 OF 1992

ORAL

THE HON P CUMMING

Will Government give consideration to requesting British Government aid for the building of a new Hospital?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker. The British Government stopped development aid for social projects in Gibraltar in 1981 and all other aid following the opening of the frontier with Spain in 1985.

There are no prospects of development aid being resumed.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1992

HON P CUMMING:

Mr Speaker, would the Hon Chief Minister agree that we need a new Hospital?

HON CHIEF MINISTER:

No, in terms of the priorities. If we had £10m from the British Government tomorrow we would find, in our judgement, more important things that need to be done with £10m than building a Hospital. We have spent several million pounds refurbishing the existing one because we came to the conclusion that it could be given an extension of life and that money was better spent elsewhere. So, in fact, if I could get any money at all, and I cannot, then the priority of the Government would not be the Hospital.

HON P R CARUANA:

Mr Speaker, will the Hon Chief Minister

MR SPEAKER:

We cannot go now into the question of whether we should have a new Hospital or not, if the Hon Leader of the Opposition is aiming at that.

HON P R CARUANA:

No, Mr Speaker, this is a pure supplementary because it arises only from the answer given by the Hon Chief Minister and I understand that that is the only genuine type of supplementary. Mr Speaker, will the Hon Chief Minister say, if he feels able to, why the British Government adopts that view in relation to development aid to Gibraltar?

HON CHIEF MINISTER:

Yes, the sustain and support policy was introduced by the United Kingdom as a consequence of the closure of the frontier and, in fact, as a result of the Conservative Government replacing the Labour Government. They first of all reduced aid for social projects like housing to 50%. When the programme started the UK Government was prepared to finance 100% of a social project. They then moved to financing 50% of the social project. So, for example, in developments like St Jago's and St Joseph's the money was only available if the Government of Gibraltar was putting an equal amount itself into things like housing. Then, they introduced new criteria which said "no more money for schools, no more money for hospitals. You can have money for a sand quarry on the basis that what we are doing is helping you to stand on your own feet". Because that was the philosophy that the development aid agency in the United Kingdom politically got directed to adopt in its disbursement of aid; they would go to the backward part of the world and educate the natives to help them to help themselves but they would not have them living off charity because that was bad for their moral fight.

MR SPEAKER:

Next question.

NO. 128 OF 1992

ORAL

THE HON H CORBY

Will Government make a statement in relation to the allegations contained in the Joint Council for the Welfare of Immigrants Report entitled "Between a Rock and a Hard Place", and what action, if any, does it intend to take as a result of this Report?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, as I made clear at the Official Opening of the House, the basic contention in the Report is that Moroccan workers and by implication any other non-EEC workers, should be given the right of permanent residence with the implication this has of being able to be joined by their extended families.

If there is a requirement under international law for this then such immigrant workers will only be able to remain in Gibraltar if the UK accepts the financial responsibility for such rights. Given the possibility of litigation by the authors of the Report involving the UK Government and possibly the Gibraltar Government, it is not in the public interest to comment directly on specific allegations except to say that many can be refuted and will be if the matter is raised in a court case.

Apart from that the Government continues to be committed to trying to protect those Moroccans who arrived prior to 1985 from the increased competition they are facing in the labour market. To a large extent success on this depends on how successful we are in providing enough jobs for our own people.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1992

HON H CORBY:

Mr Speaker, is the Hon Chief Minister saying that he will not improve anything insofar as the Moroccan workers are concerned? That things that needed improvement like Government hostel accommodation, etc will not be dealt with at all?

HON CHIEF MINISTER:

No, Mr Speaker, if the Hon Member cares to look at the Estimates for last year he will find that one of the items of expenditure, no longer the result of an Appropriation Bill, is the upkeep of the Hostels and we took that out of the budget because, in fact, in our discussions with them we told them

what we thought was the only way we could ensure that they were getting a better return on the money that they themselves are paying. The reality of it is that if we look at the state of those Hostels, it is incredible that they should be in such a bad state and yet something like over £½m a year is collected in rent from the people who live in the Hostels. It is all spent and the Government has put money on top to subsidise it. So, in fact, it produces no return at all. The building is free and all the money is used but nevertheless the place is not properly maintained. We believe that the only way we are going to be able to knock that into shape; because, in fact, previous Governments have attempted to spend more money on it within the public sector to try and bring it up to standard and it never works; is to involve the residents of the Hostel themselves in the management of it and we would, in fact, redeploy the Government workers to other Government jobs. For this purpose we set up a Special Fund to deal with the Hostels, last year, following discussions with them and although, regrettably, very little progress has been made in that direction, we are still committed to doing that. I am pointing out that we did this a year before the Report was written so it is not that we are responding to the Report but we already recognised that there was a need to tackle that area.

HON H CORBY:

Mr Speaker, will the Hon Chief Minister also state whether he is prepared to give equal opportunities to Moroccan workers as workers who have been here, as he said, prior to 1985, in equal terms with EEC workers?

HON CHIEF MINISTER:

No, Mr Speaker, we cannot do that. The position is that in looking at the position of immigrant workers prior to our entry into the European Community in 1973, we had a situation where the Laws of Gibraltar said "you can give priority of employment to a Gibraltarian over every other nationality including a UK citizen". We had to change that in 1973 to say "all Community Nationals are equal to Gibraltarians", so there is no way we could give priority to Gibraltarians which we have been asked to do in other questions in this House. We have been asked "Can you give priority to Gibraltarians in Kvaerner?" Well, the answer is "we have to do it under Community Law". If you give equality to non-Community nationals with Community nationals then by definition you cannot give priority to Gibraltarians. The only way that you can give priority to Gibraltarians and still protect the Moroccans, who have been here a long time, if we want to, frankly, is by administrative procedures which is what everybody does everywhere in the Community and the less said about those the better.

HON H CORBY:

Thank you very much.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

23 NOVEMBER, 1992

NOS. 129 TO 284

ORAL

NO. 129 OF 1992

23.11.92

THE HON P R CARUANA

Mr Speaker, in respect of each Special Fund (other than the Social assistance Fund and the Gibraltar Investment Fund) how much money does Government estimate will be paid into or credited to each such Fund during the financial year ending 31st March, 1993?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Answered together with Question No. 130 of 1992.

23.11.92

NO. 130 OF 1992THE HON P R CARUANA

Mr Speaker, in respect of each Special Fund and in respect of the financial year ended 31st March 1992, what was the total amount of money

- (a) paid into the Fund, stating the source of such money; and
- (b) paid out of such Funds, stating the recipient and the purpose of such payment?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government does not produce estimates of receipts and payments for the Special Funds, other than the Improvement and Development Fund in respect of which the information has already been provided in the Estimates of Government Revenue and Expenditure approved by the House during the budget. As regards the remaining Special Funds, the provisional forecast outturn for 1991/92 is as follows:-

<u>FUNDS</u>	<u>RECEIPTS (£M)</u>	<u>PAYMENTS (£M)</u>
Gibraltar Investment Fund	80.10	NIL
Social Insurance Fund	15.21	18.50
Employment Injuries Fund	0.78	0.30
Social Assistance Fund	6.96	12.39
Note Security Fund	15.17	14.57
Gibraltar Coinage Fund	0.65	0.34
Telecommunications Fund	2.01	0.81
Electricity Fund	1.30	2.39
Government Insurance Fund	0.06	0.09
Scholarship Fund	0.90	0.93
Workers Hostel Fund	0.59	0.64
Sinking Funds	7.74	1.03
Supreme Court Fund	0.13	0.06
Administrator-General's Account	0.05	NIL
Pilotage Fund	0.04	0.02
Savings Bank	419.59	385.98

Note: A number of minor funds with receipts/payments totalling less than £10,000 have been excluded.

As regards the sources of these receipts and purpose for the payments, these were made in accordance with the terms specified under the law for each fund. I think that the Honourable Member will appreciate that each individual source of receipts and the recipients and purpose of each payment amounts to a detailed recital of the accounts of the Special Fund an audit of which is undertaken by the Principal Auditor and reflected in a suitable summary form in the way provided for by the Public Finance (Control and Audit) Ordinance which when finalised are tabled in the House.

SUPPLEMENTARY TO QUESTION NOS. 129 AND 130 OF 1992

HON P R CARUANA:

Mr Speaker, in relation to the first part of the Minister's answer, for which I am partly grateful to him, he says that the Government does not produce estimates of the revenues of funds but with respect, that is not the question that I asked. I asked him to give me an estimate of how much will be paid into the funds so that, for example, if the Government is paying into a special fund the receipts from import duties, the Government has always produced estimates of how much it will raise from import duties and therefore the Government may not wish to give me the information but I do not think it is admissible for the Government to say that they have not got the information to give me.

HON CHIEF MINISTER:

Mr Speaker, the Hon Member has got a question on that subject later on.

HON P R CARUANA:

To which, I hope, I will get some more informative answers.

HON CHIEF MINISTER:

I think you will have to wait until that happens.

HON P R CARUANA:

Nevertheless, Mr Speaker, I am putting a supplementary question to the Honourable the Financial and Development Secretary who has answered this question.

HON CHIEF MINISTER:

No, Mr Speaker, the Honourable Member is saying the Government has information and may not wish to give it, but it is not true that the Government does not produce estimates of the receipts of all the special funds. The question, Mr Speaker, is not about import duty. There is a separate question about import duty where the Honourable Member will then decide whether he is satisfied with the answer he gets or not from the Government. But this is a question about the money paid into each special fund and we do not produce estimates of the money that is paid into each special fund because, for obvious reasons, if you take the Savings Bank, where the money paid in 1991/1992 was £419m, we cannot estimate whether it will be the same or more or less, but generally speaking, the figures for 1992/1993, other than in areas where it is absolutely impossible, are expected to be more or less in line with the previous years. So if the Member wants to know, for example, what we think is going to be the amount that is paid into the Social Insurance Fund, then we think it is likely to be something like £15m which it was the previous year. But there are no estimates produced for the Government itself for each special fund at the beginning of the year and we are not prepared to devote resources to produce them for him.

HON P R CARUANA:

Mr Speaker, the Government either does or does not have the information available. The fact of the matter is that there are a series of special funds that the Government has passed regulations diverting to those special funds certain sources of revenue. When those sources of revenue were credited to the Consolidated Fund, the Government used to produce estimates as to how much it expected to collect from each of those funds. I do not accept, notwithstanding what the Chief Minister has just said, that the Government does not have an estimate of, for example, how much it estimates it will collect in the forthcoming year in import duty.

HON CHIEF MINISTER:

Mr Speaker, what the Honourable Member is doing is contrary to the rules of this House because he is seeking under the guise of a supplementary to Question 130 the answer to Question 257. He cannot ask, because in fact in Question 257 he asks specifically what is the estimate for import duty. What is the estimate for stamp duty? He is already asking for that in Question 257. I know that he may have difficulty in understanding his own questions. I can sympathise with that because we have had that difficulty as well. But that is not what he is asking in Question 130. In Question 130 he is asking what is the money paid into the special fund and the money paid into the special fund includes every conceivable kind of money. Specifically about import duty, he has got a question in 257 and he is not going to get the answer to Question 257 under the supplementary to Question 130. He will have to wait, as the Standing Orders provide, until that question is reached. He is pre-empting the question.

HON P R CARUANA:

Mr Speaker, the Chief Minister assumes that I want this information in order to know how much he collects in import duty. As he quite rightly says, I have asked him, not only how much he collects in import duty, but in a subsequent question how much he collects from all the items of revenue that he no longer produces estimates of revenue to this House at Budget time. But the fact of the matter is that the special fund into which he credits import duty may well receive income from other sources as well. So, it is not just enough to tell me how much he collects from import duty because he is not bound to pay all import duty into that special fund, he could pay some of it if he wanted to into some other fund - the Consolidated Fund. The fact remains that the Government will not give the House estimates of how much money it expects it will credit, which is what the question says, into each of the special funds that it has. To concentrate on one example, Mr Speaker, and to resort sooner than I had expected but expecting it I was, into abuse about whether I understand my own questions or about whether he does not understand my questions, it does not detract from the fact that he will not give the information to the House.

HON CHIEF MINISTER:

Mr Speaker, the Honourable Member is entitled to ask questions to seek information. He is not doing that. At the moment he is making a speech and he can bring a motion to try and get us to resign because he does not agree how the accounts are done, which he did in the last House of Assembly and if he wants to bring a censure motion every six months, he can bring it and he will get it defeated every six months. We can get it out of the way like that. But if he is asking for information then he ought to know that what he has just repeated, which is what he asked in his original. The Hon Member has said that a fund may get other income than the one that is provided for in the Question he has put under 257. He is right and he says he wants to know what is the estimate of the money that is going to be credited in all the special funds of the Government. I have just given him the most obvious example which is that in the figures provided by the Financial and Development Secretary, it shows that the receipt credited to the Savings Bank Special Fund in 1991/92 was £419m. How does he expect us to give him an estimate of what it will be in 1992/93? It has never been done in the history of the accounts of Gibraltar. No special fund has ever had produced for it estimates of revenue and expenditure. We do not do it for ourselves and we do not intend to do it for him but the information that he is trying to obtain presumably through a supplementary he will have an opportunity to obtain at a later stage although he may not be satisfied with the answer he gets. But what I am telling him is that this particular question asks for information which is not available and which we have no intention of getting down to producing. As it is it has required a lot of resources to provide him with the information that he has got and if he feels that on top of that we are not giving him enough, then I can tell him he is likely to get less, not more, because if after all the efforts, when we put everybody in the whole civil service to produce this, which I cannot see the need for, but he apparently sees the need for, he does not understand how much work has gone into producing these figures, then I am afraid we are wasting our time in getting it for him.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Mr Speaker, given its answers to question Nos. 46 of 1991 and 6 of 1992, has Government privatised, commercialised or transferred to a company responsibility for carrying out any of the functions previously carried out by the Treasury Department, if so which function and to which company, and if not, is Government considering any proposal to do so?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, following a detailed appraisal of the financial implications of commercialising or contracting out certain of the functions of the Treasury, Government has decided not to proceed for the time being. However, the possibility will continue to be kept under review.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1992

HON P R CARUANA:

Mr Speaker, is the Minister able to say which functions are being kept under review or is it all?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the whole of those functions will be kept under review in terms of the opportunities that may arise. The particular ones that we do have under review at the moment are aspects of debt collection.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Mr Speaker, which private sector accountancy firms are currently retained on Government department audit work and which departments are they each auditing?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the private sector accountancy firms employed with regards to the auditing of accounts for 1991/92 are as follows:

Accountancy Firm

Ernst and Young
Coopers and Lybrand
Halpern and Woolf
Peat Marwick
Price Waterhouse

The Departments that will be subject to audit by these firms under the direction of the Principal Auditor are:

Department

Customs
Port
Labour and Social Security
Electricity
Police
Post Office and Savings Bank
Trade and Industry
Housing
Education
Fire Service
Secretariat
Prison
Environmental Health
Supreme Court
Magistrates' Court

SUPPLEMENTARY TO QUESTION NO.132 OF 1992

HON P R CARUANA:

Mr Speaker, at the last question time, the Honourable Member made reference to the fact that the order to general was less than sanguine with the results of the experiment in respect of the privatisation of the Government audit function and I note from the accounts that have been tabled that he makes remarks in his report to those accounts which I shall not repeat here now, but the Honourable Member is aware of them. Will the Honourable Member say whether he considers the comments of the Principal Auditor in that regard to be justified and correct and does Government intend to give him the further resources that he requests in order to properly discharge his constitutional duties as he sees them.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the comments of the Principal Auditor have been noted. I have discussed this matter with him recently. The point that he was making is that in his view the results from the first year's experience of this were extremely patchy. It was better in some areas than others. I have asked him that question recently in relation to the year 1991 currently ongoing. He says that basically that is too soon to say whether there are any further lessons to be learned from that from the point of view of whether this experiment is worth continuing with. In terms of the resources of the Principal Auditor, Mr Speaker, then of course, the Government is determined at all times that the Principal Auditor shall have sufficient resources to carry out his proper statutory function.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Mr Speaker, in which companies (whether incorporated in Gibraltar or elsewhere) does Government have a direct or indirect shareholding?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government currently has direct shareholdings in the following companies:

Gibraltar Commercial Property Ltd
Gibraltar Industrial Cleaners Ltd
Gibraltar Land (Holdings) Ltd
Gibraltar Investments (Holdings) Ltd
Gibraltar Residential Property Company Ltd
Lyonnaise Des Eaux (Gibraltar) Ltd
Gibraltar European Investment Trust Ltd
Gibraltar Nynex Communications Company Ltd
Gibraltar Telecommunications Ltd
Gibraltar Shiprepair Ltd
Gibraltar Quarry Company

In addition, the Savings Bank has a number of holdings in fixed interest preference shares in the following:

Midland Bank
National Westminster Bank
Bradford and Bingley Building Society
Bristol and West Building Society

The investments that the above companies may in turn have in others is not a matter for which I have responsibility to answer in the House and the Government policy on this has been made clear on many previous occasions.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1992

HON P R CARUANA:

Mr Speaker, the Honourable Member may not have constitutional or political responsibility, but that is not the basis upon which the question is asked. The question is asked to the Government, not to him. The fact of the matter is that on the basis of the answer that has just been given, and the philosophy underlying that answer, is that the House is only ever going to be given information of the Government's holding companies. If they put underneath those holding companies as many hundreds of subsidiaries as they wish, then notwithstanding the fact that they are dealing potentially with public monies, there is no way that this House can find out the list of companies in which public funds are invested and washed around and cross-invested and cross-lent and returned and accounted. The fact of the matter is that here once again

MR SPEAKER:

Will you put the question please?

HON P R CARUANA:

Yes, I will put the question. The question is this, on what basis does the Government consider that that is a proper state of affairs?

HON CHIEF MINISTER:

Mr Speaker, on the basis that that is a state of affairs that there has been in respect of Government companies owning shares in subsidiary companies since I arrived in this House twenty years ago and never once in those twenty years did I accuse anybody of washing anything around.

HON P R CARUANA:

Mr Speaker, I do not accept any part of that answer. The fact of the matter is that Government Members, since they first came into power have exploded the volume of involvement in companies and that therefore whatever was the basis of the previous situation and even if it was the basis of the previous situation for which I am not responsible, Mr Speaker, the fact remains that Government, will they please confirm that they consider it proper that there should not be available to this House a list even by reference to name, because of course that would not entitle us to accounting information, of the companies through which the Government organises the investment and financial affairs of this community?

MR SPEAKER:

I must pass a ruling on this because the ruling has been established already and I think that the Hon Member should know about it. So I will read the ruling so that there is

no question of any doubt in anybody's mind of the position of the House today. If that ruling wants to be changed then of course it can be done by a substantive motion giving notice and if the House wishes to change it then we can change it. I think the best thing for me now is to pass this ruling because that will help a lot with the question time here today. "There is precedence dating back to March 1980 when the Minister for Public Works was Chairman of the Gibraltar Quarry Company and also recently connected with Gibraltar Shiprepair Ltd. For me to rule with certainty that the Minister connected with the affairs of a Government-owned company and also for a Government partly-owned company is not expected to answer questions on the day to day running of the enterprise or part with information for matters for which the Members of the board of directors are collectively responsible. Therefore a distinction has to be drawn between the wider responsibility of the Minister on Government policy and the narrower commercial connection of the Minister as Chairman. The functions of these two offices can overlap and the extent of the merging of accountability of the board and of the Government inevitably has to be left at the discretion of the Minister, the Government or the Chief Minister in a dual capacity with regard to his answers to questions in this House. Of course Honourable Members have the opportunity to enquire into and to debate the affairs of the company intelligently when the audited accounts are tabled in the House". I am afraid I cannot go back on that. The fact that there are many more companies now than there were before does not alter the fact that the basic rules of the companies have not changed and therefore I think that it is up to the Leader of the Opposition, if he so wishes, to introduce a motion in the House to try and change it.

HON P R CARUANA:

Yes, Mr Speaker, I accept of course that ruling which Mr Speaker also repeated, I think at the last meeting of the House. I do not seek to contradict that ruling because I do not ask for information about the day to day running of any of these companies. I simply ask for a list of the names of the companies themselves and I have formulated the question with confidence that it was not in breach of the ruling because it does not ask for information about the day to day running of the Gibraltar Quarry Company which is, for example, the company to which that ruling relates. I ask simply this. In which companies has the Government of Gibraltar directly or indirectly invested taxpayers' money?

MR SPEAKER:

The ruling also refers to the responsibility of the board and therefore they cannot. They are collectively responsible and there is no obligation on the part of the Government to disclose anything that happens within the company and that is established, not by me, but going back to 1980 as the Leader of the Opposition can understand. The only way I can see that it will be possible to change that rule is by introducing a motion in the House. Next question.

THE HON P R CARUANA

Mr Speaker, what dividends (if any) have the Government's shareholdings in Gibraltar Nynex Communications Limited, Gibraltar Telecommunications International Limited and Lyonnaise des Eaux (Gibraltar) Limited produced to date, and, if any have produced none to date, when is it estimated that they will?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, neither Gibraltar Nynex Communications Ltd nor Lyonnaise Des Eaux (Gibraltar) Ltd have declared a dividend so far and it is too soon in their existence, bearing in mind their need for substantial re-investment, to forecast when they will be able to make a distribution. In the case of Gibraltar Telecommunications total dividends before tax since the company was set up in 1987 amount to just under £3m.

MR SPEAKER:

Next question.

NO. 135 OF 1992THE HON P R CARUANA

Mr Speaker, how much money did Government collect in income tax on personal (as opposed to company) income in each of the financial year ended 31st March 1988, 1989, 1990, 1991 and 1992 and what does Government estimate its revenue from that source will be in the current financial year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, prior to the financial year 1990/91 the yield from the personal sector was not calculated separately. The estimated figures net of refunds and adding penalties in each of the years prior to 1990/91 is as follows:-

1987/89	-	£23.4m
1988/89	-	£26.7m
1989/90	-	£29.9m

These figures are calculated on the same basis as the years ending in 1991 and 1992 and the estimates for 1993 which have already been provided in the estimates of revenue and expenditure approved by the House on 28th May, 1992.

SUPPLEMENTARY TO QUESTION NO. 135 OF 1992

HON P R CARUANA:

Mr Speaker, by way of clarification, did the Honourable Member say that the statistics are no longer available separately since those dates?

HON CHIEF MINISTER:

No. The position is before 1989/90, they were not done separately. That is why the honourable Member has been given the information because it was not previously publicly available. The information he has not been given is the one that is already publicly available because under the Standing Orders of the House he is not supposed to ask questions about information that he has already got.

HON P R CARUANA:

Mr Speaker, again that answer presupposes that simply because company tax is payable into a special fund that all the figures disclosed in the Estimates must per force emanate from personal income and I am glad that implicit in the Chief Minister's answer is that that is in fact the case, that the whole of the income from company tax go into the special fund. Of course that is not compulsory, he may pay the income into that special fund

HON CHIEF MINISTER:

Mr Speaker, is that a question or a statement or what? What is it?

HON P R CARUANA:

Well it is clearly a statement, Mr Speaker.

MR SPEAKER:

Next question.

NO. 136 OF 1992

23.11.92

THE HON F VASQUEZ

Mr Speaker, will Government consider an amendment to the Income Tax Ordinance to exempt maintenance payments received by divorced single mothers from taxation?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Sir, Government is already giving active consideration to amending the tax provisions with regards to maintenance payments to single parents in order to bring our practices more in line with changes implemented in the UK in 1988.

I should emphasise, however, that this is not a simple matter of relieving the single parent from taxation on the payment made as the question implies. It entails removing the relief that has hitherto accrued to the person making the payment and relieving the recipient for whom the receipt has previously constituted taxable revenue. It is therefore more a question of changing the incidence of tax between the parties concerned rather than necessarily changing the total tax payable between the two of them. Whether the total tax payable is affected will depend on the distribution of earnings between the parties.

Because of this potential change in the incidence of tax, transitional arrangements may be necessary to differentiate between court orders made before or after the implementation date of any such change.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1992

HON F VASQUEZ:

Does the Honourable the Financial and Development Secretary accept that, as presently constituted or as presently interpreted, the effect of the Income Tax Ordinance at present is that the person making the maintenance payment derives the benefit of these payments in terms of deductions and that currently maintenance payments received even by single parent mothers are actually taxed in their hand? Does he not conceive that as presently constituted it might well constitute inequitable treatment of the disadvantaged person.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is perfectly correct, Mr Speaker. As I have just explained we are considering an amendment to the law to bring us more in line with the UK practice which changed in 1988 to adjust that position.

MR SPEAKER:

Next question.

ORAL

NO. 137 OF 1992

23.11.92

THE HON P R CARUANA

Mr Speaker, as at 13th November 1992 did Government have any borrowing from any entity other than a licensed bank or the holder of a Gibraltar Government Debenture or Bond and, if so, what amounts and from which entities?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes Sir. The Gibraltar Government has an outstanding loan with the UK Government of £575,000.

THE HON P R CARUANA

Mr Speaker, what was the public debt of Gibraltar as at each of the following dates:

- (1) 30th June 1992
- (2) 30th September 1992
- (3) 13th November 1992

and in respect of the figure as at 13th November 1992 how much of it was in the form of:

- (a) Gibraltar Government Debenture not quoted on a recognised Stock Exchange;
- (b) Gibraltar Government Bonds quoted on a recognised Stock Exchange;
- (c) Commercial Bank borrowings;
- (d) Some other form of borrowing other than those stated in (a), (b) or (c) above?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Sir, Government's accounts are made up on a monthly basis and the most recent figure I can give is that to the end of October. On this basis the level of public debt was as follows:-

30th June 1992	-	£86.8m
30th September 1992	-	£85.3m
31st October 1992	-	£85.3m

An analysis of the debt at the end of October was as follows:

Debentures	-	£11.1m
Loan Stock	-	£50.0m
Bank borrowings	-	£23.6m
Other forms of debt	-	£0.6m

THE HON P R CARUANA

Mr Speaker, as a percentage of recurring Government revenue (excluding contributions paid to Government under the Social Security and (Employment Injuries Insurance) Ordinance what is the public debt interest servicing cost forecast to have been in the financial year ended 31st March 1992 and estimated to be in the current financial year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, as a percentage of recurring Government revenue credited to the Consolidated Fund on which the servicing cost of the public debt interest is charged, the figures are:

1991/92	7.2%
1992/93	15.5%

However, if the Opposition Member is seeking to relate the percentage to the total receipts of the Consolidated Fund and the special funds other than those referred to in the question, the figures for 1990/91 and 1991/92 are:

1990/91	2.0%
1991/92	0.9%

Of course these figures include the receipts of the Savings Bank. No figures are currently available for 1992/93 for this latter calculation.

THE HON P R CARUANA

Mr Speaker, what is the forecast outturn of total Government expenditure for the financial year ended 31st March, 1992, and the estimated total Government expenditure for the current financial year (excluding expenditure incurred through the Improvement and Development Fund, the Social Insurance Fund, the Social Insurance - Shortterm Benefits Fund and the Employment Injuries Insurance Fund)?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information requested is already contained in the Estimates of Government Revenue and Expenditure approved by this House on the 28th May, 1992.

However, if the Member opposite is seeking to know the total payments by the Consolidated Fund and the Special Funds other than those referred to in the question, the figures for 1990/91 and 1991/92 are:-

1990/91 - £153.8m

1991/92 - £502.9m

Of course, the figures include the receipts of the Savings Bank. No figures are currently available for the 1992/93 outturn.

SUPPLEMENTARY TO QUESTION NO. 140 OF 1992

HON P R CARUANA:

Mr Speaker, just to assist the Honourable Member the question, notwithstanding the Chief Minister's difficulty in understanding, is self-explanatory. I am asking for the total, obviously since I exclude some special funds, including special funds. It is that every answer is prefixed with the supposition that my question is somehow unclear. The question is clear. It is obvious that I do not want just the information in relation to the Consolidated Fund. Hence the use of the word 'total'. If I had wanted to know the information in relation to the Consolidated Fund, I would have referred to the Estimates of Revenue and Expenditure tabled before the House at Budget time. So clearly I am asking for other information.

MR SPEAKER:

Next question.

23.11.92

NÖ. 141 OF 1992

ORAL

THE HON P R CARUANA

Mr Speaker, what is the forecast outturn of total Government Revenue for the Financial year ended 31st March 1992 and the estimated total Government revenue in respect of the current financial year from all sources (excluding contributions paid to Government under the Social Security (Insurance) and Employment Injuries Insurance) Ordinance?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

If the Honourable Member will bear with me just one more time, I am about to repeat myself. Mr Speaker, the information requested is already contained in the estimates of Government Revenue and Expenditure approved in this House on 28 May 1992. However if the information the Member is requesting is the total receipts of the Consolidated Fund plus all the Special Funds other than those referred to in the question these are:-

1990/91	-	£233.9m
1991/92	-	£694.7m

Again, I repeat these include the receipts, in this case the Savings Bank. No figures are currently available for the 1992/93 outturn.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1992

HON P R CARUANA:

Mr Speaker, simply for the record and by way of supplementary, the Honourable Member says that the information requested in the question is already available. Given that I ask for the forecast outturn of total Government revenue, not the total revenue of the Consolidated Fund, may he please, for the record, indicate where he thinks that information is presently available to me?

HON CHIEF MINISTER:

Mr Speaker, the Opposition Member has asked the Government to provide the outturn of Government revenue. As far as we are concerned, Mr Speaker, the definition of Government revenue is what it says on the outside of this page, which is the estimate of Government revenue. Since the way he has defined Government revenue includes all the special funds, what the Financial Secretary has done is added all the receipts of all the funds to the figure in this, but as far as we are concerned the receipts of the funds are not Government revenue.

HON P R CARUANA:

Is that so? Well that explains, Mr Speaker, why the Chief Minister does not understand my questions because he does not understand the ordinary meaning of the words in the English language. Import duty is paid into a special fund. On the basis of his extraordinary remarks of just now, does he understand that what he is saying is that import duty is not Government revenue? It is a ridiculous statement.

HON CHIEF MINISTER:

Mr Speaker, what is he asking me, whether it is a ridiculous thing?

HON P R CARUANA:

No. Whether it is Government revenue.

HON CHIEF MINISTER:

Mr Speaker, I have just told the Honourable Member that the question he has put to the Government is that we give him the figure for the total Government revenue which he defines as the payments of all the special funds in the Government excluding Social Security Funds.

HON P R CARUANA:

No.

HON CHIEF MINISTER:

Yes. That is what the question says. It says the estimate of all the revenues excluding the Social Security Fund. Well, Mr Speaker, there are many funds other than the Social Security Fund which are special funds and he is being given literally the answer to the question that he has tabled. But I have to say again that specifically about import duty he has put Question No. 257 and he has to wait until he gets there to get the answer on the revenue under import duty. If he says the Government revenue of the special funds excluding Social Security, then he gets the receipts of all the funds. Therefore this is why the Financial Secretary on each occasion has had to draw the distinction between the estimates of Government revenue and expenditure which is this and the revenue of a fund which is in the law laid down as being the revenue of that fund and not the revenue of the Consolidated Fund. This is what we have tried to explain to him in three consecutive questions. So he has been given the information interpreted in the widest possible sense to give him the widest possible answer. He still seems to be unhappy.

HON P R CARUANA:

Yes I am, Mr Speaker. By way of supplementary. Mr Speaker, I am not trying to define anything. The word "revenue" has a meaning in the English language and the learned editors of the Concise Oxford Dictionary do not need my assistance to describe the meaning of the word "revenue". I have asked in this question for details of the total Government revenue. It must be self-evident to anybody who does not think that revenue is whatever it says on the cover of this piece of paper but the revenue is what it means in the English language that I am asking for the whole. That is not a Peter Caruana definition of what revenue is, Mr Speaker, what that is is a request to be told what the total Government revenue is except the revenue from a particular source. If the Chief Minister would just answer my questions without trying to gauge what exactly it is that I am trying to get at, he does not have to accuse me of reinventing the wheel. It is clear what I am asking and the purpose of the supplementary to the Honourable the Financial and Development Secretary was simply to highlight the fact that this preamble to the question was quite unnecessary.

HON CHIEF MINISTER:

I know that he might think it is unnecessary, Mr Speaker, but in fact if the answer that has been given is that the total receipts of all the funds, that is to say, the Consolidated Fund which is defined as the revenue of the Government and the receipts of other funds which are the revenue of those funds and he chooses to exclude, Mr Speaker, the receipts of the Social Security Funds in his question. If he has not chosen to exclude it, the answer he would have got would have included those.

MR SPEAKER:

Next question.

23.11.92

NO. 142 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, is Government satisfied that there is adequate legal provision to ensure that items of archeological and historical interest discovered in Gibraltar remain here and if so, is such legal provision strictly enforced?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the Gibraltar Heritage Trust Ordinance, 1989 makes it an offence punishable on summary conviction to imprisonment for a term of 3 months or to a fine of £500 if a person exports or removes any antiquity from Gibraltar. An antiquity, according to the Ordinance, would cover a wide spectrum of archaeological or historical items as it covers any object of historical, geographical, artistic, scientific or technical value or interest found in Gibraltar (whether in or on the land or below the seabed), being older than one hundred years. Under section 33 of the Gibraltar Heritage Trust Ordinance the board of the Gibraltar Heritage Trust have supervisory powers to refuse the export or removal of any antiquity from Gibraltar or alternatively to impose conditions on the Removal. Additionally, under section 20 of the Gibraltar Museum and Antiquities Ordinance, on receiving any report of any antiquity discovered in Gibraltar by any person the Museum Committee has the power to consider whether Government should retain the antiquity or not. Government, in this respect, feels there are adequate safeguards. Should the relevant authorities be made aware of any breaches of the legislation being committed by any individual there will be strict and immediate action in accordance with section 50 of the Gibraltar Heritage Trust Ordinance, 1989 which empowers the authorities to issue legal proceedings. The authorities will nevertheless seek the assistance and help throughout from the Gibraltar Heritage Trust, the Gibraltar Museum Committee and the general public for the purposes of reporting any breaches of the legislation.

MR SPEAKER:

Next question.

THE HON F VASQUEZ

Mr Speaker, will Government give the House an indication or estimate of the cost of the Newall extradition case currently before the courts in Gibraltar and say who will meet those costs?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the cost involving the Roderick Newall extradition case cannot be assessed at this stage to the penny but the whole of the cost of the extra work undertaken by the Royal Gibraltar Police Force has been met by the Government of Jersey. The boat on which Newall was arrested and which was brought to Gibraltar had a boat-keeper on it for some four weeks and the total cost involved of the boat-keeper was paid by the Government of Jersey. The cost of keeping Newall in the prison in Gibraltar is thought to be in the region of £6,500 and the other cost involved has been the weekly appearances by myself in the Magistrates' Court. It is impossible to quantify the cost of me going to Court as on some occasions it has entailed being in Court for five minutes and on other occasions it has involved me being in Court to contest bail applications when I have been in court for, probably, the whole of the morning. The other work undertaken by the Attorney-General's Chambers here has been the repeated preparation of the number of depositions and exhibit evidence which have been prepared by the Jersey Authorities. As I understand it in extradition cases the requesting country expects the AttorneyGeneral's Department or their counterpart to act on the basis that were the position in reverse there would be no cost involved. The case in point which is directly on this is that during the last week I have been in Malta to seek the extradition of Mr Abramovich who is wanted in connection with the importation of 301 kilos of cannabis and I am being assisted greatly by my counterparts in Malta.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1992

HON F VASQUEZ:

Does it follow from that question then that the Government of Malta will not be remitting a bill to the Government of Gibraltar for those proceedings?

HON ATTORNEY-GENERAL:

I would assume that if in fact they did they would get very short tripped.

MR SPEAKER:

Next question.

NO. 144 OF 1992

ORAL

THE HON P R CARUANA

Mr Speaker, following its answer to Question No. 8 of 1992 will Government make a statement concerning the study then being carried out on having legislation computerised so as to alleviate the present unintelligible state of the printed laws of Gibraltar, and will Government say whether and if so when such computerisation will be done?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the position is as stated in answer to Question No.8 of 1992. I can, however, inform the Hon Member that a study of the comparative arrangements in place in other jurisdictions was undertaken. We are now examining a number of options for possible computerization using new but tested technology. The Government is now awaiting a report from the Government's Computer Section on the viability of the proposed system and its practical application.

SUPPLEMENTARY TO QUESTION NO. 144 OF 1992

HON P R CARUANA:

Mr Speaker, I am sure that as a newcomer to the use of the laws of Gibraltar, the Attorney-General will have realised for himself just how difficult it is to find his way around them and given the number of amendments that there have been and the number of regulations that have been made under enabling legislation, can he say that the Government will give this matter a degree of attention that will not find us in the same position six months from now than we were six months ago which is when I asked my question?

HON ATTORNEY-GENERAL:

Mr Speaker, I am not having too much difficulty finding my way about your laws. I find them pretty easy to read and understand but in fact I know Government has got this fairly urgently in hand but I take the point.

HON P R CARUANA:

Perhaps, Mr Speaker, the honourable Member will give me a copy of his cut and pasted copy produced by the civil servants.

MR SPEAKER:

Next question.

23.11.92

NO.145 OF 1992

ORAL

THE HON P R CARUANA

Mr Speaker, is Government aware of any specific allegation for which any evidence whatsoever has been produced that would justify the allegations made in a recent report in the 'Mail on Sunday' newspaper to the effect that there had been corruption of public officials in relation to a local building project?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, none whatsoever.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1992

HON P R CARUANA:

Mr Speaker, given that scenario, does the Government propose or has the Government even considered doing anything or taking any steps in relation to that report in that particular publication?

HON CHIEF MINISTER:

Yes, Mr Speaker. We considered whether we should, in fact, sue the publication. We were advised that to do that would probably entail a level of effort resources and bad publicity which might do us more harm than good in the long run. But we have not been able to establish whether the story was a complete fabrication in London or in Gibraltar and we are trying to track down where the sources are supposed to have been.

HON F VASQUEZ:

Mr Speaker, something strange about that answer. The report which has been referred to in 'The Mail on Sunday' actually was quoting the detective from the Serious Fraud Squad who apparently was in Gibraltar conducting those enquiries. The source of the statement can very easily be traced and the question surely that begs an answer is that those enquiries were given these utterances from the very detective leading that enquiry, is that enquiry an on-going enquiry?

HON CHIEF MINISTER:

Mr Speaker, it is not an enquiry that I am undertaking because I do not run our police force, never mind the one in London. The question that the Honourable Member has just asked is the next one on the order paper - No. 146 - about whether the enquiry is still going on, but if he is asking me about the story in 'The Mail', then all I can tell him is that if I had been able to pinpoint who could be put away for a number of years for that scandalous story we would have had no hesitation in doing it.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Mr Speaker, will Government say in connection with the Scotland Yard Fraud Squad investigation -

- a. whether they were consulted and agreed to such a request being made,
- b. whether the investigation was initiated by the Royal Gibraltar Police and subsequently the Fraud Squad became involved,
- c. whether the Fraud Squad are working jointly with the Royal Gibraltar Police or separately and independently from them and,
- d. what, in general terms, are they investigating?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, in answer to question (a) the Government was not consulted, neither did they agree to such a request being made. In answer to question (b) the investigation was not instigated by the Royal Gibraltar Police Force. In answer to question (c) the Metropolitan Police and City of London Fraud Squad are being assisted by members of the Royal Gibraltar Police Force and in answer to question (d) the policy of investigating officers is not to disclose any matters while an investigation is continuing.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, can the honourable Member say what is the size of the investigating Scotland Yard Squad?

HON ATTORNEY-GENERAL:

At the moment, Mr Speaker, I am told there is a Detective Chief Inspector and two Detective Constables here.

HON LT-COL E M BRITTO:

Mr Speaker, on this question of working together or separately or being assisted, as it has been put, are the Metropolitan Police working from Central Police Station or have they got offices or premises elsewhere outside Central Police Station?

HON ATTORNEY-GENERAL:

Mr Speaker, they are not working from Central Police Station. They have an office elsewhere.

HON LT-COL E M BRITTO:

Mr Speaker, is it normal in the experience of the honourable Member for an investigation to be carried out in this way? Is it not more normal for the Royal Gibraltar Police to have requested assistance and for a joint investigation to be carried out rather than simply assisting?

HON ATTORNEY-GENERAL:

Mr Speaker, I think the situation is this that in fact the Scotland Yard officers are here only because of the international scope of their enquiries and it is certainly and by no means confined to Gibraltar. In fact, probably most of what they have to do will take place thousands of miles away from here. But as they are here, they have to as I understand it, have the assistance of Gibraltar Police Officers with them.

HON P R CARUANA:

Mr Speaker, if you give us a little bit of latitude in the number of supplementaries that we ask on this subject. Is the Attorney-General aware, (it certainly would not be from his own personal knowledge given his recent arrival, but from his Department's knowledge) whether there is any precedent in Gibraltar for an enquiry being conducted by an overseas police force and I distinguish between the Gibraltar Police Force seeking the technical assistance of the United Kingdom Police Force which has happened many times but it nevertheless is the investigation of the Gibraltar Police Force, assisted by the United Kingdom Police Force and I distinguish between that on the one hand and the present position which appears to be the other way around? That the Gibraltar Police Force are, not conducting the investigation in Gibraltar. That it is being conducted separately by the United Kingdom Police Force to which the Police Force in Gibraltar are simply lending presumably logistical support. Is he aware whether there is any precedent for that? Will he say whether any of the allegations that prompted the visit of the Metropolitan Police investigators were put to the Gibraltar Police Force to see whether they would conduct an enquiry of their own motion.

HON ATTORNEY-GENERAL:

Mr Speaker, I will try and deal with those thirty seven questions as simply as I can. The situation is this that there is precedent for British Dependent Territories on many occasions to seek the assistance of Scotland

Yard or the Metropolitan Police. Scotland Yard are here being assisted by the Royal Gibraltar Police Force. The nature of the scope of the investigation would mean that in fact Scotland Yard would have to be here. The Royal Gibraltar Police Force could not conduct the investigation by itself. What was that next bit?

HON P. R. CARUANA:

Mr Speaker, just to remind him even of the part of the question that he thinks he has answered that he has not. My question was not whether there was any precedent in a dependent territory. My question was whether there was an precedent in Gibraltar. As to the second half of the question, it really was this, whether the allegations which the Metropolitan Police officers are investigating were fed before to the Gibraltar Police to see if they would conduct a local enquiry because frankly, Mr Speaker, this is an unusual situation and I think this House deserves an explanation as to why the United Kingdom Police Force and not the Gibraltar Police Force, albeit assisted as they are ably now by the Metropolitan Police. Why is it not a Gibraltar Police Force investigation? Is it a question of the Gibraltar Police Force never having been asked to make an enquiry? Is it the case of the Gibraltar Police Force having been asked to make an enquiry but have declined to do?

HON ATTORNEY-GENERAL:

As I understand it, Mr Speaker, from the enquiries that I have made, the Metropolitan Police have not been in Gibraltar before. I am not saying obviously that my knowledge goes back only to July. I have made enquiries. Nobody that I have spoken to remembers the Metropolitan Police being in Gibraltar before. As I understand it the enquiry did not emanate from the Royal Gibraltar Police Force. It emanated probably thousands of miles away from here. Enquiries were made here, Scotland Yard was then called in and that is as far as I can say and I do not know what has been told to members of the Royal Gibraltar Police Force or not.

MR SPEAKER:

Next question.

23.11.92

NO. 147 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Mr Speaker, will Government say whether they consider it normal, and whether there is any precedent, for a Governor to request that Scotland Yard Fraud Squad officers carry out an investigation in Gibraltar?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, I think I have dealt with that in the last question. As far as we know they have not been here before. I do not quite know what 'normal' means in that sense and I am not trying to be fastidious, but I understand they have not been called here before, but they have been called on many occasions to other British Dependent Territories.

THE HON LT-COL E M BRITTO

Mr Speaker, will Government say how many serious traffic accidents involving motor vehicles have occurred in Gibraltar in the last three years and whether any investigation has been carried out, and if not whether they are prepared to carry out such an investigation, to establish if injuries suffered in these accidents would have been to any appreciable degree lessened if the occupants had been wearing seat belts?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the figures requested by the Hon Member are as follows:-

1990

Serious injuries	2
Fatal	<u>1</u>
Total	<u>3</u>

1991

Serious injuries	5
Fatal	<u>1</u>
Total	<u>6</u>

1992

Serious injuries	3
Fatal	<u>3</u>
Total	<u>6</u>

In order to ascertain the information you request it is going to be necessary to go through all the traffic accident reports one by one and even then that information would not be accurate as the officers rarely state if seat belts were being worn at the time. In the light of the question arrangements are now being made to provide that the traffic accident forms as from the 1st January 1993 will say whether people were wearing seat belts and crash helmets.

SUPPLEMENTARY TO QUESTION NO. 148 OF 1992

HON P R CARUANA:

Mr Speaker, I take it that the honourable Member considers that he has now answered both Question Nos. 148 and 149. Mr Speaker, given the trend in most parts of the world and certainly in Europe now to require the wearing of seat belts even in the rear seat, does the Government have any plans or has it considered or worse still are there any European Community Directives of which it is aware to introduce the compulsory wearing of seat belts in Gibraltar and given that I am asking supplementaries to both questions.....

MR SPEAKER:

We will have to wait for Col Britto to ask the next question.

HON LT-COL E M BRITTO:

Mr Speaker, I will appreciate clarification. The figures that the honourable Member gave us when he appeared to be answering the wrong question, do they apply to both questions or do they apply to Question No. 148?

HON ATTORNEY-GENERAL:

Mr Speaker, I was answering Question No. 148. We were then talking about serious traffic accidents.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Mr Speaker, will Government say how many serious traffic accidents involving 50cc motorcycles have occurred in Gibraltar in the last three years and whether any investigation has been carried out, and if not whether they are prepared to carry out such an investigation, to establish if injuries suffered in these accidents would have been to any appreciable degree lessened if those persons involved had been wearing safety helmets?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the figures requested by the honourable Member are as follows:-

<u>1990</u>	
1. Minor injuries	104
Serious injuries	2
TOTAL	<u>106</u>
 <u>1991</u>	
1. Minor injuries	102
Serious injuries	4
Fatal	1
TOTAL	<u>107</u>
 <u>1992</u>	
1. Minor injuries	118
Serious injuries	2
Fatal	1
TOTAL	<u>121</u>

I think I dealt with the question of injuries being lessened by the wearing of safety seat belts and crash helmets in the previous question but in fact to revert to that steps should be made to include in traffic reports whether people were wearing helmets and seat belts and I think my honourable Friend wishes to say something about the other matter you raised.

SUPPLEMENTARY TO QUESTION NO. 149 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, it may assist the honourable Member if I asked a supplementary. Obviously there is lack of information but even with that lack of information but with the experience of other countries as my honourable Friend, the Leader of the Opposition has already said, is it Government policy to pursue the question of seat belts and crash helmets and have they any intention of making any changes to the present situation?

HON J C PEREZ:

Sir, there is no EEC legislation that will compel us to introduce any of these two aspects within the city area. The question of safety belts in the city on the rear seat is certainly considered totally unnecessary in the context of Gibraltar. The question of crash helmets for 50 cc motorcycles has been the subject of review by the Traffic Commission at my request and of the Police on an annual basis and the Traffic Commission has consistently decided that on the evidence available they do not wish to change the legislation as it is in Gibraltar. I accept that there is insufficient evidence to see whether accidents would have been less serious had those involved in them been wearing crash helmets but we do not know whether they were wearing crash helmets at all as the AttorneyGeneral has said. So it is something that will probably have to await the data gathering of the Police and will come under review, again once that data has been gathered.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister referred to inside the city area in connection with rear seat belts and I take the point that that will obviously be unnecessary, but, does the Government consider that the same applies to the wearing of front seat belts outside the city area, and by the city area I assume he means the same as I do outside the city walls?

HON J C PEREZ:

No, Mr Speaker, when I mean the city area, I mean the city of Gibraltar, the whole 2½ square miles plus the reclaimed area of land that my honourable Friend is responsible for. Certainly the question of safety belts is a matter that the manufacturers have been alerted to because it is an EEC requirement on major roads. Because people tend to go into Spain the requirement for them to be available in the cars is necessary if one is going to travel into the hinterland. But I do not mean within the city walls, I mean within Gibraltar.

MR SPEAKER:

Next question.

NO. 150 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, how many 50 cc motorcycles were reported stolen and recovered in each of the calendar quarters ending:

- a. 31st December 1991
- b. 31st March 1992
- c. 30th June 1992
- d. 30th September 1992?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the number of 50 cc motorcycles reported stolen and recovered in each of the calendar quarters requested are as follows:-

- a. 31st December 1991

<u>REPORTED</u>	<u>FOUND</u>	<u>NOT FOUND</u>
34	13	21

- b. 31st March 1992

<u>REPORTED</u>	<u>FOUND</u>	<u>NOT FOUND</u>
43	26	17

- c. 30th June 1992

<u>REPORTED</u>	<u>FOUND</u>	<u>NOT FOUND</u>
60	32	28

- d. 30th September 1992

<u>REPORTED</u>	<u>FOUND</u>	<u>NOT FOUND</u>
47	28	19

- e. 20th November 1992

<u>REPORTED</u>	<u>FOUND</u>	<u>NOT FOUND</u>
24	8	16

NO. 151 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, in view of the increasing theft of motor vehicles, what steps has Government taken to improve liaison with the Spanish Police to ensure the identification and speedy recovery of stolen motor vehicles?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, I am instructed that a good rapport has been in existence for some time with the Spanish Police and exchanges of information of vehicles reported stolen locally and vehicles seized by the Spanish Police take place on a regular basis. Nearly two-thirds of the vehicles reported stolen in Gibraltar which are mainly 50 cc mopeds, have been recovered this year. Some of these vehicles have been recovered by the Spanish Police and local owners have been informed. The recovery of these vehicles can be carried out by providing proof of ownership and an application by the owner to the Spanish Authorities for its release (this process cannot be controlled by us). They can get them back. Thefts of motor vehicles are still prevalent but I am instructed they are on the decrease.

SUPPLEMENTARY TO QUESTION NO. 151 OF 1992

HON H CORBY:

Mr Speaker, I have been given to understand that people who have the vehicles stolen, not only motorcycles but cars, have reported this to the Police and they have been frustrated because they have not recovered the stolen property. Nevertheless on advise from friends and acquaintances, they have themselves gone to the Spanish compound over in La Linea and have recovered the vehicles themselves. This is the need for the identification that I have made that probably there is not enough liaison between the two Police forces because people have gone there on their own steam and have recovered their stolen property.

HON ATTORNEY-GENERAL:

If in fact a person who has lost a vehicle and finds that the vehicle has been recovered and is in a car pound in La Linea wants to do it then certainly let him and I hope it works for him.

HON H CORBY:

Mr Speaker, but nevertheless the liaison should be there whereby if there is a vehicle with a registration number of Gibraltar, it is not prudent for the Spanish Police to keep it in the compound without advising the Police here which is what happens in some cases.

HON ATTORNEY-GENERAL:

I am instructed in fact that the rapport is good now between the Police here and the Police in Spain concerning motor vehicles certainly and in fact if a person is informed by our Police force that the vehicle has been recovered there, certainly on proof of ownership and identification, the Spanish Police will assist in the recovery by that person of his vehicle.

HON H CORBY:

What I am saying again, Mr Speaker, is that you are speaking of the Police Force on this side. What I am saying is that the Spanish Police do not seem to give the information to the Gibraltar Police.

HON ATTORNEY-GENERAL:

I have no control of course on what the Spanish Police tell the Gibraltar Police and I could certainly make enquiries to our Commissioner of Police to ask if he could speak to his opposite number to see if they would tell us more readily. I am sure they would.

HON H CORBY:

That would be most welcomed.

MR SPEAKER:

Next question.

23.11.92

NO. 152 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, is the Government concerned about the recent comments of Mr Justice Alcantara during a recent drugs trial in the Supreme Court to the effect that Gibraltar is losing its fight against drugs and what steps is Government taking to address the matter?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, Government do not concede that the fight against drugs is being lost and neither will it be lost. Since January of this year over 340 persons have been arrested for drug offences in Gibraltar. During 1992, 5 persons have appeared before the Supreme Court and have received custodial sentences ranging up to 4 years imprisonment. Government is quite convinced that the fight will be much more effective if the Courts impose long deterrent sentences and the profits of this evil trade are confiscated about which I will say more later. The Government supports the efforts of the Royal Gibraltar Police Force and the Customs Department and knows that the wishes of the vast majority of right-thinking members of society are equally committed to eradicate this evil. Government will continue to fight with all vigour what is now a global problem.

23.11.92

NO. 153 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Mr Speaker, is Government aware of the remarks made in Court by Mr Justice Alcantara on or about 28th May 1992 that the Drug Trafficking Offences Ordinance reminded him of "a dragon, but a dragon without teeth" and has it taken or does it intend to take any action as a result of these remarks?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, Mr Justice Alcantara's remarks were made in the case of the Crown -v- Bolanos and Bolanos, where the defendants were each sentenced to four years imprisonment. The words in question were made in the context of an Application for Confiscation of assets as a result of drug trafficking. Under section 4 of the Drug Trafficking Offences Ordinance of 1988, the Court shall first determine whether the defendant has benefited from drug trafficking. The Court is entitled to make assumptions as to assets of the defendant held by him at any time since his conviction or to have been transferred to him for a 6 year period ending with the commencement of proceedings against him. As in all criminal cases, the prosecution must prove the benefit but to specifically address the remarks of the Learned Judge concerning the "lack of teeth" Government will seek to ensure through the Attorney-General's Chambers and the Police Force the most careful preparation of the statement of the financial affairs of the defendant and make sure of the closest scrutiny of any statements made by way of rebuttal by the defendant. In addition there is excellent proposed legislation in the Drug Trafficking Offences Ordinance and the Government will seek to amend section 5 of the Drug Trafficking Offences Ordinance of 1988 to ensure that a defendant cannot rebut assumptions relating to his assets unless the defendant shows to the satisfaction of the Court that property or money of the defendant has been declared for tax purposes either here or declared to the taxation authorities in any other jurisdiction where the money or property came from including if it came from another persons that it has been declared by that person or persons.

SUPPLEMENTARY TO QUESTION NO. 153 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, the honourable Member will of course appreciate that when I tabled the question I was not yet aware of the amendment to section 5 of the Drug Trafficking Offences Ordinance which we are dealing with later on in the proceedings of this House. Be that as it may, Mr Speaker, can I ask the Member whether that is the only step that has been taken at this stage on whether the Government is satisfied that it will go some way towards regressing the remarks made by the Learned Judge or whether they have other further amendments or further changes to the law in the pipeline?

HON ATTORNEY-GENERAL:

Mr Speaker, the Government's proposal to amend section 5, in my respectful submission, would help enormously and following the widely reported remarks of the Learned Judge the Chief Minister has personally seen me and he takes the view, and I respectfully totally agree with him, that the way that dragon will have teeth is a much more careful preparation by those responsible for the preparation of the statement of the means and assets of the defendant and by a much closer scrutiny of what a person says he has come by legitimately. It is very much in hand.

HON P R CARUANA:

Mr Speaker, I note that the Attorney-General takes note of the Learned Judge's remarks in relation to the teeth and the dragons but that he does not accept the other remark of the Learned Judge that the fight against drugs is being lost and of course whilst I join the Attorney-General in congratulating the Gibraltar Police Force in their 340 arrests, does he not accept that the success of the fight against drugs is measured not so much by the number of arrests that are made but by the number of arrests that are not made, that is to say, the number of people that do not get captured? Given that the Judge must be aware of the number of arrests that come before him in his Courts, does the Learned Attorney-General not consider that therefore what the Learned Judge must have been saying was that there were inadequate resources available to those whose job it is to investigate and apprehend criminals who dedicate themselves to this particular activity? Is the Government ready, able and willing to dedicate as much by way of financial and human resources to the Gibraltar Police Force for them to combat that fight effectively?

HON CHIEF MINISTER:

Let me say, Mr Speaker, that the logic of the Opposition Member baffles me because if he is asking us to devote more money and more resources so that more people will be arrested, he will then come back and tell us that that is evidence that we are losing the fight against drugs, because he says the fight against drugs is evident not by the number of arrests but by the fact that nobody gets caught. So if nobody gets caught, it means we do not have a drug problem. I am afraid we do not agree with his analysis and we feel frankly that the most effective weapon is, I think, what was reflected in the initial answer from the Attorney-General. The most effective weapon is the deterrent of others of the penalties on those who get caught. If we have a law that says that people will get fined £5,000 and then they go to court and they get fined £5, then however many people get caught it will still be a profitable business to do it and get caught and get away with minimal fines. Therefore, our view is that although we respect that independence of the judiciary is such that we cannot tell

the judges how tough they need to be, they ought to take into account that clearly we in this House, want them to be tough. Then when they exercise their judgement, they ought to reflect that so that when people get caught others will think twice about getting involved in drugs in Gibraltar because Gibraltar will then acquire a reputation as a place which is hostile to those involved in this (I do not think that it is a trade) criminal offence which is the scourge of our society, they will give us a wide berth for the fear of the penalty. To my knowledge the only totally effective system is the one that Lin Yung Ju introduced in Singapore which is to shoot them on sight. I do not think we can do that.

HON H CORBY:

Mr Speaker, I have before me the Chief Minister's speech at the opening of the House in which he refers to the scourge of Gibraltar and he says - I will quote just a few words - "but for the avoidance of any doubt, let me make it clear that the message is that the commitment of 110%" is made on the part of both the Government and this side of the House. This is why resources and anything will be put in place to deal with his scourge.

HON CHIEF MINISTER:

Mr Speaker, I am more than conscious of how strongly the honourable Member feels about this, how close it is to his heart that we should be able to get rid of this trade in Gibraltar.

MR SPEAKER:

Next question.

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THE HON F VASQUEZ

Mr Speaker, does Government plan to appoint another additional judge of the Supreme Court following Mr Justice Alcantara's retirement in 1993?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, yes Sir.

SUPPLEMENTARY TO QUESTION NO. 154 OF 1992

HON F VASQUEZ:

By way of supplementaries, Mr Speaker, I think really what we need to know now then is when that appointment is going to take place because I think as the Attorney-General be aware, Mr Justice Alcantara is due to retire as of the beginning of January, only four weeks away. Does the Attorney-General accept that there is a crying need for an additional judge as well as the Chief Justice and can he reassure this House that there will be an appointment in the very near future so that there is no gap leaving us exposed with only one judge in the Supreme Court?

HON CHIEF MINISTER:

The answer to the last question is that there will be no gap but I think the hon Member is making a number of assumptions as to when Mr Justice Alcantara will retire and he may be incorrect in that respect.

HON F VASQUEZ:

I am delighted to hear that, Mr Speaker.

MR SPEAKER:

Next question.

THE HON L H FRANCIS

Mr Speaker, is Government aware that some schools are opening their gates to admit children as late as 8.55 am and that working parents are therefore experiencing difficulties in reaching their place of work on time after dropping off their children?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, the Government is aware that schools have always opened at 8.55 am and does not know of any circumstances which have changed.

SUPPLEMENTARY TO QUESTION NO. 155 OF 1992

HON L H FRANCIS:

Mr Speaker, is the Minister aware that in some cases - I myself witness it every morning up at St Joseph's - children are left standing at the gate because their parents have to get to work and it does give rise to a certain amount or could give rise to a dangerous situation where kids are left on the street with a lot of traffic passing by? Would it not be prudent to open the gates a little earlier and allow them into the school and thus increase the level of safety?

HON J L MOSS:

Mr Speaker, as I indicated in my original answer, the official opening times for schools has always been 8.55 am and there would be problems if we actually allowed children into the school at an earlier hour than that because of the fact that we have legal responsibility from the minute that they actually enter the school gates.

MR SPEAKER:

Next question.

23.11.92

NO. 156 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, what are the current staffing levels at each of our schools? Which schools are considered to be overstaffed and which are considered understaffed and by what margins?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Answered together with Question No. 157 of 1992.

THE HON L H FRANCIS

Mr Speaker, what are the criteria used to calculate adequate staffing levels at the different schools?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, the current staffing levels at local schools are as follows:

Governors Meadow	-	11
Notre Dame	-	16
St Bernard's	-	11
St Joseph's First	-	12
St Mary's First	-	18
St Paul's First	-	10
St Peter's	-	2
Bishop Fitzgerald	-	21
Sacred Heart	-	18
St Anne's	-	21
St Joseph's Middle	-	13
Bayside Comprehensive	-	61.5
Westside Comprehensive	-	61.5
St Martin's	-	5.5

As is the UK practice also there is no legislation establishing class sizes in Government Schools. The long-standing local administrative norm for primary schools, however, is that of 25 pupils per group. This compares very favourably with UK aim of policy still to be achieved of 30 pupils per group. Gibraltar schools do not suffer significantly from growing or falling overall pupil numbers. They do, however need to reflect shifts in population as happened historically at Glacis and Laguna, recently at Vineyards and now at Westside. Teachers may therefore be redeployed to "growing" schools from schools obviously and clearly declining in numbers. Redeployment, if and when carried out, reflects a variety of factors not least the career interests of the staff concerned and curricular needs and balance of the schools involved. The staffing of secondary schools is a more complex matter not easily resolved by reference to pupil numbers alone eg 6th form groups have their own imperative, not least the need often to maintain economically nonviable groups of 2 to 3 students. Practical subjects also have their safety

ceiling. There is a tool devised and developed by Her Majesty's Inspectorate in the UK known as COSMOS. No schools can be considered as understaffed but an element of redeployment will result from demographic variations or changes to the catchment area.

SUPPLEMENTARY TO QUESTION NOS. 156 AND 157 OF 1992

HON L H FRANCIS:

Mr Speaker, with respect, I asked the Minister which schools were overstaffed and which were understaffed. I am given to understand that certain letters have gone out to schools telling some schools that they are overstaffed and telling others that they are understaffed. Can the Minister confirm that this is the case?

HON J L MOSS:

Mr Speaker, I can confirm that the Director of Education in fact wrote to the head teachers of different schools informing them, according to his calculations, the numbers of staff that they had extra or below the actual figure which he had worked out, but that any actions arising will be as a result of looking at catchment areas and it will have nothing to do with the letter that the Director sent to the head teachers.

HON L H FRANCIS:

Can the Minister confirm then that there will be no forced redundancies or movement to other Government departments not involved with teaching?

HON J L MOSS:

Mr Speaker, this was done publicly at an earlier date but I can confirm that there will be no forced redundancies and to my knowledge there will not be any voluntary redundancies either.

MR SPEAKER:

Next question.

23.11.92

NO. 158 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, what progress has been made towards establishing or expanding schools in the Westside area given the demographic changes taking place there?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, Government does not plan to establish new schools in the Westside area. The demographic picture is slowly becoming clearer and it is envisaged that St Paul's First School, for example, will require more support. The Department of Education is currently reviewing catchment areas, in conjunction with the Gibraltar Teachers' Association, to achieve more equitable distribution of pupils within our system.

23.11.92

NO. 159 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, is the proposed integration of Governor's Meadow School with St Joseph's School to take place, and if so, when?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, following representations from a number of interested parties it was decided to postpone the closure of Governor's Meadow pending more discussions. The move was never envisaged as a straight forward integration of Governor's Meadow within St Joseph's.

23.11.92

NO. 160 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, what exactly are the Bishop Fitzgerald School facilities that have been withdrawn at the old Key and Anchor premises and what facilities have been reprovided at the John Mackintosh Hall?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, the annexe at the Key and Anchor site consisted of a large double room used as a gymnasium, a science room, a music room, with a set of children's toilets and small shower room. The refurbished annexe at John Mackintosh Hall, consists of a purpose-built gymnasium with fully safety-tested apparatus, an arts/crafts specialist room, a science specialist room, a music specialist room, a computer specialist room, two sets of toilets for boys and girls, one general purpose room, PE staff facility, PE storeroom, and large indoor patio to be used by the school as an additional games facility.

THE HON L H FRANCIS

Mr Speaker, were the new facilities at the John Mackintosh Hall ready for use by the pupils of Bishop Fitzgerald at the time that they lost the old Key and Anchor premises?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

No Sir. Although the music room was made available very quickly by the contractor, the quality and detail of the work required for the gymnasium and other specialist rooms necessitated a longer period of works. The school took over their new premises on Monday 19 October 1992.

SUPPLEMENTARY TO QUESTION NO. 161 OF 1992

HON L H FRANCIS:

Mr Speaker, can I ask why there was a gap in the provision of these facilities for the school? Why was it not planned so that the facilities could be ready at the beginning of the school year rather than a month into it?

HON J L MOSS:

Well obviously that would have been the most desirable outcome but the specialist nature of some of the work that was being carried out in the gymnasium in particular meant that this was delayed slightly into the beginning of the school year.

HON L H FRANCIS:

May I ask as well whether the teachers or head teachers were told in advance that this move was going to be made and consulted about the move?

HON J L MOSS:

Well in fact this was, I should say, a medium term objective. We had been discussing for two or three years the fact that Bishop Fitzgerald needed extra space because it was probably a most crowded middle school and this particular move had been discussed in the past. As far as possible the teachers were kept informed but a lot of the work was actually done during the summer recess when the teachers were away.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 162 OF 1992

THE HON L H FRANCIS

Mr Speaker, does the Government have any intentions of expanding higher education within Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, expanding higher education in Gibraltar would be a desirable long-term objective but it is not a priority for Government.

THE HON L H FRANCIS

What is the current procedure to be followed by students applying for EC refunds on their course fees in the UK?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, the current procedure to be followed by students applying for EC refund of tuition fees in the UK is set out in the DES Circular ECFS 1/91 dated 12 August 1992.

The procedure is as follows:-

Once students arrive in the UK, they have to find out from their institution where the College's Local Education Authority is situated. They then have to go to the offices of the Local Education Authority and complete an application form for the award. Since these awards are governed by the Education (Mandatory Awards) Regulations 1991 where a dateline is set, students have to submit their form before the end of the first term if they are to receive the reimbursement of tuition fees. They then have to apply for continuation of award every year.

The procedure followed in the Education Department locally is as follows:-

- (1) All students currently studying are reminded annually that they have to apply for the tuition fees reimbursement every year as required by the UK Authorities.
- (2) All new students are provided with a letter in which the procedure is laid out and this year the Department also gave them a letter for the registrar in which the registrar was informed that the student was an EC national following a designated course and therefore entitled to the EC refund. In this letter the Department also request the registrar to provide the student with the address of their Local Education Authority so that they can then collect the form and submit it before the end of December. They are further advised to ensure that they receive a letter of award before the closing date is up.

SUPPLEMENTARY TO QUESTION NO. 163 OF 1992

HON L H FRANCIS:

Mr Speaker, I am being made aware of the fact that this procedure is providing a lot of hardship for some students since it involves a rather long time spent at Local Education Authorities offices chasing up money. I understand the onus is on them to recover the monies. It is not always easy for them to identify which Local Education Authority they are supposed to be applying to and in many cases they are not getting the help from the university or college or institute of higher education that they should be getting and identifying this. Would it not be easier in some cases at least for the Department of Education to provide the applications and administrative backup to free these students from this burden as it does cause them quite a lot of worry in some cases?

HON J L MOSS:

I can understand that some people have to put in a lot of work to actually be able to get the refund but in fact as the honourable Member rightly put it the onus is on the individual and precisely to attempt to assist them this summer, we have also produced a letter which is being given to the registrar of each particular college and university, but it is quite clearly laid out that the application for the refund has to be done by the individual and I do not think we could do it as a department even if we wanted to.

HON P CUMMING:

Could the Minister tell us why the department could not do it even if they wanted to?

HON J L MOSS:

Well very simply, Mr Speaker, because the onus of the individual having to claim for the EC refund is not something that we have actually devised here in Gibraltar. It is very clearly laid out in the UK regulations.

HON P CUMMING:

Mr Speaker, the Minister may know that I have been through this process myself for two years running helping my children to try and acquire this and it seems to me that those students who have been unlucky enough not to obtain this refund and pay it themselves have really been very unlucky because it just so happens that the university that they are attending are not aware of this and do not help them at all and therefore they do not know where to go. They just let it slide and so they end up having to pay. Whereas in those universities that are well genned up on this, do it all. They just say fill in this form and leave it to me and just forget it. Whereas the student who does not

have this form presented is the one that is then caught in this trap. In fact, it is not a system that is working effectively. It is just luck that most universities happen to help and others do not and that is when the problems occur. Students go backwards and forwards and nobody knows. They look here. They look there and at the time when they are so stressed with learning to live in UK and cope with their new situation, it seems unfair to burden them this way and I would like to know if the Minister could give help in this matter, extra to what he has already said?

HON J L MOSS:

Mr Speaker, as it happens I was not aware that the honourable Member had been involved personally, but to be honest with him, we are actually assisting as much as possible but we need to work within a system and I know for a fact that some universities and colleges in UK are not particularly helpful, so much so, that I have actually urged the Department to actively advise students against applying to these universities.

HON P R CARUANA:

Mr Speaker, one final comment. Given what the honourable Minister has said that the application has got to be made by the applicant, but - I understand that money is for the Government in the sense that otherwise the students would pay it themselves - would it not be possible for the Government to take a signature to an application form from the student and then let the Department process the application in the same way as some considerate universities do in England?

HON J L MOSS:

No, Mr Speaker, I am afraid that to the best of my knowledge, the application form has got to be physically delivered by the person who is making the application.

HON P CUMMING:

Mr Speaker, I think the Minister is mistaken in that. This has not in fact happened in the majority of cases. The universities themselves are processing and sending on these forms.

HON J L MOSS:

Mr Speaker, there may well be discrepancies between what one Local Education Authority is asking for and what another one is asking for, but I can assure the honourable Member that in the cases where we have had problems the students have had to go physically to the Local Education Authority and hand in the application themselves. There lies the difficulty of actually being able to establish where they had to deliver the application.

MR SPEAKER:

Next question.

THE HON L H FRANCIS

Mr Speaker, will the Government say if the numbers of students attending this summer's language courses organised by his department were greater than those attending last year?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, the intensive language courses at the Gibraltar College of Further Education had 72 students in 1991 and 64 students in 1992.

SUPPLEMENTARY TO QUESTION NO. 164 OF 1992

HON L H FRANCIS:

Mr Speaker, I take it this is because as a result of a question asked in the last House, there is still intense competition from private teachers providing tuition and this is causing the courses to suffer in numbers.

HON J L MOSS:

I would assume that to be the main reason and also perhaps what might influence the numbers that are taking up the courses is the sheer number of people that have attended similar courses since the frontier opened.

HON L H FRANCIS:

Are there any promotional activities being undertaken across the border to attract more students maybe from a greater distance?

HON J L MOSS:

That is left entirely up to the discretion of the Gibraltar College of Further Education.

MR SPEAKER:

Next question.

23.11.92

NO. 165 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Mr Speaker, will Government say how many young persons are currently employed under the Vocational Cadets Training Scheme?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, there are 200 young persons currently on the Vocational Cadet Training Scheme.

SUPPLEMENTARY TO QUESTION NO. 165 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, does the scheme continue to be under review or is the Government now satisfied that the level of training being given to vocational cadets is adequate?

HON J L MOSS:

No, the scheme continues to be under review and we still think there is more work to be done before we are completely satisfied with the off-the-job training that is given as part of the scheme.

HON LT-COL E M BRITTO:

Are there any changes imminent, Mr Speaker?

HON J L MOSS:

Mr Speaker, when a situation is under continuous review there could be changes at any moment but I cannot envisage any change which would be so dramatic as to merit discussing at the moment.

MR SPEAKER:

Next question.

23.11.92

NO. 166 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Mr Speaker, will Government say to what extent it has been able to influence Kvaerner to give jobs to suitably qualified unemployed Gibraltarians in preference to importing foreign labour?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, it is not possible to quantify to what extent Kvaerner has given jobs to suitably qualified unemployed Gibraltarians but this is a policy the Government has recommended to them. However, they have employed a large number of Gibraltarians.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, is Government aware that this is not the feeling of the Transport and General Workers' Union? According to reports in the Gibraltar Chronicle in September of this year about a recent meeting between the Union and Kvaerner, claims were made by the Union that of seventeen new workers employed, five were from either Spain or Portugal and that there were local workers who were qualified to have taken those jobs.

HON J L MOSS:

I have had meetings with representatives from the TGWU where Kvaerner has been one of the subjects under discussion and that certainly was not the impression that I came away from that particular meeting. I think that my meeting was subsequent to the statements made in the press.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government also aware that in the opinion of the Union, as expressed by senior officials of the Union and again as reported in the Gibraltar Chronicle, former Transport and General Workers' Union officials are finding it more difficult to get a job in the yard than people who have not been officials?

HON CHIEF MINISTER:

Let me say, Mr Speaker, as a former TGWU official, that we are not encouraging employers to discriminate against Trade Unionists and therefore if there is any evidence which would allow us to act against an employer because it is possible to demonstrate that the right of a person to belong to a Union or not belong to a Union is being used as the basis of discrimination, then the matter would be taken

up. As it is, Kvaerner employs Gibraltarians in something like 80% of its workforce. The Government is not able, under Community law, to ask an employer in Gibraltar to discriminate in favour of a Gibraltar and against another EEC national. So the reality is that we do not answer for Kvaerner in this House and we cannot treat it any differently from any other employer in Gibraltar and nobody has been able to demonstrate to us that there is sufficient ground on which it can be said Kvaerner is anti-Union because it happens to have a very high level of trade union membership, more than other employers in the private sector.

MR SPEAKER:

Next question.

NO. 167 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Mr Speaker, with regard to the requirement of employers to register vacancies as stipulated by The Gibraltar Development Corporation (Employment Vacancies Registration) Regulations 1992, will Government make a statement explaining how the system actually works in practice and say what degree of co-operation it is receiving from employers?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, vacancies are notified to the Employment and Training Board on standard "Notification of Vacancy" forms. Vacancies need to allow 2 weeks from date of notification to start date of successful candidate. The Employment and Training Board will submit for interview persons registered as unemployed with the Board who meet the employers requirements for the job. From 24th August 1992, commencement date of Employment Vacancy Registration Regulations 1992, a total of 857 vacancies have been notified to the Employment and Training Board. Law dictates that employers have to cooperate by submitting notification of any vacancy. The Employment and Training Board does not know to what extent employers are co-operating but the very substantial increase in vacancies notified is an indication that they are.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, I thank the Minister for that information but can I take him now to the other side of the coin, the point of view from the applicant for the job. Can the Minister give me an indication how the system works from that point of view? He did say in his answer that the Employment and Training Board send people to the employer according to the employer's requirement for the job. To what extent does an applicant for a job have a choice or a say in where he is sent or is it the decision by a member of the Board or is he given a list of vacancies that he decides which one he can attend?

HON J L MOSS:

I do not think there is any one correct way in which this is handled. I imagine that the most common way is that a prospective applicant actually turns up at the Job Centre, indicates the kind of field in which he would want to work and provided that qualifications or experience are all above board then they would try and find a vacancy for him in his field. That may involve asking the person in question whether he wanted to go to this job or that particular vacancy.

HON LT-COL E M BRITTO:

I think that the Minister sums up the position as I understand it from talking to people who have actually applied for jobs. The point that I am trying to make, Mr Speaker, is for the benefit as much of the applicants as of the Employment and Training Board. If what is happening is that the applicant is, as I understand it, putting his name down and saying "I want to apply for a job as a clerk", for example, that application is then on record and then someone in the Training Board at some stage links it up through the computer or whatever to a vacancy for a clerk in a certain job and sends the applicant to the job; then the applicant is not having a say or a choice in which job he can apply for. Would the Minister consider that the system would work a lot better if the applicants were given a list of vacancies for clerical jobs that existed in a number of firms and then the applicant could decide for himself why he wanted to go to (a), (b) or (c) and not to (d) and not as it is happening at present, as I understand, that the applicant is being sent to either (a), (b), (c) or (d) as decided by someone other than himself?

HON J L MOSS:

No. Mr Speaker, in fact, I agree with the honourable Member's argument but I did not quite accept his conclusion. I did say that prospective applicants are consulted as to whether they want to go to a particular vacancy or not. So if there are, for arguments sake, as he put it, four clerical vacancies, he would be asked if he wants to go to (a), and if he does not want to go to (a), will he go to (b) or to (c) or to (d).

HON LT-COL E M BRITTO:

No, Mr Speaker. That is exactly the point that I am making. My understanding and from the information that I have from applicants that that is exactly what is not happening. That the applicant is not being told that there are vacancies (a), (b), (c) and (d), but that he is told that there is a vacancy in such a place. He is sent to such a place and then if he does not get the job or he does not like the job, he has to come back and a week later he has to report again to the Training Centre and he may be told now there is a vacancy in (d). The point that I am making, Mr Speaker, is would the Minister accept the system would work much better for everybody concerned, including the employers and certainly the applicants, if either a list was available (which I understand is not available publicly) or whether any applicant was given from the word go a choice of all the vacancies available for the sort of job that he is looking for?

3.

HON J L MOSS:

No. Mr Speaker, I still do not quite agree with the honourable Member that that is what is actually happening. It may well be that in the case that he is referring there was only the one vacancy at the time when it was offered to this particular person. But I think that that would be a highly cumbersome process if you were to be producing lists which would have to be amended almost on a fifteen/twenty minute basis because there is a lot of movement at the moment at the Job Centre. Vacancies are coming in as I indicated in my original answer thick and fast and people are being employed daily. A number of people are being employed daily by the Job Centre so I think it will be difficult to see how that system would make it more efficient. What does exist and I can assure the honourable Member that it does exist, is the possibility that where there is more than one vacancy in a particular field the applicant would be told that we have got potential vacancies for him here or there. In the same way as we cannot force an employer to see in an interview any applicant neither can we force an applicant to go to a particular company if it does not wish to be employed there. It would be wasting his time and our time.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept first of all that what I am saying is based not on information from just one applicant for one particular job but on a number of people? Secondly that from an employer point of view I have also experienced the system and I have found evidence of exactly what I am saying. I have offered a vacancy for a certain type of job and instead of being sent a number of people to interview, I have been sent one. When I have rejected the person, then a week later I have been sent another one and when I have rejected a week later I have been sent another one. But I do not want to labour the point, Mr Speaker. Can I tell the Minister, Mr Speaker, because it is meant to be constructive criticism, that I would be delighted to accept his invitation to speak to him on the system in his own office and to get an explanation and maybe some good would arise out of it?

HON J L MOSS:

Certainly, Mr Speaker, I take the point the way it is made constructively and certainly the intention is not that we should act as an employment agency in the sense of selecting the individual for the company. That is the employer's right. Whenever possible we do send more than one person for a vacancy.

MR SPEAKER:

Next question.

23.11.92

NO. 168 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, what progress has been made towards the building of a clubhouse at the Adventure Playground and extending the Youth Centre at Montagu Bastion?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, works towards the extension of the Youth Centre at Montagu Bastion will commence early in the New Year and should be completed before next summer. The Adventure Playground's new playhut will be built in 1994.

23.11.92

NO. 169 OF 1992

ORAL

THE HON F VASQUEZ

Mr Speaker, what plans does the Government have for the utilisation of the Gun Wharf facility which constitutes a valuable infrastructural asset providing access to the sea front within the harbour area?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, a firm proposal to use the Gun Wharf slips has been subject to negotiation in recent months. It is expected a new operator will shortly be taking over the site.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1992

HON F VASQUEZ:

Is the Minister in a position to indicate for what purpose the facility will be used for?

HON J L MOSS:

Yes. Mr Speaker, for yacht repair.

THE HON M RAMAGGE

Mr Speaker, will Government explain the current procedure for the allocation of Government housing?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the procedure for the allocation of Government housing continues to be the same as in the past.

SUPPLEMENTARY TO QUESTION NO. 170 OF 1992

HON M RAMAGGE:

Will the Minister confirm that all ex-MOD houses including the units at Transport Lane and Elliott's Battery have been allocated in the same manner as all the other housing units have been allocated in the past or has the method changed?

HON R MOR:

Mr Speaker, there was a question based on that in the last session of the House and it was answered then. The honourable Member should have access to that.

HON P R CARUANA:

Mr Speaker, will the Minister confirm that all housing available to the Government of Gibraltar for allocation is allocated by the Housing Allocation Committee in meeting and therefore will it dispel the view held by some that ministerial decision may impact directly on the allocation of ex-MOD houses. It is a perfectly simple question. I really do not see why the Government does not want to answer it.

HON CHIEF MINISTER:

Mr Speaker, I made a statement a very long time ago. It is just that the honourable Member does not seem to remember and he needs to be told the same thing many times. I said to him that when we were giving MOD houses which are not being allocated as rented accommodation but on self-repairing leases, the selection of people will be evaluated on the basis of the impact it would have in the housing stock as a whole and that is the criteria that has been used and that has been explained several times.

HON P R CARUANA:

We have not asked the criteria. We have asked by whom the criteria is evaluated. Who makes the decision?

HON CHIEF MINISTER:

The final decision is a political decision based on recommendations that are made by people who take the decision because there may be twenty cases which are marginally the same and one house but in fact it has not been required because the recommendations have been so clearcut that the recommendations have been accepted but if there has to be a final decision, then we the Government take the political responsibility for the final decision.

HON P R CARUANA:

In other words, the decision would be made by a Minister.

HON CHIEF MINISTER:

If the case is reached where somebody has to decide, then the Government of Gibraltar takes the full responsibility for taking that final decision. As I have said until now the recommendations have been so clear-cut, that there has not been a situation where there has been a number of cases between which a choice had to be made but if we have two cases or three cases which on all counts were virtually the same and somebody had to take a final decision, then the final decision will be a ministerial one.

HON P R CARUANA:

As opposed to the Housing Allocation Committee.

HON CHIEF MINISTER:

The Housing Allocation Committee is not involved. The Housing Allocation Committee is involved in renting Government property and that is not a ministerial decision.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Mr Speaker, does Government agree that the living conditions at North Gorge are undesirable and inadequate and that the residents must be moved out of there as a matter of the greatest possible urgency and will Government state a date by which it is committed to do so?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Government's position in respect of North Gorge is as stated in my letter dated 5 November, 1992, addressed to the Hon the Leader of the Opposition in reply to his letter of the 27 October, 1992.

SUPPLEMENTARY TO QUESTION NO. 171 OF 1992

HON P R CARUANA:

Mr Speaker, the purpose of the question is that the honourable Member should state the dates on the public record. If he wishes I can publish the correspondence which is not what I consider correspondence for - not for publication. If the honourable Member would simply state the date by which the Government using its best endeavours commits itself to have completed the decanting of North Gorge.

HON CHIEF MINISTER:

No. Mr Speaker, when the persons concerned came to see me, I imagine before they went to see him, what they were told was that since they wanted to have some idea of the time scale, the Minister would make an assessment of what was the probability but we were not prepared to give a guaranteed date. The level of probability was twelve to eighteen months. In fact, some people have moved out already. We were not prepared to say to somebody that there is a specific date we are prepared to guarantee and that was told to those concerned.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Mr Speaker, what was the level of unemployment in Gibraltar of -

- (a) Gibraltarians
- (b) non-Gibraltarians

as at 30th June 1992, 30th September 1992 and 15th November 1992 divided into under and over 25 years old age groups?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the level of unemployment in Gibraltar of Gibraltarians and non-Gibraltarians as at 30th June 1992 and 30th September 1992 subdivided into under and over 25 years old age groups is as follows:-

	<u>Gibraltarians</u>	
	<u>30th June</u>	<u>30th September</u>
Under 25	217	222
Over 25	302	298
Total	<u>519</u>	<u>520</u>
	-----	-----
	<u>Non-Gibraltarians</u>	
Under 25	16	15
Over 25	265	326
Total	<u>281</u>	<u>341</u>
	-----	-----

Unemployment statistics as at 15 November, 1992 are not available. As is normal practice the Government will however continue to provide these on a quarterly basis.

THE HON P R CARUANA

Mr Speaker, how much public money (whether by Government directly or Community Care Limited) has been paid to members of the public in respect of unemployment benefit or other financial assistance consequent upon the recipients lack of employment during each of the last 12 calendar months?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the level of total financial assistance provided to persons as a consequence of the recipients lack of employment during each of the last 12 calendar months is as follows:-

	£
November 91	115,418.33
December 91	107,220.51
January 92	71,452.26
February 92	71,817.59
March 92	88,263.95
April 92	82,670.30
May 92	70,814.80
June 92	76,974.08
July 92	83,491.22
August 92	88,188.89
September 92	92,026.32
October 92	109,610.19

SUPPLEMENTARY TO QUESTION NO. 173 OF 1992

HON P R CARUANA:

Mr Speaker, will the honourable Member just confirm that that information is specifically tailor-made to the question and it includes payments made out of funds originating from the Social Assistance Fund by Community Care or such other extra statutory arrangements that now exist?

HON R MOR:

Yes. Mr Speaker, from all sources.

MR SPEAKER:

Next question.

23.11.92

NO. 174 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, following its answer to Question No.31 of 1992 will Government subsidise the nursery fees for single parent children?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, since Question No.31 of 1992 was tabled, we have looked into the matter. We are giving priority to single parents in Government nurseries free of charge and all single parents who have applied have been given a place. If the member opposite knows of any case which has not been given a place, could he please provide me with the details and I will have it looked into.

NO. 175 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, will Government establish a Drug Rehabilitation Centre in Gibraltar?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the position is as stated in reply to Question No.24 of 1992. We are still trying to identify suitable premises in consultation with the organisers who run Camp Emmanuel.

SUPPLEMENTARY TO QUESTION NO. 175 OF 1992

HON H CORBY:

Mr Speaker, will the Minister please tell us what talks have developed between Camp Emmanuel and what has come out of it? What premises were available or what the comments of Camp Emmanuel were as far as drug rehabilitation in Gibraltar was concerned?

HON M A FEETHAM:

Mr Speaker, basically we have been identifying what resources in terms of premises should be made available, the level of the premises and what that relationship should be in the future in terms of what they are doing over there and how the Government can assist. We have looked at two or three premises and they have not been found to be suitable at this point in time.

HON H CORBY:

Could the Minister please enlighten me on the suitability of these premises?

HON M A FEETHAM:

I think, Mr Speaker, it will be sensible to leave the discussions that are taking place between Camp Emmanuel and ourselves to take its course. There is going to be an agreement, everybody wants to find a solution, when the agreement is in place we will make an announcement.

HON H CORBY:

Mr Speaker, I am tabling this thing because of Mr Canepa's statement again stating that what was usually the norm in Gibraltar, marijuana, has now gone up to cocaine, and the street value of cocaine is £75 per gram. This will lead to thefts and there is a compelling urgency to have this implemented in Gibraltar for the good of Gibraltar and for the good of the community.

HON M A FEETHAM:

Nobody is in any way arguing against that view. That is precisely what motivates both sides getting together to find an infrastructural set-up that is beneficial to everybody.

MR SPEAKER:

Next question.

THE HON L H FRANCIS

Mr Speaker, when will the new school and residential home for the disabled be ready?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the building is virtually complete and snagging works are now being carried out. The external works have been put out to the contractor for an estimate, these will involve about two months work.

SUPPLEMENTARY TO QUESTION NO. 176 OF 1992

HON L H FRANCIS:

Mr Speaker, the Minister may be aware that there is some disquiet about how the school is going to be staffed and exactly what sort of equipment and to what extent it is going to be equipped in the future. Is he in a position to make a statement on the staffing levels and the type of staff and the type of equipment that will be used?

HON M A FEETHAM:

Mr Speaker, that is not what the question asks and therefore I will need prior notice of that.

HON F VASQUEZ:

Mr Speaker, as a supplementary then. There has been a disquiet expressed publicly as to the state that the building is going to be in when it is handed over. Can the Minister confirm that it will be finished to a sufficient quality to lend itself to the use to which it is intended?

HON M A FEETHAM:

Mr Speaker, we are talking about a residential home. First of all we were talking about a new school on which the expenditure that was estimated at the time of the AACR was £400,000. We have in fact gone further than that and we are establishing a school with a residential home to cater for the requirements that we see are necessary and the project is £1m. The specification and the standards of that project have been put in place by our architects and our engineers and so on. I expect them to put in the standards that are required for that particular building in accordance with the budget that is in place. I find that what will be available to us will be a first class building for the requirements that we need. There has been disquiet because obviously people want the best of everything all the time to the highest possible quality.

HON F VASQUEZ:

Surely the acid test, Mr Speaker, is whether the building will lend itself to the use to which it is intended.

HON M A FEETHAM:

Well you must give some credibility to the discussions and the consultations that are taking place even before the residential home was put into drawing stage. It has been discussed with the Society for the Handicapped, consultants, doctors and so on. The net result of the building is what has been produced as a result of that consultation. From then we went into design stage and now into the building being virtually complete. Why has it not been completed yet because we are now going to the external works. The exterior, the garden area and so on we are getting an estimate and I am sure it will be done within two months.

HON P R CARUANA:

Mr Speaker, the question was not intended to put the Government in difficulty but to give public confidence.

HON M A FEETHAM:

No. It does not put us into difficulty.

HON P R CARUANA:

Is the Government then in a position happily to confirm that it has available to it all the financial resources it needs at this time to conclude the project either as originally planned or as reasonably required by the Handicapped Society?

HON M A FEETHAM:

Yes, Mr Speaker.

MR SPEAKER:

Next question.

23.11.92

NO. 177 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, is the refurbishment of St Bernard's Hospital now completed and what progress has been made towards providing adequate waiting facilities for families of patients in ITU, in the operating theatre and in Maternity Ward?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

No Sir. There are still areas which relate directly to patient care that require to be completely refurbished.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1992

HON P CUMMING:

Mr Speaker, is the Minister any closer to being able to give attention to the need for waiting areas?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have said in my answer that we will be in a situation much closer once we have refurbished those areas that are related to patient care.

HON P CUMMING:

Mr Speaker, is the Minister satisfied with the waiting arrangements and would she perhaps reassure us by describing the facilities available, like for example, a husband and family waiting for a woman in labour? Where do they wait and what resources are there for the care of that family?

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, what the Minister is saying is that she is much more satisfied with the refurbishment works that have been carried out in relation to the wards and the facilities that were given to patient care. Our priority is to patient care and once we see that that has been completed then we will look into the areas that the honourable Member is referring to.

HON P CUMMING:

Mr Speaker, I take it that the Minister will not describe the facilities because in fact there are none. Is that so?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what the honourable Member is saying at the moment is that he wants waiting areas for the families of patients and what I am telling the honourable Member is that those areas have to be looked into with the priorities of the whole of the refurbishment works of the Health Authority. Once the refurbishment works have been completed, those areas will be looked into, Mr Speaker.

MR SPEAKER:

Next question.

THE HON P CUMMING

Mr Speaker, what arrangements were made for the safe accommodation of patients during the recent refurbishment at KGV?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the management of KGV, in close consultation with the contractors, implemented procedures to ensure that patient safety was maintained at all times during the recent refurbishment works.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1992

HON P CUMMING:

Mr Speaker, is the Minister aware that my visit to KGV in which she had kindly given permission was cancelled by her Director of Nursing on the grounds that refurbishment was taking place? This would obviously lead me to believe that something was going on there that I should not be allowed to see, that in fact, there was something to hide and it occurred to me, Mr Speaker, that as no decanting took place what I was not supposed to see was in fact the refurbishment was going on about the ears of the nurses and the staff.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the honourable Member has said that his visit to KGV was known to me. It was known to me but, as far as I am concerned, if the Director of the Nursing Services decided to cancel it... I do not know if he was going there as a patient or whether he was going there as a Member of the Opposition. But in any case, Mr Speaker, I can assure the honourable Member that if it was cancelled I assume, Mr Speaker, that it was because perhaps the Director of Nursing Services thought in his judgement that it would be better that the Member of the Opposition went there when the refurbishment works were completely. But I have no qualms about the honourable Member visiting the KGV. He can do so today. He can do so now. Whenever he thinks fit, Mr Speaker.

HON P CUMMING:

Thank you Minister. Mr Speaker, the question was was she aware that my visit had been cancelled, which led me to believe that there was something to hide?

HON MISS M I MONTEGRIFFO:

No. That is what I am answering, Mr Speaker. I was not aware. I know that the honourable Member came to my office and I gave him permission to visit KGV. Therefore if I gave him permission, as far as I was concerned, he was visiting KGV.

HON P CUMMING:

But, Mr Speaker, if I go frequently to ask for permission and subsequently a few days later it is cancelled, I will end up having to seek admission there as a patient. My original question was, was the Minister aware? That is the question.

HON MISS M I MONTEGRIFFO:

Mr Speaker, if the honourable Member is venturing then we will admit him immediately. As far as I am concerned, Mr Speaker, I gave him the permission and after giving him the permission I thought he had visited KGV and as I have already answered him, he can visit KGV whenever he wants, Mr Speaker.

HON P CUMMING:

Thank you very much. Mr Speaker, I would just like one final reassurance from the Minister where the nurses at KGV with hands on care of patients were actually happy and satisfied that the care could be carried out in the circumstances of this major refurbishment?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the information that I have been given is that every precautionary measure was taken to ensure the safety of the patients.

MR SPEAKER:

Next question.

23.11.92

NO. 179 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, what progress has been made with the three adaptation courses planned for this year, to enable locally registered nurses to be registered in the UK?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, progress has been extremely satisfactory as all the three adaptation courses planned for this year have now concluded with the result that staff nurses who participated in the initial two courses have already been registered with the UKCC. The third course was concluded two days ago. A further fourth course is now scheduled to commence on the 29 November.

THE HON P CUMMING

Mr Speaker, has Government made any progress in arriving at a decision as regards the re-siting of the Health Centre, and in view of the urgent need for more space there, what interim measures have been taken to relieve overcrowding, as promised in answer to Question No. 38 of 1992?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as I said in answer to Question No. 38 of 1992, a number of sites have been considered. A final decision has not yet been taken. Therefore, until then I am not prepared to give a statement.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1992

HON P CUMMING:

But, Mr Speaker, in April the Minister said that because of the urgency of the question, interim measures were going to be taken. Apparently not only has no progress been made on the question of the site but no progress has been made even on the question of urgent interim measures that were promised in April.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. I have got the answer here. I said that as a result of the options opened to the Government we were looking at interim measures. As it is we have looked at the different options that we have available to us and we believe that if we come to a final decision the final decision will actually deal with the matter more promptly than if we were to take the interim measures that I mentioned, Mr Speaker.

HON P CUMMING:

Mr Speaker, what the Minister said in April was in the context of the hygienic question of the gross overcrowding. I would like to ask the Minister whether she has actually visited the Health Centre at peak visiting times and seen the masses of patients crowded into the corridors who are unable to sit down because there is no chairs available for such numbers and whether she accepts that this is an urgent question, needing urgent interim measures and not just from one House of Assembly to the other nothing is done about the interim measures that she promised in the context of the hygienic question of the gross overcrowding at peak periods?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. I did not mention anything in my answer to the question to the honourable Member about the hygienic conditions at the Health Centre. What I said was that the Government had different alternatives and different options and in a supplementary, I told the honourable Member that we were also looking at interim measures. If the final decision is going to solve the problem more promptly than the interim measure then I prefer to give a final decision, rather than actually looking into the interim measure that I was telling the honourable Member. He misunderstood me, Mr Speaker.

HON P CUMMING:

The Minister has not answered my supplementary on this occasion.....

HON MISS M I MONTEGRIFFO:

I have, Mr Speaker.

HON P CUMMING:

Does she agree that great attention is needed when those scenes of overcrowding and sick people are not able to sit down, people with the flu infecting people who are there for something else? Does she agree?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have answered the honourable Member. He has actually made a specific question on the interim measures and I have told the honourable Member that if I believe and my Government believes that a final decision will solve the problem more rapidly than the interim measure, I will look at the final decision rather than the interim measure.

HON P CUMMING:

Mr Speaker, my whole point is that there is neither the interim measures nor progress in finding an adequate site. What I want to know is what priority the Minister gives to solving this problem?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am telling him that the priority is one where we believe that the final decision will be quicker than the interim measure.

THE HON P CUMMING

Mr Speaker, what plans has Government for the private wing at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1992

HON P CUMMING:

Does that mean, Mr Speaker, that the Minister will just allow the private corridor to be empty and gather cobwebs in a wasted resource?

HON MISS M I MONTEGRIFFO:

On the contrary, Mr Speaker, we have fully refurbished the private wing and the reason why it is not a private wing at the moment is because we are using it for decanting purposes to be able to refurbish the other wards.

HON P CUMMING:

Mr Speaker, my question really is, once the refurbishment is finished and is not longer needed for decanting, will it return to use for private patients?

HON MISS M I MONTEGRIFFO:

Precisely, Mr Speaker, that is why I said in my original answer that we had no plans. The situation will continue as is at the moment. There will be no changes.

HON P CUMMING:

In other words, it will revert to private use?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, that is what I have said.

HON P CUMMING:

Thank you.

THE HON P CUMMING

Mr Speaker, how many hospital consultants are now on contracts which exclude private practice and what steps does Government take to ensure that these contracts are honoured?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, there are six consultants which are now on contracts which exclude private practice. If evidence is presented which suggests the contracts are not being honoured, the Personnel Department would take the necessary steps to investigate the matter and take appropriate action. Obviously, we consider hospital consultants to be honourable persons who keep to what they have signed.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1992

HON P CUMMING:

Mr Speaker, there is a very big assumption, it seems to me, that in the absence of any mechanism whatever to supervise the system it will continue to work well.

HON MISS M I MONTEGRIFFO:

Mr Speaker, as far as I am concerned the system is working well.

HON P CUMMING:

Mr Speaker, I am inundated with complaints and with evidence that that in fact is not so and that the new contracts have not been worth the paper that they have been written on and practice continues exactly as before.

HON MISS M I MONTEGRIFFO:

Mr Speaker, that is not the information that I have available to me but if the honourable Member has evidence to the contrary then I would welcome the honourable Member to make the evidence available to me.

HON F VASQUEZ:

Mr Speaker, if I can make this point. We have heard that there are six consultants who are on contract which exclude the carrying on of private practice. In respect of the other six consultants, presumably one must assume that they are allowed to carry on private practice which begs the question, what steps are taken by the Minister, Mr Speaker, to ensure that there is no abuse of that and that these consultants who are allowed to carry on private practice do not carry out an enormous amount of private practice during sessions that they are supposed to be seeing patients under the public health provisions?

HON MISS M I MONTEGRIFFO:

Mr Speaker, it surprises me enormously that the Opposition should be concerned about the control of private practice when in a motion, a few months back, they were themselves condoning private practice and saying that private practice should be allowed. In any case, Mr Speaker, as the honourable Member has asked me about the control of private practice, we have sessions whereby the consultants who are allowed private practice are only allowed to exercise private practice during certain days in the week.

HON F VASQUEZ:

Would it surprise the Minister, Mr Speaker, to learn that there is at least one consultant - I am putting a suggestion to the Minister - that in fact carries out as little as only two or three sessions of public practice as it were and then dedicates the rest of the week to carry out private practice in the hospital premises?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have said in my original answer to supplementaries I would welcome any evidence that the Opposition have to pass on to me so that I can investigate the matter. I would gladly look into it and carry out whatever steps are necessary.

HON P R CARUANA:

Mr Speaker, without mentioning any name, but by disciplines if the Minister likes, which are the consultants who are on contract that prohibit private practice? By discipline not by names of the present holder of the consultancy.

HON MISS M I MONTEGRIFFO:

The six that are not allowed, Mr Speaker?

HON P R CARUANA:

Yes.

HON MISS M I MONTEGRIFFO:

It is the pathologist, the orthopaedic surgeon, the ophthalmologist, the gynaecologist, the anaesthetist and the general surgeon, Mr Speaker.

HON P R CARUANA:

Is the Minister satisfied that none of those consultants are engaged in private practice?

HON MISS M I MONTEGRIFFO:

Mr Speaker, there is no evidence that suggests the contrary.

HON LT-COL E M BRITTO:

Mr Speaker, can we clarify what we mean by private practice? Is the consultant allowed to practice privately outside the hospital and secondly is he allowed to practice within the hospital outside the normal clinic hours of the hospital?

HON MISS M I MONTEGRIFFO:

No. The answer to that question is no, Mr Speaker.

HON P R CARUANA:

Finally, Mr Speaker, the Minister has said that she is surprised that now we are asking these questions given that we were condoning private practice at the time. Does she understand and accept that her surprise arises from her own misunderstanding of what our motion was intended to suggest? This Opposition believes that there is a place in any health service for the facility of private practice to be available. We are equally concerned that it should be properly supervised, monitored and administered to ensure that the existence of the facility for those who wish to use it does not impinge upon the quality of the service available for those who do not or cannot use it and that to condone private practice is not to say that you are not concerned that it should be so regulated.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I can tell the honourable Member that as far as I am concerned and my Government is concerned, since we introduced the policy of no private practice in the hospital we have a better system where people are being treated for their condition and not because of the money that they are willing to give the consultants, Mr Speaker.

HON F VASQUEZ:

Perhaps she can explain, Mr Speaker, why patients are having to wait six to eight weeks for an appointment with the consultant physician?

HON MISS M I MONTEGRIFFO:

Mr Speaker, that is the subject of another question which I will answer in due course.

HON P CUMMING:

Mr Speaker, when the private ward starts to function again, will the doctors be paid for looking after those patients?

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, when the private ward starts functioning the Health Authority will be paid by the patient for the exclusivity of having a private room.

MR SPEAKER:

Next question.

23.11.92

NO. 183 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, how many of the recently diagnosed cases of salmonella are suspected of having been infected at the hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 184 of 1992.

23.11.92

NO. 184 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, will Government consider giving full responsibility to the Environmental Health Department for all aspects of hygiene in the hospital kitchen, and submit itself to the provisions of the Public Health Ordinance?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, of the recently diagnosed cases of salmonella, it has been assumed that they have been infected at the hospital because there has been no indication of any other source. The Health Authority in acting on the advice of the Environmental Health Department is being treated in the same way as the private sector and the MOD have been treated in the past.

SUPPLEMENTARY TO QUESTION NOS. 183 AND 184 OF 1992

HON P CUMMING:

Can we take it that the whole 48 have all been infected in the hospital?

HON MISS M I MONTEGRIFFO:

Yes. That is the answer, Mr Speaker.

HON P CUMMING:

I would like to ask the Minister, Mr Speaker, whether she would give an explanation to the House how this was allowed to happen?

HON MISS M I MONTEGRIFFO:

Mr Speaker, how can the Minister give an answer to how the outbreak came to be?

HON P CUMMING:

Mr Speaker, I thought the Government had already made that plain, this happened through contaminated eggs which had to be eaten raw, obviously, in contravention of the Government's own recommendations that eggs must be cooked. This happened in the mayonnaise.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the evidence suggests that the eggs were contaminated, but the Environmental Health Department, after having investigated the matter, do not discard the possibility that the cook that was handling the eggs was already himself infected with the bacteria.

HON P CUMMING:

Mr Speaker, I should like to ask if raw eggs were used to feed patients with, for example, mayonnaise.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am not too sure what the honourable Member is referring to. Can he be a little bit more specific?

HON P CUMMING:

If mayonnaise has been made from fresh egg in the hospital, contrary to the recommendations of the public health inspectorate. Obviously this is a great irresponsibility and my question is how was this allowed to happen?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I am telling the honourable Member is that as far as the Environmental Health Department is concerned they looked into the possibility of the eggs being contaminated. They went back to the source and to the supplier and having tested the eggs themselves, Mr Speaker, they did not find there was any bacteria in the eggs. So it is impossible to ascertain whether it was the eggs that were responsible or the person that was handling the eggs was contaminated with the bacteria, Mr Speaker, as I have already explained to the honourable Member.

HON P CUMMING:

Mr Speaker, the question the Minister has not answered is was the mayonnaise used in the menu made from raw eggs?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker. I have already answered that question.

HON P CUMMING:

Yes but that opens the door to danger. The Public Health Department say: "Do not eat raw eggs, if you do you are at risk of contamination with salmonella". The fact is that this was being fed to patients who are sick and defenceless and this is a gross irresponsibility. Does the Minister not accept this?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. How can I accept responsibility for what is happening at the kitchen? On the one hand we have the Opposition saying that there is too much political intervention in the Health Authority and he expects me to look into how many eggs are being used or what the menu is.

HON P R CARUANA:

Mr Speaker, does the Minister accept that the Environmental Health Department very sensibly advises the people of Gibraltar not to consume raw eggs because they are want to infect with salmonella and that notwithstanding that sound advice the hospital does not follow it and serves uncooked eggs in the form of fresh mayonnaise? We shall have to pray in aid the advice of the Honourable the Chief Minister who I understand has some culinary qualities. Does the Minister accept that it is strange that the hospital kitchen should dispense to patients a food in a form that the Environmental Health Department advises the public not to consume. The question is very simple. Does the Minister accept that or does she not accept it? I appreciate that the Minister cannot stand in the kitchen to see whether rules have been broken or not, but would she at least say that it ought to be the policy of the Health Authority not to contravene the public advise of the Environmental Health Department?

HON CHIEF MINISTER:

Mr Speaker, the culinary expertise that I can bring to bear on this question is that it is not possible to make mayonnaise with either fried or boiled eggs. It has to be with raw eggs. Therefore you must not serve mayonnaise.

HON P R CARUANA:

Hellmans.

HON CHIEF MINISTER:

Unless you buy ready-made you run the risk. Presumably in every previous instance, not just in the Health Authority, but in the MOD and in the private sector where this has happened, it is because some individual has departed from that advice. Whether any action should be taken against that individual is a matter for the personnel in the hospital to decide, but obviously from the point of view of the relationship between the Health Department and the employing department, what the original answer from the Minister says is that the Health Department has treated the employing department in the same case as when there was an incident in the MOD where I believe the Honourable Financial and Development Secretary was one of the victims. It is not that we are trying to get rid of him. We still have the advice there that he should not do that and clearly in this case, there have been more non-patients than patients affected in this particular instance in the Health Authority. So obviously what happens in a situation like this is that people may sometimes - I can tell the hon Member because as well as being able to bring culinary expertise on the subject I can bring public health expertise on the subject since I spent many years in the Environmental Health Department. Therefore one of the things that environmental health officers frequently find is that regrettably people

sometimes do not believe the advice that they are given until it happens and they see the proof of it themselves. It is a regrettable fact of life but that is a fact of life. Therefore, as far as the Health Authority is concerned I think clearly the position is that the Health Department has been brought in to give advise to the Health Authority. I can tell the hon Member opposite that in fact the people in the kitchen in the Health Authority are being asked to attend courses since before this happened, where the risks and the dangers were all explained. More than making all the necessary facilities and providing all the information I do not know what can be done institutionally.

HON P R CARUANA:

Mr Speaker, I understand the Minister's point that she cannot personally supervise. That is why my question was calculated to illicit from her the assurance that the policy of the Authority and therefore the instructions issued to the staff and therefore the task of the supervisory staff to ensure compliance of, is that the advice of the Environmental Health Authority must be followed in the kitchens of the hospital.

MR SPEAKER:

We can go on forever as to what came first salmonella or the egg. I am afraid we have come to the point now for the next question.

23.11.92

NO. 185 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, how long is the waiting list for non-emergency orthopaedic surgery and how does this compare to average waiting times in the UK?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, although the question is specific it is not possible to provide a global average of waiting times when this is very much dependent on the type of surgery which needs to be performed and also when each of these have various factors which need to be taken into consideration. Nevertheless, when comparing the waiting times I am informed that in the various types of operations our waiting times compare extremely favourable with the United Kingdom.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1992

HON P CUMMING:

Mr Speaker, the question has not been answered either. The question is how long is the waiting list, that is the prime question. It has not been answered.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have already told the hon Member that it is very difficult to provide an answer about non-emergency operations when we are comparing the waiting list with the UK but if he wishes I have information here which will give him an idea, Mr Speaker, which I will provide the honourable Member with now. Athroscopy - routine twelve months. The equivalent in UK, Mr Speaker, fourteen months. Total knee joint replacements - eighteen months, the equivalent in UK thirty to thirty-six months. Total hip joint replacements - twelve months, UK thirty to thirty six months. Minor operations two months, UK two months. Operations of feet - six months, in UK nine to eighteen months. Surgery on shoulder six months, equivalent in UK nine to eighteen months. Elbow and hand operations one to three months and paediatric orthopaedic operations are age-related.

HON P CUMMING:

Mr Speaker, everybody knows that in UK the orthopaedic figures are atrocious.

HON MISS M I MONTEGRIFFO:

That is the information the honourable Member has asked for.

HON P CUMMING:

And to say that they compare favourably is not enough. In Germany doctors are actually looking for patients to form their.....

INTERRUPTION

..... in order to cut down drug bills. The point is that there are many doctors in Gibraltar dissatisfied with the waiting list for the orthopaedic specialist and feel that it could easily be jumped along a little.

HON MISS M I MONTEGRIFFO:

Mr Speaker, is it the doctors that are dissatisfied or is it the honourable Member that is dissatisfied?

HON P CUMMING:

Both.

HON P R CARUANA:

Mr Speaker, if you will allow me one supplementary on this to see if by means of a supplementary on this question I can get an answer to the previous question. Mr Speaker, does the Minister agree that orthopaedic patients at the hospital would be safer from food poisoning whilst they are interned at the hospital if the provisions of the Public Health Ordinance applied to the kitchen at St Bernard's Hospital?

MR SPEAKER:

That is totally irrelevant. Nothing to do with waiting time of operations.

HON MISS M I MONTEGRIFFO: .

I can answer that, Mr Speaker, because if the Opposition believe that if they go to an election with a slogan on a banner saying "Vote GSD - there will be no outbreak of salmonella" then the people of Gibraltar can decide who they are going to vote for in the next election.

MR SPEAKER:

Next question.

23.11.92

NO. 186 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, given that the present level of professional undermanning is causing the cancellation of so many appointments at the Dental Clinic, what steps will Government take to restore this service?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the oral surgeon has been on protracted sick leave for several months. The matter is being handled in accordance with General Orders by the Personnel Department. However, the Health Authority has employed locums to cover his absence and therefore, few appointments were postponed at that time but there have been no cancellations. This service has been restored satisfactorily.

NO. 187 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, what procedure exists in the Gibraltar Health Authority for the issue to patients of medical reports required for legal purposes and what is the average waiting time for production of such reports, and what steps will Government take to ensure that waiting times are substantially reduced so that a patient's right to be heard in a court of law is not impeded?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Health Authority is not responsible for the production of such reports and therefore has no records of what is the average waiting time. When an individual requires such a report to go to court, he or she enters into a private arrangement with the doctor because it is not part of the provision of health care which comes under the terms of the Health Authority.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1992

HON P R CARUANA:

Mr Speaker, does the Minister accept or not accept that whether it be under the provisions of the Ordinance or not, if a person is subjected to treatment by the Gibraltar Health Authority, then that person is entitled to a written statement as to what he has been treated for and what treatment he has received? Frankly, Mr Speaker, does the Minister further accept that it is not adequate or acceptable for the Gibraltar Health Authority to say to a person who applies for such a certificate: "Go and ask the doctor" so that if the doctor for one reason or another refuses or delays in giving it, the patient has no recourse? Does the Minister accept that if that is the position, and I do not mind whether it is or it is not, but if it is the position, it ought to be changed because there are people who presently are not able to proceed with legal actions simply because they cannot get a report from the Gibraltar Health Authority.

HON MISS M I MONTEGRIFFO:

Mr Speaker, may I answer the honourable Member by saying that this is the first occasion since I have been Minister for Health that I have had a complaint of this nature. But may I also answer him by saying that the procedure that is being followed by the Gibraltar Health Authority is one which has been in place for many years and is one which is common with UK practice? Therefore, Mr Speaker, in Gibraltar we follow the UK model as we do in so many other areas.

HON P R CARUANA:

Mr Speaker, I do not know if it is the UK model as well or not.

HON MISS M I MONTEGRIFFO:

It is, Mr Speaker.

HON P R CARUANA:

Mr Speaker, the Minister knows that the question is formulated around the particular instance and that I do not think that it is appropriate to formulate the question specifically in relation to (inaudible) but the Minister knows that there is an employee of the Government of Gibraltar who suffered an accident at work who is contemplating the commencement of legal proceedings and who has been waiting in excess of one year for the Gibraltar Health Authority and/or the doctor who treated him to give him a medical certificate with the result that he has been unable to commence his legal proceedings. The Minister is aware that such a case exists.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. As I have said, Mr Speaker, as far as I am concerned, ever since I have been Minister for Health, this is the first occasion that I have such complaint and as I have already answered in my original question it is something which is part of the contract of the consultants and the contracts are based, Mr Speaker, on the system that is in place, not only in the United Kingdom but in many other places within the European Community.

HON P CUMMING:

Mr Speaker, mentioning the European Community, surely the Minister is aware that in most countries it is automatic on the discharge of a patient? He is given a letter on discharge informing him of what was wrong with him and what was done to him and he takes it away to do what he likes, let alone month after month, week after week or a year. In fact the case in point which I brought to the Minister's attention several months ago is now waiting one year and three months for a certificate and is no further down the road to success.

HON MISS M I MONTEGRIFFO:

Mr Speaker, in which European country does a patient get a report when he is discharged? Mr Speaker, he has made an allegation and I would like the honourable Member to clarify the allegation. In which European country does a patient get a report when he leaves the hospital?

HON P CUMMING:

Mr Speaker, the Minister said that she is not aware of any case, is that what she has said?

HON MISS M I MONTEGRIFFO:

I have said, Mr Speaker, that I am not aware of any case having taken the length that the honourable Member has said on this particular case but what I am telling the honourable Member is that as far as his allegations are concerned, about other EEC countries affording these reports to patients, I would like him to clarify the situation and tell me in which EEC country it is the custom of health authorities or hospitals to give patients who are being discharged, a report.

HON P CUMMING:

Yes it is. But that is not the point. We are really asking the question, Mr Speaker.

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, he has made an allegation. I would like him to clarify that allegation.

HON P CUMMING:

I would like to ask the Minister, is she aware of the particular case of Mr Tonna who has been waiting for one year and three months for a certificate and if she is, what is she going to do about it?

MR SPEAKER:

Let us get down to brass tacks because we are going around in circles. If you read your question again then you will realise that we are going off the point.

HON P CUMMING:

Is the Minister aware of the case of Mr Tonna who has been waiting one year and three months for his certificate and if she is what is she going to do about it?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have replied to the honourable Member and perhaps he likes the sound of my voice. I will repeat myself again. I have told him that as far as the Health Authority is concerned, we are not responsible for the production of these reports because they do not form part of the contract that consultants sign. Therefore it is a private arrangement that is entered into between the consultant and the patient. Therefore, the Health Authority has no obligation.

HON P CUMMING:

First of all the awareness. I take it the Minister then was aware?

HON MISS M I MONTEGRIFFO:

Mr Speaker, obviously I was aware. The honourable Member came to me. He has decided to ask a question in the House when I spent nearly half an hour explaining to the honourable Member what the position was and I thought the honourable Member had left satisfied.

HON P CUMMING:

But that was two months ago and still nothing has been done. In fact we challenge the fact that the Authority is not responsible for giving a certificate. That has to be paid for privately at the exorbitant sum of £200. This is outrageous. Of course there are countries throughout the Common Market, Germany and Spain for example, that will give a written document on discharge. In a free society you go into an institution which is going to open you up and do whatever they like to you, you have got to get a report on what has been done and a responsible report. Surely the Government will agree?

HON MISS M I MONTEGRIFFO:

Mr Speaker, this is not the case when you actually are discharged from the hospital. When you are discharged from the hospital you are not given a written report, Mr Speaker. So the hon Member does not actually know what the norm is in other hospitals within the EEC. What I am telling the honourable Member is very simple. We go by the UK model where consultants are not required to give a report because they are exclusively entered into between consultant and patient themselves. Therefore, no matter how much I tell the consultant that he should write the report it is not within the terms of his contract and we go by UK contracts, Mr Speaker.

HON P CUMMING:

Mr Speaker, I would like to ask the Minister, would she give an undertaking to look into this matter of Mr Tonna and produce a written report within thirty days?

HON MISS M I MONTEGRIFFO:

Mr Speaker, after all I have said I cannot because it is not my responsibility.

HON P R CARUANA:

So the position then, Mr Speaker, is that if somebody submits himself to medical treatment by the Gibraltar Health Authority and the doctor - your employee - refuses privately

to issue a certificate, there is no means by which a patient of your hospital can get a medical certificate for the treatment?

HON MISS M I MONTEGRIFFO:

No.

HON P R CARUANA:

Yes. That is what you are describing, because you are saying that you have got no responsibility to do it. Go and ask the doctor, you cannot force him to write it and therefore, I go and ask the doctor and he says: "I will not", as he has done in this case. He has taken a year and three months, that is the end of the matter.

HON CHIEF MINISTER:

Mr Speaker, the position is that Opposition Members are entitled to use question time to obtain information. They spend three quarters of it making statements and debating issues which they can bring in a motion and as far as we are concerned, there cannot be such an outrageous crisis in the system when there is one single individual apparently, of which certainly most of us have not heard of, who claims that he is not able to prosecute somebody for some accident at work because he cannot get some report from somebody. Like most of the things that the Opposition bring to this House, it is based on hearsay and on exaggeration. The position in the Health Authority is today as it was when the Opposition Member was working there and as it has always been. To our knowledge nobody has come to us saying this creates a problem or that the treatment of the facilities which they get under the National Health Service in Gibraltar are any different from the treatment and the facilities they get in the National Health Service in UK on which the practice in Gibraltar is base. If there is an allegation implicit in the question that the procedure that is followed here is different from the procedure that is followed in the National Health Service in UK, then that is not the information that the professionals in the system can provide the Minister with. Like everything else where the information that we get is questioned in this House, we will go back and find out if the people who advise the Minister advise her wrongly, but as far as we are concerned the policy of the Government is that the services provided under the National Health Service in Gibraltar follow the same pattern as the services provided in the United Kingdom. If there is one single individual that apparently is having a problem and has had a problem for one year and three months and has taken fifteen months apparently to do something about it, then I will ask for a report on this particular case of which I have not heard before.

MR SPEAKER:

The policy of the Government has now been clearly stated and therefore we go on to the next question. If you have a point to bring up that you want to debate you put it in a motion.

HON P R CARUANA:

May I raise a point of order, Mr Speaker? It is all very well for the Chief Minister to launch into a tirade.

MR SPEAKER:

Make it a point of order otherwise I will put you out of order.

HON P R CARUANA:

Yes of course you will, Mr Speaker. This House has got a Speaker and it is not the Chief Minister and if Mr Speaker chooses to allow Opposition Members to pursue a certain line in question time. It is with the greatest of respect to the Chief Minister, none of his business to challenge the Chair on the basis on which Mr Speaker allows it. The Chief Minister is not the Chair in this House and with the greatest of respects his initial observations in answer at the beginning of his last address suggests that he would like to be that as well.

MR SPEAKER:

I must correct the Leader of the Opposition. Any Member of this House is entitled to express his opinion. That is the freedom of speech that we all obviously adhere to and that we want to adhere to and in fact if I were to be going by the rules and not allowing that latitude which I think is necessary particularly in the House where time is no option really to some extent, then of course I am afraid that the Opposition particularly would be totally muffled. Therefore that I do not, as you know I allow the Opposition to make statements knowing perfectly well that that is not really what is allowed under the rules. However, I think it is fair that if the Government sees that this is being going too far that it should come out and express a point of view. I can take notice or I do not take notice. In most cases I do not take notice because deliberately I am allowing the House to carry on debating a point which is a question in fact not a debate - a question. That is very clearly set down in the rules. I allow it because I think that in the circumstances of Gibraltar it is perhaps a good idea to stretch the rule a bit so that the point is ventilated and people can become aware of why certain things are happening or why they are not happening. Well that is it. Next question.

23.11.92

ORAL

NO. 188 OF 1992

THE HON F VASQUEZ

Mr Speaker, is Government satisfied that it has in place satisfactory auditing procedures to prevent the abuse of medical prescriptions by dishonest individuals at the cost of the taxpayer?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, without knowing what is the nature of the abuse of prescriptions that the Opposition Member believes can be perpetrated by dishonest individuals, it is not possible to know whether the auditing procedures are satisfactory to discover the hypothetical abuse.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1992

HON F VASQUEZ:

Mr Speaker, which brings me to the point that now I want to take advantage of the laxity which Mr Speaker allows the Opposition in these sort of circumstances to explain.

MR SPEAKER:

But do not go too far please.

HON F VASQUEZ:

The supplementary I wish to put to the Minister is this. The Minister should be aware that the Opposition is receiving information that there is abuse of the prescription procedure in two ways. That patients are getting prescriptions from their doctor which are paid for by the taxpayer, they go along to the chemist and then proceed to buy everything from shampoo to make-up with their prescriptions. I can see that the honourable Member across is not looking very pleased to hear this. We are also receiving information as to shortprescribing under prescriptions. These are two instances which we have been made aware are carrying on which are costing the taxpayer significant amounts of money which goes into tens of thousands of pounds per year. The question is could the Minister investigate the possibility of implementing some sort of auditing procedure to make sure that these sort of abuses do not take place and thereby save the taxpayer money?

HON MISS M I MONTEGRIFFO:

Mr Speaker, if the honourable Member is saying again hearsay that he has people complaining to him about malpractices on the part of doctors and malpractices on the part of pharmacists and even patients, Mr Speaker. Then again I would welcome the honourable Member to give me the evidence because he is a lawyer and he knows that if you need to take action against individuals, against pharmacists or against doctors, you need to have the evidence, Mr Speaker. I would welcome that evidence.

HON F VASQUEZ:

Mr Speaker, it is not the intention of the question to make an attack on anybody. The intention of the question is to bring to the attention of the Government a malpractice which is her position to try and avoid. That is all. It is not to make accusations against that individual. It is something which we have been made aware is happening and which the Minister may or may not please to investigate.

HON MISS M I MONTEGRIFFO:

Mr Speaker, on the contrary I have said I am willing to investigate but if there is any malpractices being carried out I am even offering the honourable Member to give me the evidence, Mr Speaker, and then I will carry out whatever investigations and whatever action needs to be taken. I have gone further than that. I would welcome the evidence.

MR SPEAKER:

Next question.

NO. 189 OF 1992

ORAL

THE HON F VASQUEZ

Mr Speaker, how much money has the Gibraltar Health Authority expended in referring cases to the United Kingdom in the last twelve months?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, from the 1 November 1991 to the 31 October 1992 the Gibraltar Health Authority has paid for bills amounting to £710,000 in respect of patient referrals to the UK.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1992

HON F VASQUEZ:

Mr Speaker, that answer comes as no surprise. Obviously it is well known that a significant number of patients are referred to the United Kingdom. By way of a supplementary, Mr Speaker, I would ask the Minister whether she would consider the implementation of an alternative system whereby the Gibraltar Health Authority might investigate the possibility of referring patients for certain types of treatment which currently are being referred to the United Kingdom to hospitals in the Spanish vicinity. Already it is happening in the case of the skull scan machine in Algeciras where significant numbers of patients are being referred and credibly so because money is being saved. Would the Minister consider investigating whether certain treatments which are presently being referred to the United Kingdom might not be more economically efficiently referred to hospitals in the Spanish hinterland and maybe introduce a reciprocal arrangement with those hospitals to try and save taxpayers money? ,

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, as far as the economies are concerned I can say that the answer is no. But more important, Mr Speaker, we have the evidence that patients in Gibraltar prefer to be referred to the UK and therefore we prefer to send them to where they want to go.

HON F VASQUEZ:

I can well understand, Mr Speaker, that patients might prefer to be referred to Harley Street, the question is why is the answer no?

HON MISS M I MONTEGRIFFO:

Not Harley Street.

HON F VASQUEZ:

If the same treatment can be obtained more cheaply and just as efficiently in this area, why are they being sent at taxpayers' expense to Great Britain to receive that treatment?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I can tell the honourable Member that the option has been put to many patients but as I have said already in my answer to his supplementaries these patients prefer to be sent to the UK. As far as we are concerned we have a reciprocal agreement with the United Kingdom but if patients prefer to be sent to the hinterland for whatever treatment is concerned, then as far as the Health Authority is concerned the Health Authority I am sure will do what the patients want.

HON P R CARUANA:

Mr Speaker, I think it is correct within bounds of reasonableness that the Government should sent the patient to where they feel most confident but it is implicit in the answer that the Minister has given that the Government in fact puts the option to patients. That the Gibraltar Health Authority considers that the treatment in Spanish hospitals is adequate otherwise you would not be giving the option to our patients and you presumably think that there is a saving. Otherwise you would not be putting the option to the patients and if none of those statements are correct why does the Gibraltar Health Authority give the option?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I am saying is that when the Health Authority gives the option primarily it gives the option for patients to be referred to the UK because that has been the norm and the practice but if patients are concerned and they wish to be referred to any hospitals in the hinterland then I am sure that the Health Authority and the doctors..... One equation in the whole of this exercise, Mr Speaker, we must take into account is that it is the doctors that actually have their contacts in the UK and usually refer their patients to their counterparts in the United Kingdom. But if the patient psychologically feels that he should be referred to Spain, I am sure there would be no problem. But the information that we have at the moment is that patients primarily prefer to be send to the UK, Mr Speaker.

MR SPEAKER:

Well I think the policy of the Government has been clearly explained. Next question.

23.11.92

NO. 190 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, how much money did the Gibraltar Health Authority receive in the financial year ended 31st March 1992 and how much is it estimated to receive during the current financial year from each of the following sources:

- (a) Group Practice Medical Scheme contributions.
- (b) Prescription charges.
- (c) From the Social Assistance Fund.
- (d) From other public funds.
- (e) From other sources?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 191 of 1992.

23.11.92

NO. 191 OF 1992

ORAL

THE HON P CUMMING

What was the unaudited total expenditure of the Gibraltar Health Authority in the financial year ended 31st March 1992 and how much of that figure related to property refurbishment work?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the accounts for 1992 are in the process of being audited. Subject to any changes that may take place, the figures for monies received are as follows:

Grant SAF:	£5,700,000
SAF Fees	£1,336,000
Meals	£59,000
GPMS	£7,800,000
Hospital Fees:	£139,000
Other receipts:	£15,000

For this current financial year, some information is still to be collated. When the estimates are revised I can supply the hon Member with the relevant figures. On the question of expenditure, the unaudited figure for the financial year ended 31 March 1992 was £14,900,000. The figure related to refurbishment works was £401,000.

NO. 192 of 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, will the Government say if associations such as the Gibraltar Table Soccer Association will be eligible for Government grants in view of the fact that the Sports Advisory Body will not be giving grants to associations not included in the Council of Europe International Core List of Sports?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Government considers that the criterion used by the Gibraltar Sports Advisory Body is fair in that grants are only given to officially recognised sports.

SUPPLEMENTARY TO QUESTION NO.192 OF 1992

HON L H FRANCIS:

Will the Minister not accept though that this leaves associations such as this particular one, the Table Soccer Association in a difficult position? They do have a junior world champion amongst their ranks and we cannot boast that in many activities. Are they eligible to apply for grants in any other way? Will they be able to do that even on an ad hoc basis?

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, my answer is specific in saying that there has to be a line drawn as to which sport gets what grants. What I can give an assurance to the honourable Member is that every sport that is recognised by the European Sports Council will be recognised by the Gibraltar Government and the Sports Advisory Body.

MR SPEAKER:

Next question.

THE HON L H FRANCIS

Mr Speaker, what preparatory steps has the Government taken to ensure that Gibraltar will be able to have adequate facilities available and ready for the Small Islands Games in 1995?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Gibraltar Island Games Association is taking preparatory steps and in this context consultations are taking place with the Government, the MOD and other interested parties.

SUPPLEMENTARY TO QUESTION NO. 193 OF 1992

HON L H FRANCIS:

Will the Minister say whether all associations are currently satisfied with the state of progress towards the Small Island Games 1995?

HON MISS M I MONTEGRIFFO:

Mr Speaker, it is difficult for me to answer for what the associations think but in the meetings that I have had with them they are satisfied that the resources that they have available will help them to make the Island Games a success but then again I am the Minister for Sport and they are responsible for the staging of the event and not me.

HON P R CARUANA:

Mr Speaker, there is one particular association in relation to a sport that I understand plays a prominent role in such Games that have not expressed that confidence. The Minister has given the answer that I was hoping that she would give because that would be the best state of affairs for Gibraltar to have. Of all the associations that are required, have any of them expressed to the Minister the view that they do not feel that they will be able to deliver in relation to their sport?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. If I am able to read into the insinuations by the Leader of the Opposition, I think it is a subject of the following question.

HON P R CARUANA:

Well indirectly.

MR SPEAKER:

So we will pass on to the following question.

NO. 194 OF 1992

ORAL

THE HON L H FRANCIS

Mr Speaker, will the Government say what is the state of negotiations with GASA regarding the proposed new pool?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, there are no negotiations between the Government and GASA. As part of the original contract entered into by Gibraltar Homes, there is a requirement for the developer to reprovide GASA's Club House and to construct a swimming pool. Government has been involved in the discussions between the developer and GASA since there are matters of details which have not yet been resolved.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1992

HON L H FRANCIS:

Surely the Government's involvement extends beyond that considering that Government is providing the funds for the provision of the pool?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, the hon Member is incorrect. The Government has never said that we are providing the funds for constructing the pool. The Government has said that our involvement is exclusively in providing the land free of charge to the developer for the developer to build the pool.

HON L H FRANCIS:

Is the Government then satisfied that we will have a pool in time for the 1995 Games and in time for the athletes to train there?

HON MISS M I MONTEGRIFFO:

Mr Speaker, that depends on the negotiations between the developer and GASA.

HON P R CARUANA:

Mr Speaker, is the Minister aware as to any difference in expectation between GASA on the one hand and commitment on the other by they who are providing the pool, in other words, is the Minister aware that there is a dispute as to what one thinks has been promised and what the other feels has been undertaken to provide? Is that the source of the problem?

HON MISS M I MONTEGRIFFO:

Mr Speaker, in answer to the question, I have ended the answer by saying that the Government has been involved in discussion between the developer and GASA. Since there are matters of details which have only been resolved, Mr Speaker, I have gone to that extent by answering the Opposition that it is certain matters of detail that have to be resolved between the developer and GASA.

HON P R CARUANA:

Therefore, Mr Speaker, in relation to GASA in particular, has that organisation expressed to the Minister a concern as to whether or not it can be ready in time for the Island Games in relation to its sport?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. Neither the developer or GASA have responded to me as to the actual time-scale. The only problem that they have at the moment is as to matters of details between the works that GASA are expecting and what the developer is prepared to provide. But as far as the Government is concerned if there is a pool which conforms to FINA's specifications then we are happy.

HON P R CARUANA:

Is the Government's position that it considers having provided the land, it has discharged any commitment that it did on it.

HON MISS M I MONTEGRIFFO:

On the contrary I have just answered the honourable Member by saying that the Government is concerned that that pool should be accepted by the governing body of swimming which is FINA, Mr Speaker. As far as we are concerned if those specifications are accepted by the organising official swimming body then the Government is happy, Mr Speaker.

MR SPEAKER:

Next question.

NO. 195 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, does Government consider that the traffic and pedestrian flow arrangements at Casemates Square at the bottom of Casemates Hill is adequate?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the introduction of the traffic lights at the top of Casemates Hill greatly improved the flow of traffic at Line Wall Road but in turn resulted in causing unacceptable traffic jams at the bottom of the hill. The traffic authorities have undertaken tests to see whether altering the traffic lights timer, thus changing the frequency of the green light, would alleviate the problem. They found that it creates more problems than it solves since it causes jams along Line Wall Road and towards the other side up to Smith Dorrien Bridge. The traffic authorities have, as yet, not been able to find a solution other than to manually operate the traffic lights on days when traffic congestion is abnormally bad. The matter continues under review. If the honourable Member, or indeed any member of the general public, has any suggestions, these should be submitted to the Traffic Commission in writing for their consideration.

SUPPLEMENTARY TO QUESTION NO. 195 OF 1992

HON H CORBY:

Mr Speaker, as always I will give the Minister an alternative to it. That is if the zebra crossing is situated at the bottom of Casemates Hill from the kiosk up to the pharmacy on the other side with traffic lights synchronised with the traffic lights at the top of the hill. That might alleviate the problem. What is happening at the moment is that people coming from Casemates into Main Street are weaving all through the traffic with prams, with whatever you think and it might be an idea that instead of having the zebra crossing at the top to here it at the bottom and then all the traffic coming down will be stopped at the top of the hill allowing people to come through.

HON J C PEREZ:

Mr Speaker, there is no zebra crossing at the top.

HON H CORBY:

There used to be one.

HON J C PEREZ:

But there is none. The honourable Member is suggesting that there should be one at the bottom. The only thing I can do is put it to the traffic authorities, but I can tell the hon Member that it is not a simple matter because it has also to do with the number of traffic coming southbound and northbound and wanting to get into the Casemates carpark at the same time which causes congestion on both sides. It is not an easy matter to resolve.

HON H CORBY:

Mr Speaker, if the traffic coming up the road from the bottom of Casemates Hill will go either in the direction of the Shell petrol station or towards the bridge, whilst the other one is coming down. They can both come down together without joining at any other point.

HON J C PEREZ:

I will put the suggestion to the traffic authorities.

HON LT-COL E M BRITTO:

Would the Minister like to consider another possible solution?

HON J C PEREZ:

No, the Minister would not consider the suggestion. He passes it on to the traffic authorities.

HON LT-COL E M BRITTO:

Will he consider passing it on?

HON J C PEREZ:

Well, if the hon Member insists in not writing to them directly, I shall have to.

HON LT-COL E M BRITTO:

Which might be, Mr Speaker, to prevent traffic travelling north along Line Wall from turning right down Casemates Hill during those times when Main Street is pedestrianised and this would go a long way towards alleviating the chaos at the bottom of the hill.

HON J C PEREZ:

I will put it to the traffic authorities.

MR SPEAKER:

Next question.

NO. 196 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, in order to prevent repetition of the chaos caused by foreign caravans getting stuck in Casemates Gates, will Government provide adequate signs advising motorists as to the height and width of the arches?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Sir, the traffic section has already commenced to replace those signs which had been brought down by vehicular traffic. The sign to which the honourable Member is referring to will be replaced shortly.

SUPPLEMENTARY TO QUESTION NO. 196 OF 1992

HON H CORBY:

Mr Speaker, I do not think that there were any signs advising motorists of the height and width of the arches at any time that I can remember.

HON J C PEREZ:

There was on two occasions a sign erected and on both occasions large vehicles parking by the side of the market brought the notice down but it is going to be put up by the arches on this occasion.

HON H CORBY:

Mr Speaker, probably it would be an idea to place them in the middle of the arches and then no trucks will divert to the left or the right.....

HON J C PEREZ:

That is what is going to happen now.

MR SPEAKER:

Next question.

NO. 197 OF 1992

ORAL

THE HON H CORBY

Mr Speaker, will Government pedestrianise the area of St Mary's School for the periods 12-12.30 pm and 4-4.30 pm in the interests of child safety?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Sir, the honourable Member is free to suggest this to the Traffic Commission, if he so desires, but the Government cannot and will not support his suggestion since it is obvious that the pedestrianisation of this area, at the suggested times, would prove chaotic to the general traffic flow. The relevant authorities consider that the railings along the whole front of the school and on the other side of the road, together with the presence of a policeman and/or traffic warden, is sufficient to cater for child safety in the area.

SUPPLEMENTARY TO QUESTION NO. 197 OF 1992

HON H CORBY:

Mr Speaker, again I give the Minister a suggestion. I say that it is a practical thing to do. I do not know if the Minister is aware that parents had a meeting with the head teacher and all the mothers concerned with their children and fathers, and this was suggested by the head mistress and all the teachers were in agreement with this. I will give an alternative so as not to create the chaos that the Minister is stating. Going up King's Yard Lane as it is at the moment, you can go up Prince Edward's Road and anybody wanting access from King's Yard Lane can follow the route to Victualling Office Lane back to Main Street and the other access available is by the Chief Minister's Office which is Convent Place going up. It is a narrow road. There are 279 children. There is a warden on the actual zebra crossing but there are workshops all over this area in which the children move out of the zebra crossing into the other side and cars are coming. It is the safety of the children which I am worried about.

HON J C PEREZ:

Mr Speaker, the honourable Member or the parents or the teachers can suggest it to the Traffic Commission. The Government does not see the sense of it and will not support it.

MR SPEAKER:

It is clear that the Minister cannot do anything about those suggestions and therefore they have got to be referred to the Traffic Commission. I think you will get more joy out of doing it that way than the other way. Next question.

THE HON LT-COL E M BRITTO

Mr Speaker, further to the answer to Question No. 59 of 1992 will Government say whether any decision has been made to extend "the loop" and in doing so to bring in additional safeguards and escape routes for occupants of cars trapped in the frontier queue should a fire break out?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir. No firm decision has yet been taken.

SUPPLEMENTARY TO QUESTION NO. 198 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister in a position to give us an indication of whether the matter is under consideration or what sort of time-scale there could be before a decision is made?

HON J C PEREZ:

Sir, the matter continues to be under consideration every time the area is looked at in the context of traffic but as I said at the time the honourable Member put his original question, the Police and the Fire Brigade are quite satisfied that they can attend to emergencies in the way that they have attended it in the past and there is no priority being given to the issue. If there is a change and an extension to the loop this thing will be looked at. It will not be looked at until that happens. It continues under review periodically.

MR SPEAKER:

Next question.

NO. 199 OF 1992

ORAL

THE HON F VASQUEZ

Mr Speaker, will Government indicate how temporary the Temporary car park in Queensway is intended to be?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the car park at Queensway is not temporary. The structure of the car park is such that it allows the dismantling, removal and erection of the car park to a different site if the need ever arises.

SUPPLEMENTARY TO QUESTION NO. 199 OF 1992

HON F VASQUEZ:

Mr Speaker, is it then the Government's intention to leave that car park there indefinitely?

HON J C PEREZ:

At the moment there is no proposal for the use of that land in any other manner. If a developer would say that that land could be put to better use and it would be to the economic advantage of the community as a whole then we would proceed with resiting the car park.

HON F VASQUEZ:

Mr Speaker, I am not thinking so much in terms of the economic advantage to the community as a whole but there is the aesthetic disadvantage of having that car park situated there. It is a horrendous, ugly building. In my submission, Mr Speaker, it demonstrates again the deficiency of our planning system. Is Government considering the alternative location of that car park?

HON J C PEREZ:

No, Mr Speaker. We are not considering an alternative location because the honourable Member dislikes it. The plans have gone through, the whole process of the Development and Planning Commission, the Heritage Trust and everybody else that needs to see it before it is approved. It has received approval by everybody and if the honourable Member does not like it he can object to it but that is not going to change things.

HON LT-COL E M BRITTO:

Is the Minister aware of public statements by, I think, the builder of the car park that it is meant to last five years and does the Government support this view?

HON J C PEREZ:

I am aware of two interviews. One in which that was said and the other one where the situation was corrected and what I have just said, was said.

HON P R CARUANA:

Was that as a result of the what the Minister said to the gentleman?

HON J C PEREZ:

Yes Sir. That was as a result of me ringing the gentleman to correct him by saying that he had given the wrong impression in public. I thought I needed to clear it publicly and he did it perfectly.

MR SPEAKER:

Next question.

23.11.92

NO. 200 OF 1992

ORAL

THE HON LT-COL E M BRITTO

Will Government say whether public funds are being or have been directly or indirectly used in the building of the carpark on the Queensway football ground?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No Sir. No public funds whatsoever have been used in the building of the car park at Queensway.

THE HON L H FRANCIS

Mr Speaker, will the Government say how the waste created by the new incinerator is disposed of?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the incinerator does not create waste it disposes of it. I can only presume that the honourable Member is referring to the residual ash of incineration. This is being stockpiled and mixed with rubble in land fill areas when these become available.

SUPPLEMENTARY TO QUESTION NO. 201 OF 1992

HON L H FRANCIS:

I was asking the question because I had been informed that the fumes of the exhaust is washed directly into the sea. Is the Minister able to confirm that or not?

HON J C PEREZ:

No. Mr Speaker, that is not the case.

HON F VASQUEZ:

Mr Speaker, could the Minister please indicate where it is stored pending the finding of a suitable site?

HON J C PEREZ:

The stockpiling of the ash is in the area next to the incinerator and it is not a permanent feature of the operation. It is just that when we are moving from one controlled land filled area to another, some reclamation needs to take place before it can be controlled so that ash can be buried without making its way into the sea.

HON F VASQUEZ:

Can the Minister please indicate whether this ash is of a toxic nature?

HON J C PEREZ:

Mr Speaker, it is the same ash as there was before that used to be pushed down the chute and into the sea. It is now disposed of in land filled areas. A lot of metal components are separated from it in the process prior to incineration. If it is toxic at all, it is less toxic than what it was before.

HON F VASQUEZ:

One final question. Mr Speaker, by way of information could the Minister please state if he is aware as to what sort of quantities of ash is produced by this plant?

HON J C PEREZ:

It is about 3½% of the total waste incinerated.

HON P CUMMING:

Mr Speaker, could the Minister tell us why so many cactuses are dying in the area of the incinerator?

HON J C PEREZ:

I presume it is because the honourable Member goes through there. I do not know.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Mr Speaker, will Government make a statement regarding the damage to No.3 generator when the engine blew a piston at Waterport Power Station last September and in particular will it say:

- a. what was the cause of the accident,
- b. what is the expected cost of repair,
- c. who will pay this cost,
- d. when will the generator resume service,
- e. whether the equipment damaged was insured, and
- f. what is the cost to the taxpayer in extra supplies obtained from Omrod and other sources?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, at approximately 8.20 pm on Thursday 3 September, the Control Room staff at Waterport Power Station heard a loud bang in the vicinity of No.3 generator. Occurring almost simultaneously the machine was tripped off the board by the action of the Master Trip Relay. Maintenance fitters working on the adjacent No.2 set, not surprisingly, also heard the loud noise and ran to the local control panel of Set 3. There they found the engine to be still running but at a speed of only 350 RPM. It was not until the emergency stop button was pressed that the engine finally came to rest. The station staff estimate the time from hearing the initial bang to the engine coming to a stop to be no more than one minute. The City Electrical Engineer, after consulting me, got in touch with Mirrless Blackstone who acceded to undertake an inspection of the engine at no cost to the Government. The inspection has revealed that the failure and subsequent explosion occurred as a result of the connecting rod having broken. The connecting rod was identified as being the original one which came with the engine. This had previously been changed as a result of the occurrence of debris entrapped in the small end bush. A spare connecting rod was installed. In May 1992, when the engine had ran for 17,690 hours, and just prior to the first major overhaul which was scheduled after 18,000 hours, a high piston oil return temperature was recorded. Investigation revealed the cause to be a reduced oil flow through the piston as a result of debris from the earlier footvalve failure, partially blocking the piston drain plug. The piston was fully stripped, cleaned and re-assembled. The unit was rebuilt taking the opportunity

to use the original connecting rod, as it had by now been fitted with a new small end bush. The expert from Mirrless has concluded that from the onsite examination of all the damaged engine components, it is clear that it was the A5 connecting rod which experienced failure. The connecting rod had fractured as the consequence of fatigue cracks propagating from the bottom region of the small end eye bore. All other major engine damage, such as the displaced balance weight, was purely consequential. Mirrless Blackstone have put the cost of repair at approximately £300,000 with labour and supervision included. The cost of these repairs would fall on the Government. The matter now needs to be pursued with the staff, prior to negotiating financial arrangements if we go ahead with the offer. The engines are insured against damage arising out of earthquake, volcanic eruption, subterranean fire, external explosion, any drop of aircraft or aerial devices, storm, tempest, flood (including overflow of the sea), bursting or overflowing of water tank apparatus, riots and civil commotion, rockfall and malicious persons acting on behalf or in connection with a political party or organisation.

HON P R CARUANA:

That sort of coverage is no longer required.

HON J C PEREZ:

Mr Speaker, I think it is still required since this happened in 1991 during our administration. The engine is not insured against breakdowns because when Government tendered for such insurance and after identification of the specialist nature involved no financially acceptable offer was received. This happened in March 1991. It is not common for engines of this nature to be insured against breakdowns. It is still unknown when the engine will be back in service. To date an estimated figure of £51,500 has been incurred in extra purchase of electricity from OESCO. The extra cost arises because no savings on labour occur when one or two of the three engines are out.

HON LT-COL E M BRITTO:

Mr Speaker, may I thank the Minister for a very detailed and factual answer?

MR SPEAKER:

Next question.

NO. 203 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, will Government make a statement regarding the future of GBC and in particular will it say what changes are being considered to the organisation and running of the GBC Newsroom?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Board of the Gibraltar Broadcasting Corporation wrote to the Government some weeks ago explaining the dire financial situation of the Corporation notwithstanding the restructure exercise carried out last year together with the investment over and above the normal subvention for 1991/92. The report submitted to Government gives a very bleak picture with a further reduction in advertising revenue expected at the end of this financial year. The Board is now in the process of formulating proposals to Government in order to reduce expenditure further. Once this is completed the Government will be asked to consider the future funding of the Corporation. The Board has also received proposals from three journalists, two of which work at GBC for the contractisation of the function of the Newsroom. This proposal is under consideration by the Board.

SUPPLEMENTARY TO QUESTION NO. 203 OF 1992

HON P R CARUANA:

Mr Speaker, does the Government agree with the Opposition that it would be invidious and therefore improper for any individual who has taken part in a political capacity in the last general election in Gibraltar to be installed in any form of editorial control or have any other input in relation to editorial matters in relation to the news and current affairs of GBC? Does the Government share my concern that it would compromise the perception of political impartiality in the public service broadcasting in Gibraltar? Will the Government confirm that the third person concerned with this contractisation proposal and who does not currently work at GBC is the person that would fall into the category that I have described?

HON CHIEF MINISTER:

No. Mr Speaker, the honourable Member has asked us if we share all his worries. The answer is no. We do not share all his worries but of course he has approached me on it and I have told him that I will be consulting him before anything materialises which should have put his worries to rest.

HON P R CARUANA:

They have not, Mr Speaker, because in the process of consultation as we know in relation to the 1987 Airport Agreement, the word consultation means many things to many people and if consultation means that I am going to be telephoned and informed of what the Government proposes to do and given a reasonable opportunity to influence the outcome then I would welcome that and I confirm that the Chief Minister has made that commitment in private. Then I would accept that as a genuine offer of consultation. But if consultation means that I am going to be informed just before it happens that it is going to happen, then the Honourable the Chief Minister will understand that that is not a process of consultation.

HON CHIEF MINISTER:

Mr Speaker, I do not know why the honourable Member should be jumping to any conclusions. At the time that he contacted me, I told him that in view of his concerns, I gave him a commitment that I would consult him before a final decision was taken and consulting somebody before a final decision is taken is not informing him of what the decision has been. It is up to him. If he is not happy with that, then fine, he can have one view and we can have another. He has just asked us whether we agree with him. The answer is no we do not agree with him. If we do not agree with him and we have to decide it then the view and the fears that he has will not form part of it because we do not share them.

HON P R CARUANA:

Mr Speaker, as I say, I accept the undertaking to consult. We shall see what comes of it but certainly I do not accept the statement of the Chief Minister, that the decision as to who takes part in a contractorisation at GBC is his. That is what I complain about. The decision as to whether there is contractorisation or privatisation of the newsroom at GBC, does the Minister agree, is a decision for the Board of the Gibraltar Broadcasting Corporation which is a statutory corporation? It is not a Government department and therefore Government Members can cut the purse strings at GBC if they wish but they can have no influence or control, still less make the decision, as the Chief Minister has just said, as to whether the news service of GBC is privatised or whether it is right or wrong for somebody of recent political activism to be installed in that position.

HON CHIEF MINISTER:

Mr Speaker, the Leader of the Opposition knows that when he rang me up I told him that we were not involved in the decision. That it was the Board of GBC's. The only reason why we are becoming involved is because of his concerns.

But as far as I am concerned when he rang me up I told him that we were not taking the decision but at the end of the day obviously we are in a position to influence it since any contract within GBC.....

HON P R CARUANA:

The Chief Minister has just said here and now, I beg his pardon for interrupting him, that since we disagree and it is he that takes the decision....

HON CHIEF MINISTER:

No. I have not said that.

HON P R CARUANA:

Then I am going deaf.

HON CHIEF MINISTER:

You may well be, I would not be surprised, Mr Speaker, because there are so many other things going wrong with the Opposition that deafness would probably be one added calamity that they are suffering from. The only reason why we are taking an interest in this matter, Mr Speaker, is not because of all the fears that we have but because of all the fears that he has. If on top of the fact that we are responding to his fears, it is going to give him reason for accusing us of interfering with the independence of the Board of GBC, then the answer is that we will not interfere with the independence of GBC. We will say to GBC that it is up to them to do what they like and I am quite happy to do that. I am quite happy now to state here categorically that we do not want to interfere in the decision and that the only reason why we have looked at the possibility of saying to GBC that they cannot take this decision is because of the worries of the Leader of the Opposition.

HON P R CARUANA:

Mr Speaker, so as not to convert this into a debate, my last intervention on the subject. The Chief Minister knows that his Minister for Government Services was actively involved in considering proposals long before I even discovered that it existed, let alone, rang him on the telephone to express my concerns. To suggest, as the Chief Minister has just done, that the Government had become involved in this matter only as a result of and following my expression of concern is not a version of events that I can support or I think is borne out by the reality of the situation.

HON CHIEF MINISTER:

Mr Speaker, whether the hon Member supports it or does not support it is totally irrelevant. I am here to answer his questions at question time and the position is that I have stated quite categorically that the Government would not have been involved in taking a decision on whether to support whatever the Board comes up with unless and until that Board takes its own decision in the first instance. The Board of GBC can take the decision and we can say to them that they have a blank cheque or we can say to them that because of its political sensitivity and the fact that the Leader of the Opposition is so worried and we are concerned that he should not be worried and should sleep at night, we are going to ask you to leave the final decision with us. Because the honourable Member has never been in Government and has been a very short time in Opposition, he does not seem to understand that there are constantly lots of things being discussed between different people and different parties, the bulk of which never come to fruition. We do not take positions or policy decisions on everything everytime somebody comes up with the idea. We are prepared to listen to anything that anybody comes up with but at the end of the day our experience is, both when we were over there and since we have been over here, that a lot of them finish up with a dead end. Therefore on this occasion, the commitment that I gave was that if he was worried about it, then, although I had not been involved at all, I would make sure that GBC understood that we wanted to have the final word on it so that I could consult him of it. If he thinks it is better that GBC should decide itself, let me tell him that that is my preferred option. I do not want to get involved.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister, in his initial reply, said that proposals had been made from three journalists to the Board of GBC. Can the Minister say whether the Board has met to discuss those proposals?

HON J C PEREZ:

As I understand it, the Board is deferring a decision on those proposals until the financial situation is cleared. They are making themselves proposals to the Government as I have said in my original question. I take this opportunity in clarifying to the honourable Member that the only instance where I have intervened was in the restructure of GBC last year and that was at the request of the Board. The final decisions of that restructure were taken by the Board. The honourable Member himself has talked to me about it, talked to the Chief Minister about it and I understand to the three journalists concerned. Does that involve him in discussions? That is exactly what anybody else.....

HON P R CARUANA:

I do not control the purse strings. My influence is not as great as the hon Member's.

HON LT-COL E M BRITTO:

Can the Minister confirm then that the Board has not met to discuss the matter?

HON J C PEREZ:

The Board meets regularly. It has not taken a final decision on that proposal.

HON LT-COL E M BRITTO:

Can the Minister also confirm, Mr Speaker, that he himself has met with some members of the Board outside the format of a Board meeting to discuss those proposals?

HON J C PEREZ:

I do that regularly, but not to discuss that proposal. To discuss general matters.

HON LT-COL E M BRITTO:

But also that the Minister has met them to discuss those proposals specifically?

HON J C PEREZ:

Not those proposals specifically.

MR SPEAKER:

Next question.

23.11.92

NO. 204 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, is Calpe House still enmeshed in a legal labyrinth or has Government any ideas when it may begin to function?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 205 of 1992.

NO. 205 OF 1992THE HON H CORBY

Mr Speaker, will Government explain why Calpe House is still closed and when it is expected to open?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Sir, the trustees of the Calpe House have informed the Government that as a result of Government intervention and the assistance of the Foreign Office in the United Kingdom, the problems that were being encountered with the Westminster Council have now been satisfactorily resolved. Calpe House is, therefore, not any longer enmeshed with legal difficulties. The planning and building permits were recently granted and construction work has already begun. It is expected that these works will have been completed by January. The trustees are confident that the Calpe House will be in a position to commence operations some time in late January or early February.

SUPPLEMENTARY TO QUESTION NOS. 204 AND 205 OF 1992

HON H CORBY:

I would like to know if it is January, 1993?

HON J C PEREZ:

Probably 1996, Mr Speaker. Ask a silly question get a silly answer.

HON H CORBY:

The Minister said January but he did not say the year. I am asking him what date it is. Mr Speaker, if it is 1996 or 2001, can we have a commitment from the Government or from the trustees that they will advise the people of Gibraltar of what is happening insofar as the Calpe House is concerned? People are very worried and it is of prime importance to people who are sick and are seeking accommodation in the UK. So instead of having these lapses of long-term silence, can we have a commitment either from the Government or from the trustees to enable the people to see what progress is being made?

HON J C PEREZ:

I shall pass on the views of the honourable Member to the trustees.

23.11.92

ORAL

NO. 206 OF 1992

THE HON LT-COL E M BRITTO

Mr Speaker, will Government say how many persons are currently employed on a part time basis in the public sector?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the figure at the end of October 1991 was 465 as shown in the employment survey tabled at this meeting of the House. It is believed that this figure has not changed significantly but the actual figure, to date, is not yet available.

23.11.92

ORAL

NO. 207 OF 1992

THE HON F VASQUEZ

Mr Speaker, will Government consider the introduction of flexible working hours for single parents in its employment?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, no provisions exist within Government service for the operation of flexible working hours. However, on occasions, certain employees with particular requirements have raised their own situation with the Personnel Department and it has been possible, in the majority of cases, to make arrangements to cater for their special needs. Single parents are no exception to this. Any single parent, in Government employment, with particular difficulties, may contact the Personnel Department and arrangements will be made to assist them wherever and whenever possible.

NO. 208 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, does Government intend to promote a senior police officer to the rank of Chief Superintendent to fill the vacancy left recently by the retirement of the officer commanding the Operations Division of the Royal Gibraltar Police?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

No Sir. Government has no intention of filling the vacancy referred to by the honourable questioner.

SUPPLEMENTARY TO QUESTION NO. 208 OF 1992

HON LT-COL E M BRITTO:

Can the Minister confirm it is now Government policy to either abolish the post or in effect to achieve the same objective by leaving it vacant?

HON J C PEREZ:

We shall not be filling it and that means that we feel that the post is no longer needed.

HON LT-COL E M BRITTO:

Does the Commissioner of Police share this view?

HON J C PEREZ:

Mr Speaker, we did not ask any head of department when we restructured the rest of the Government whether they were in agreement to remove a layer of supervision which we have done in the whole of the Government service since we came into office and the Police had not two layers at the top but three layers and we are removing one.

HON LT-COL E M BRITTO:

Mr Speaker, is it the intention of the Government to have the same policy and not to replace the Deputy Commissioner when the present Commissioner retires and the post of Deputy Commissioner.....

MR SPEAKER:

That is now completely outside the question.

HON LT-COL E M BRITTO:

It is to do with promotions in the Police Force and the rank structure, Mr Speaker.

MR SPEAKER:

We will see whether the Minister wants to answer.

HON J C PEREZ:

Mr Speaker, if the vacancy is unfilled it would be something that the Government would consider but I think that consideration could even come beforehand given that there is a general look at the top echelons of the Police in the United Kingdom where the view of those undertaken it is I quote "The need for there to be more Indians and less chiefs". Whether that is the result of the enquiry in the United Kingdom and the result of the negotiations with the Police Association is another matter but this will have to be taken into account in looking at the whole structure of the Royal Gibraltar Police Force.

HON LT-COL E M BRITTO:

Mr Speaker, has the Government taken any independent professional advice, like, for example, from UK on the command structure of the Police because of these changes?

HON J C PEREZ:

Mr Speaker, we do not think it is needed. We have not.

HON F VASQUEZ:

Mr Speaker, has the Minister considered the effect on the morale of the Force in this taking away of a third as it were of the promotion structure of the Force?

HON J C PEREZ

Mr Speaker, I do not think that the morale of the Force is different to the morale of anybody else in the Government Service and this is Government policy. We stood for election on that ticket on two occasions and have been re-elected on it and we intend to implement that policy.

HON P R CARUANA:

Mr Speaker, does the Minister accept that when people say that they are going to undertake cuts or reviews, there is an assumption on those that hear the suggestion that professional advice is going to be taken? One thing is to restructure a clerical operation in a department that the Minister understands because he has worked in it, and it is quite a different thing for the Minister to consider that because he can do that, he is competent to restructure

an operational force like the Royal Gibraltar Police Force without the need to take professional advice. I am frankly concerned that the Government is doing that. Will the Government now commit itself to take expert advice on operational matters and will it consider the views of the Commissioner of Police on the matter?

HON J C PEREZ:

Mr Speaker, the views of the Commissioner of Police have not been made on this subject and he is free to make them if he so desires without any assistance from the Leader of the Opposition. The Government is not carrying out a restructure of the Royal Gibraltar Police Force. It is just not filling in the post of the Chief Superintendent. The experts are the ones in the United Kingdom looking at the structure of the Police in the United Kingdom. Those experts will report to the British Government and that report will then be available to us to look at to see whether we copy what is happening in the UK or not. The Government does not see, at this stage, any need for any assistance whatsoever from any expert to see whether the post of Chief Superintendent should be filled or not.

MR SPEAKER:

Next question.

NO. 209 OF 1992

THE HON L H FRANCIS

Will the Minister say whether there are as yet any development plans for the King's Bastion, Old Technical College, Rosia Bay, the old Victualling Yard and the Europa Point area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No Sir.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1992

HON P R CARUANA:

Is that that the Minister will not say?

HON M A FEETHAM:

It is that there are no plans, Sir.

HON P R CARUANA:

Will the Minister confirm, that in relation to some of those sites, the Government is now willing to offer a process of public consultation as to what should happen in the sites?

HON M A FEETHAM:

Our policy on that remains unchanged from all the statements that I have made to the House.

HON P R CARUANA:

That you will do as you like without taking expert advice?

HON CHIEF MINISTER:

That is a matter of opinion.

MR SPEAKER:

Next question.

NO. 210 OF 1992THE HON F VASQUEZ

Mr Speaker, is it the Government's intention to proceed with the eastside reclamation and/or the tunnel link through the rock?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Yes Sir. It is intended initially to proceed with the tunnel. A final decision on whether to proceed with the reclamation will be taken at a later stage.

SUPPLEMENTARY TO QUESTION NO. 210 OF 1992

HON F VASQUEZ:

Is the Minister saying in that answer that in fact the tunnel is in no way linked to the eastside reclamation? That they are two entirely different unrelated projects?

HON M A FEETHAM:

Mr Speaker, they are not unrelated. There is a mechanism in place under the contract arrangements should we wish not to proceed with the reclamation. We need to do the tunnel first to be able to do the in-fill. We have got a mechanism in place to be able to say the reclamation will not proceed.

HON F VASQUEZ:

I do not want to labour the point, Mr Speaker. The impression this side of the House has is that the idea is to use the in-fill from the tunnel to proceed with the reclamation. So it was always assumed that the two go hand in hand. Is it still the intention then that the rubble from the tunnel will be used to reclaim on the eastside?

HON M A FEETHAM:

Mr Speaker, not necessarily. I think that it would serve the House better that I should make the situation known when I think it is appropriate to do so because we are not in a position yet to start. So when we are I will make a statement outlining the details.

HON LT-COL E M BRITTO:

Can the Minister say whether the exit of the tunnel on the westside would be at the level of the Dockyard or at the level of Red Sands Road?

HON M A FEETHAM:

The level of the Dockyard, Mr Speaker.

MR SPEAKER:

Next question.

NO. 211 OF 1992THE HON F VASQUEZ

Mr Speaker, is Government aware whether any developer intends to continue with the Euro City Development or to proceed to conduct further reclamation on the Westside?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, discussions take place from time to time that could lead to further development on Westside including reclamation. However, there is no imminent decision foreseen.

SUPPLEMENTARY TO QUESTION NO. 211 OF 1992

HON F VASQUEZ:

Mr Speaker, has then Government made any contingency plans? Clearly, Mr Speaker, it always was one of the cornerstones of the Government's economic policy that these developments on the Westside will go ahead and we are all aware of the GDP projections that were made on the Government side of the House taking those developments into account. Are there any other contingency measures? Can the Minister say where Government is going to look for then for the continued economic growth of this community?

HON M A FEETHAM:

Mr Speaker, the simple answer to that is that as the economic climate improves worldwide, we will be in a better position to be able to attract further investments as we have done in the case of Baltica and others. The pace of developments can only be determined by the amount of investment that you bring in and also your desired requirement for particular investments.

HON P R CARUANA:

Mr Speaker, are we to assume that all those pretty models that we were shown not that many months ago are no longer to become a reality?

HON M A FEETHAM:

Mr Speaker, we have made known our development plans and it was very clear in making known those development plans that that is a ten to fifteen year programme. Even though we have done a miracle in the last four years by the level of investments that we have brought in and all the houses that we have done for people and everything else, you cannot expect that that pace can be kept up at the pace that we have been doing in the past.

HON P R CARUANA:

That is what I thought at the time that I saw the models, Mr Speaker.

MR SPEAKER:

We cannot extend these questions into the future development of Gibraltar. Next question.

23.11.92

ORAL

NO. 212 OF 1992

THE HON M RAMAGGE

On what basis, by whom and when will houses at the Gib 5 project be allocated?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 212 of 1992.

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NO. 213 OF 1992

THE HON M RAMAGGE

Mr Speaker, will Gib 5 be allocated on self repairing leases?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the matter is still under consideration and a decision will be taken when the project is completed.

SUPPLEMENTARY TO QUESTION NOS. 212 AND 213 OF 1992

HON P R CARUANA:

Mr Speaker, does that mean that the possibility exists that Gib 5 might not be allocated by the Housing Allocation Committee, given the Chief Minister's very clear explanation of the difference about three hours ago?

HON M A FEETHAM:

I think I have made the answer very clear. The matter is still under consideration and a final decision has not been taken. All the options are available under that scenario.

HON P R CARUANA:

Mr Speaker, will the Minister say, given the impressive progress that has been made with the building of the project and that therefore it can be expected to be completed in the not too distant future, when that decision is likely to be made?

HON M A FEETHAM:

Mr Speaker, with everything else that we have to deal with, I cannot say when the decision will be made.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government making the Minister for Housing redundant, considering that all questions of housing have not been answered by him and is it following Government policy of abolishing posts, are we to see the post of Minister for Housing made redundant?

HON J C PEREZ:

We will start with the Opposition first.

HON J L BALDACHINO:

Mr Speaker, the Minister for Housing will be answering questions when his questions arrive and it is his turn to answer. In any case the question is very simple, Mr Speaker. Has the Opposition Member been made redundant because there are some questions on housing that have been asked by other Opposition Members?

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 214 OF 1992

THE HON LT-COL E M BRITTO

Will Government say whether it continues to have a financial interest in the Building Components Factory, whether it intends to maintain this interest and will it further say what are the short to medium term plans for the factory once the Gib 5 building project is completed?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government has a minority shareholding of the Building Components Factory through one of its companies. The future of the factory is a matter for shareholders to decide in the light of market possibilities.

SUPPLEMENTARY TO QUESTION NO. 214 OF 1992

HON LT-COL E M BRITTO:

I take it, Mr Speaker, that I am not going to get any further information so I will not waste the time of the House by asking supplementaries.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 215 OF 1992

THE HON H CORBY

Mr Speaker, can Government state the total revenue collected from the sale of Government properties for the financial year 1991/1992 and will they provide a list of such properties detailing the amount each property was sold for, to whom they were sold and what procedure was followed to select the successful purchaser?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the total revenue for the sale of Government property in 1991/92 is estimated to have produced £70.0m, in each case the sale value of the property reflects a variety of factors such as, state of repair of the property, location, use whether residential or commercial, conditions attached to the lease, development value whether new construction takes place, and the state of the property market at the time the sale takes place. These transactions are handled on behalf of the Government by the Crown Lands agents, Land Property Services Limited. It is not therefore possible to identify a given procedure for the successful completion of negotiations for all property sales.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1992

HON P R CARUANA:

Mr Speaker, will the Minister just clarify whether that figure of £70m includes ex-government owned housing stocks sold to Government owned companies in the form of financing which you have now described. I think it was eight times last time we mentioned this and I assume, given the figure involved, that it includes this novel method of padding up the Government's balance sheet? Will the Minister say whether he has available to him the figure minus that? In other words, the amount of money received from third parties - that is to say, from companies not owned by the Government - for sale of Government properties.

HON M A FEETHAM:

Mr Speaker, I have not got that figure available. I would stick my neck out and give you an estimated figure. That is the best I can do.

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HON P R CARUANA:

Mr Speaker, I hail what the Minister says. The Minister should have the information because in fact if he had answered my hon Friend's question properly, he was asked to provide a list of such properties, detailing the amount each property was sold for, to whom they were sold and what procedure was followed to choose the successful purchaser. If he had answered that question properly, I would not have had to ask the supplementary because I could have done the subtraction for myself.

HON CHIEF MINISTER:

Mr Speaker, the propriety of the answer is not a matter that depends on the judgement of the Leader of the Opposition. The level of the information that the Government chooses to provide is a matter for the Government to judge not for the Opposition, as it has always been with every Government and as it is with every Government everywhere. Of course, let me tell the honourable Member that we could have said to the Opposition Member that he did not have the right to ask for the total revenue collected from the sale of properties in the Financial Year 1991/92 because that information is already provided in the Estimates of Expenditure and he is not entitled to put questions asking for information which he already has. Nevertheless what we have given him is in fact the total value of the property and out of the £70m something like £69m is the sale of the Government property to Government companies. The £1m is other bits and pieces. As the honourable Member says, explained previous eight times.

HON P R CARUANA:

Mr Speaker, let the record then show that the only part of the question that the Government has seen fit to answer is the information that the Chief Minister says is available to me and the breakdown that I have asked for, the Government, by the Chief Minister's own admission refuses to give, given that he quite rightly says that how much information he puts before this Parliament is a decision for him. Therefore what he is saying is that he is not prepared to tell this Parliament the details of the sale of properties that I have asked for. I know that that may have been the position and there is nothing that I can do to force Government Members to give me information which is not going to dissuade me from keeping on asking for it.

HON CHIEF MINISTER:

The Opposition Member is entitled to keep on asking and he will keep on getting the same answer.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 216 OF 1992

THE HON F VASQUEZ

Mr Speaker, what policy has Government adopted for the allocation of residences in the upper rock area released by the Ministry of Defence? Are these to be allocated under the normal housing allocation system?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, there have been no residences in the upper rock released by the MOD.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1992

HON F VASQUEZ:

Could I ask were Humphries bungalows, for example, were not residences previously owned by the MOD which were released to the Government of Gibraltar?

HON M A FEETHAM:

I did not classify that as being on the upper rock. There is a defined area known as the upper rock. Yes, Humphries bungalows have been recently released to the Government of Gibraltar. No decision has been taken as to its disposal.

MR SPEAKER:

Next question.

NO. 217 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, will Government confirm that it is planning to transfer Central Police Station to Governor's Parade and explain the reasons for the delay in doing so?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Yes Sir. I can confirm that the Government is planning to move the Central Police Station to Governor's Parade. The matter, however, has been held up because part of the property at Governor's Parade is held by the Ministry of Defence on a freehold basis, and there are discussions with the MOD as to how the transfer of freehold property held by them are to be dealt with.

SUPPLEMENTARY TO QUESTION NO. 217 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, has the Minister an indication when the matter will be solved?

HON M A FEETHAM:

Mr Speaker, not really. We are trying to.

HON P R CARUANA:

Mr Speaker, is the problem to which the Minister alludes, the fact that the Ministry of Defence consider that they should be paid a market value for freehold properties?

HON M A FEETHAM:

Absolutely.

HON P R CARUANA:

That being the case, Mr Speaker, will the Minister confirm that he has brought to the attention of the Ministry of Defence what I recall was a unanimous resolution of this House on that subject during the last House of Assembly? Can the Minister say whether that has brought any influence to bear on the Ministry of Defence?

HON M A FEETHAM:

Mr Speaker, the position that we have taken on freehold we did not take recently. We took it in April 1988 when we came into office and we sent the Ministry of Defence and the British Government our views on the Lands Memorandum and our views remain unchanged. We do not intend to pay for any freehold property that the British Government has in Gibraltar.

MR SPEAKER:

Next question.

NO. 218 OF 1992THE HON F VASQUEZ

Mr Speaker, will Government say whether the property converted to a Night Club on the site previously known as the Key and Anchor Club has been transferred to the present occupiers on the basis of leasehold or freehold, on what conditions has the transfer been made, how many proposals were made to Government to develop this site and why were the present occupiers successful in their bid?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the property has been made available on a six year full insuring and repairing lease and on the basis that in the future the site may be required for something else. At the time of the decision this was the only proposal.

SUPPLEMENTARY TO QUESTION NO. 218 OF 1992

HON F VASQUEZ:

Can the Minister please state, Mr Speaker, what the terms of the lease are and specifically how much rent is being paid and are there any premiums payable to Government for the transfer?

HON M A FEETHAM:

Mr Speaker, the terms of the rental and ancillary conditions of that are done by negotiations with our agent, the Lands Property Services, and market possibilities for the area is taken into account.

HON F VASQUEZ:

Mr Speaker, the question is how much rent is being paid.

HON M A FEETHAM:

Mr Speaker, we handle our property portfolio like everybody else - Opposition Members are property owners themselves - in the same commercial in confidence criteria like everybody else does and I do not see why we should be in any way compromising

HON P R CARUANA:

It is not your personal property.....

MR SPEAKER:

Order. Order.

HON F VASQUEZ:

Mr Speaker, the question is this. If I have private property I deal with it as I please and certainly if I have private property I might chose to let it to my friends. The question is whether it is pertinent that Government should be doing exactly the same thing with assets that belong, not to them personally, but to the people of Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, if the honourable Member is saying whether we have let it to our friends for special rates, then I ask him to withdraw that.

HON F VASQUEZ:

Mr Speaker, the question

HON CHIEF MINISTER:

Yes, Mr Speaker, because he is saying that we are abusing our power as a Government to give properties to our friends on preferential terms and if that is what he is saying I ask him to withdraw it.

HON F VASQUEZ:

Mr Speaker will appreciate that there are several questions in this question, specifically relating to how many alternative developers proposed to Government to use the site. That aspect of the question has not been answered. The question which was asked was on what terms the letting was made. The Minister is not prepared to answer the question and therefore I think one is free to make inferences.....

HON CHIEF MINISTER:

No. Mr Speaker, Members of this House are not free to make inferences because then they will be saying, Mr Speaker, that the inference I make is that the Opposition Member, as a lawyer and as somebody with property interests, is here in this House not to look after the interests of the people of Gibraltar but to protect his own pocket. That is my inference of his behaviour.

HON P R CARUANA:

..... frankly what I would ask the Chief Minister to do is to authorise his Minister for Trade and Industry to disclose the amount of the rent. Mr Speaker, this is not, contrary to what the Chief Minister believes, confidential information. In due course if the state of the Supreme

Court Registry were not what it is, the lease is a searchable document. It is not confidential information. If there was not such an enormous backlog at the Supreme Court Registry in relation to deeds submitted to that Government department for registration, I could go there and I could find out what the rent is. So it is not confidential. Therefore, do not refuse it on the basis that it is confidential and because it is Government property the hon Member will not tell me.

HON CHIEF MINISTER:

Mr Speaker, in that case the hon Member should know that information that is available and if he can go and find out for himself, it is not information that he is entitled to ask here.

HON P R CARUANA:

It is not available. He should listen to me. It is not available because the document is not available for search. Presumably it has been recently signed.

HON CHIEF MINISTER:

I do not know.

HON F VASQUEZ:

Mr Speaker, the fact remains that I have asked a question that has not been answered yet. That is, is the Government aware on what conditions the transfer has been made? I have not been told. How many proposals were made to Government to develop the site? The fact is that we are aware of at least one concrete proposal that was made in 1988. That was being considered and had outline planning permission three or four years ago and suddenly it fell by the wayside and was completely ignored. The person involved is making applications and was told that Government had not yet made a decision as to how the property was going to be released. Then suddenly he finds that his application has been put in the hands of somebody else to develop it in exactly the way that he was proposing and it has gone to somebody else. I have not received a satisfactory explanation as to how that situation arose.

HON M A FEETHAM:

Mr Speaker, I stand by what I am saying. I have already explained under what conditions the lease was given. The standard lease is six years, it is self repairable, so they are responsible for the repairs of the building and the maintenance of the building. We may have to step in at any given time and take the property back if we have to so it cannot be assigned. I am not prepared to disclose the rent because it is available if he wishes to find out in the future. I have already explained it to the hon Member that this was the only proposal under consideration. There was no other.

HON F VASQUEZ:

Let me draw the honourable Member's attention to the fact that I have before me documents relating to another application of exactly the same nature that has been under consideration for over three years and in respect of which this applicant, Mr Tacon, has corresponded with the Minister and has been to see other Ministers. His application fell by the wayside. Now we know that certain individuals, well connected to the Government, have received this site and we do not know on what terms. We do not know what they are paying. It is a valuable site. It is a commercial site which I suspect, Mr Speaker, has been granted them on exceedingly favourable terms. I cannot judge otherwise because I have not been given the information I am seeking.

HON M A FEETHAM:

Mr Speaker, with regard to the proposal by Mr Tacon, as I understand it, the proposal was put forward. It was looked at and the conditions that were being requested, as far as I remember and I stand to be corrected, were that it was wanted virtually free of charge. It was not one that was going to be of commercial interest to us. That is why there was no progress, as I understand it, and I stand to be corrected. Let me say, Mr Speaker, that I do not know what the whole row is all about because the property on which the hon Member is seeking information is not the first one in that precinct. There was another one for Anglo Hispano which I understand the hon Member represents. That one is the second one so why is, Mr Speaker, the inference all the way through on the question that because these people may be friends of ours we have given it to them? Why is it then that when we have given something to somebody who is obviously not friends of ours but friends of theirs they have not raised it, Mr Speaker?

HON F VASQUEZ:

The other premises were not given to friends of mine, they were given to an individual who also happens to be connected to the other side of the House, Mr Speaker.

HON M A FEETHAM:

As I understand it, it is Anglo Hispano that is not connected to us. Charlie Isola is not connected to us. As far as I understand it they are the ones

MR SPEAKER:

Order, order. One at a time.

HON F' VASQUEZ:

The honourable Member is wrong. Anglo Hispano is not the tenant of those premises. A certain individual well connected to the other side of the House. The honourable Member has asked why are these inferences drawn? Mr Speaker, I pose the question, what inferences are we supposed to draw? There is an application. The hon Member said that Mr Tacon's application was asking for rent free accommodation....

MR SPEAKER:

I must warn the honourable Member to be careful because no imputations can be made against a Member of this House other than in a substantive motion. I think you had better be careful or I will have to put you out of order and if you feel strongly on whatever you may be thinking about then the answer is put a motion. We cannot allow this to degenerate anymore.

HON F. VASQUEZ:

The question is what inference is this side of the House supposed to draw when in these circumstances a valuable asset is given to certain individuals who the honourable Member has accepted may or may not be friends of theirs on terms that we are not made aware of, when we know that other individuals have been making submissions for a number of years now to use exactly that site for the very same reason.

HON M A FEETHAM:

Mr Speaker, no less an inference can be drawn from that that can be drawn from the fact that when we came into office we gave the hon Member's father's company, by direct condition, the building of the temporary accommodation down in Queensway and other people are asking why we have given it to them and why we did not allow them to have tendered for it? That is a fact of life.

MR SPEAKER:

I must bring this matter to an end. If the Opposition feels strongly about it they can bring a motion. I cannot allow the question to degenerate the way it is which is obviously sailing very close to imputing Members of the House and of course affecting their conduct and character. So that is the end. Next question.

23.11.92

ORAL

NO. 219 OF 1992

THE HON F VASQUEZ

Mr Speaker, why has Government closed down the bonded store facility in Waterport?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos. 220 and 221 of 1992.

23.11.92

ORAL

NO. 220 OF 1992

THE HON F VASQUEZ

Mr Sepaker, is it Government's intention to relocate all bonded stores in Gibraltar into the New Harbours development?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos. 219 and 221 of 1992.

NO. 221 OF 1992

THE HON F VASQUEZ

Will New Harbours have its own commercial wharf as originally envisaged, Mr Speaker?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government has not closed down any bonded stores facilities at Waterport. Yes, the intention is to have all private bonded stores facilities centralised in New Harbours. The plans for the centralisation of the commercial industrial activities never envisaged having its own commercial wharf as such. It was to be in close proximity, namely, in the area of the Tower in the Dockyard but shared always with MOD berthing requirements. At the time, MOD were considering moving all their port operations to Coaling Island but finally decided to remain in the Dockyard. This has meant that Coaling Island, which has now been identified for transfer, is the best alternative available close to New Harbours and in some respects is a better alternative site.

SUPPLEMENTARY TO QUESTION NOS. 219, 220 AND 221 OF 1992

HON F VASQUEZ:

Mr Speaker, there are three questions and I will have to ask a number of supplementaries.

MR SPEAKER:

On the fact of the answer given and I have allowed that not to be overlooked. But this is it and you cannot introduce any new matter. We must get on.

HON F VASQUEZ:

But there are certain matters that arise, Mr Speaker. First is this. Is the Minister saying that the old bonded warehouse facility at the entrance to Waterport is still being operated by Government?

HON M A FEETHAM:

There is not one at the entrance to Waterport and there has not been for quite some time. They were moved to the old Ice Box building. That is still functioning at North Mole.

HON F VASQUEZ:

The Minister has said that it is their intention to relocate all bonded stores in Gibraltar into the New Harbours development. Is it the Minister's intention also to relocate those bonded stores that Government has licensed out within the premises of certain individual commercial activities?

HON M A FEETHAM:

No. Mr Speaker, in all means of trying to relocate and trying to develop different spheres for different purposes, there has to be a transitional period. One is not forcing existing licensed bonded stores to move to the New Harbours. We are encouraging them to do so but we are certainly not forcing them to do so and what is happening is that anybody else that wants to open a bonded area will obviously be encouraged to go to the New Harbours which is a new industrial area for Gibraltar.

HON F VASQUEZ:

Which brings me to the next question, Mr Speaker, which is this. Obviously bonded stores are not entirely duty free. They pay a certain duty and it varies from 1% to some 15% on different products. Is it not the Minister's intention when New Harbour's is opened to make it into a duty free industrial park and does that mean that there will be no import duty of any sort imposed upon goods entering the New Harbours?

HON M A FEETHAM:

Yes. That is correct, Mr Speaker. We cannot have bread buttered on both sides. The investment in the New Harbours is taking into account a number of things that we are trying to do for Gibraltar. We are trying to allow new businesses to expand. We are trying to encourage a duty free zone. So therefore we will try to get as many people in there by friendly argument on the basis that the economics of it is favourable to them. It is favourable to them. So what you cannot do is to have a duty free zone in a particular area and expect everybody else who is now a licensed operator to have their areas duty free.

HON F VASQUEZ:

The Minister is referring to the economics of their individual businesses. It is my suggestion, Mr Speaker, that the economics that really are being considered here are the economics of this enormous development upon which Government has embarked within the New Harbours. The question that I have to put is this. We have seen that the existing bonded stores pay import duty and where goods in those bonded stores are re-exported, Government actually pockets import duty that otherwise it would not have come into. We have also seen that the New Harbours is intended to be an entirely duty free area. Does the Minister conceive that in fact the New Harbours is going to lose Government the revenue that currently is enjoying from those bonded stores?

HON M A FEETHAM:

No. Mr Speaker, what the New Harbours is going to do for existing businesses that are going to be retaining, as it were, in the local market is that they will have an improved cash flow situation in the sense that they will not have to pay duty on the good that they are bringing into New Harbours until it leaves New Harbours to go into the local market. So therefore it improves their condition.

HON F VASQUEZ:

The question is, Mr Speaker, that those people who are operating genuine bonded stores and who import and re-export, if they are located in New Harbours are not going to pay any sort of import duty whatsoever whereas currently they are paying and providing Government with a useful source of income.

HON M A FEETHAM:

Mr Speaker, I have already made the point clear that what we are trying to do is to encourage businesses to move into the New Harbours. People have to look at the package and see whether it is in their interest. But we are not victimising any particular business because all we are doing is, to improve their cash flow problem, that they will not have to pay duty on the good that they are bringing in until it leaves the industrial park.

HON P R CARUANA:

Mr Speaker, we hear that and of course it is a perfectly legitimate strategy for the Government if it wishes to seek to concentrate and as the Minister suggested to gently persuade. My concern would be this. Is the Minister able to confirm that the gentle persuasion to which he has referred, will not take the form of denying businesses who do not wish to benefit from the cash flow advantages that the Minister has just offered them and that those businesses will not be denied approved place status under an Ordinance that we may or may not legislate later on in this meeting, so that any bonded facility that wishes to remain outside the New Harbours can remain outside New Harbours and that this issue of approved place status will not simply become a device whereby you push everybody to New Harbours or they do not do bonded business in Gibraltar? That is a legitimate concern because otherwise some people may take the view that if they wanted to carry on with bonded business they have got to go to New Harbours.

HON M A FEETHAM:

Mr Speaker, nobody is being told that if they want to continue with the bonded stores they have to go into the New Harbours. What we are doing is providing a better economic environment for people to be able to use the

facilities that we have built for them. What we are not going to do is, having taken that step and having looked at our industrial strategy for the next five to ten years, is allow everybody else jumping on the bandwagon and expect to be given the same benefits as other people. You have got to make a decision, one way or the other. What is in their best interests to stay where they are or to move there?

HON P R CARUANA:

But you can stay where you are and continue with.....

HON M A FEETHAM:

With what you have at the moment.

HON F VASQUEZ:

I am afraid that I will have to come back. I think the Minister has misunderstood the thrust of my question. I was not suggesting, in the line of my questioning, that pressure has been brought to bear upon certain businesses to move into New Harbours. I am interested more in the effect that the New Harbours or the concessions that are being made to businesses establishing themselves in New Harbours are going to have on Government finances. My question is this. If I want to start an import/export business and I am located in the New Harbours, presumably it being a duty free area, I will be able to import and re-export those goods without paying any sort of import duty into Gibraltar.

HON M A FEETHAM:

Which is what is happening now by the way, Mr Speaker.

HON F VASQUEZ:

No it is not.

HON M A FEETHAM:

Yes, Mr Speaker, there are businesses in Gibraltar that are importing goods and are exporting them and are not paying duty. And in any case, Mr Speaker, what I am trying to say is that we have made a policy decision that in order to encourage Gibraltar as a duty free zone, as a zone where you can develop an industrial strategy based on an import and export and based on a light manufacturing policy, we want to use the industrial park for precisely that purpose and compete with the markets out there, so what is wrong with that policy, Mr Speaker? Even if we wanted to lose some import duty in support of that strategy, we are saying that that is a strategy we have to pursue. So what is the problem?

HON F VASQUEZ:

Mr Speaker, I am afraid I have to persevere because the Minister has made a statement which is incorrect. He is saying that an importer/exporter does not pay import duty. He does, Mr Speaker. An importer who is importing goods to re-export pays reduced import duty at a scale from 1% to 15% and if the goods are re-exported it is revenue that goes straight into Government which otherwise would not be collected. The position now in the New Harbours Development will be that it being a duty free area, such importers/exporters will not pay any import duty whatsoever. So does the Minister conceive that in order to attract businesses to the New Harbours they are forsaking an amount of Government income?

HON M A FEETHAM:

Mr Speaker, what we are saying is that whatever is saved and I take that there is some import. We have looked in fact at the figures. We have looked at the package and asked ourselves what are we likely to lose by taking this particular line in terms of import duties against what we are likely to achieve in terms of the Government's policy on employment, on setting up manufacturing base and bringing in businesses from outside. We say that that is a policy that we would pursue. I think it is advantageous to the business community even if we were to lose a small amount of import duty.

MR SPEAKER:

I think the Government has expressed its opinions, its views, its policy and it has been made very clear that that is the policy of what they are going to do. Next question.

23.11.92

ORAL

NO. 222 OF 1992

THE HON F VASQUEZ

Mr Sepaker, has the Government succeeded in attracting any light industrial activity to the New Harbours in respect of any business not already established in Gibraltar and which will constitute a fresh source of employment for the local economy, and if so, which?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, yes, a number of small and medium sized companies have signed up agreements eg for the construction of windows, wholesale catering, general mechanical repairs etc. These will no doubt provide a fresh source of employment as will the many other companies which are looking towards expanding their existing businesses.

NO. 223 OF 1992THE HON H CORBY

Mr Speaker, when will Government implement a proper and effective Consumer Protection Service for the public, and particularly when will a Consumer Protection Office be opened in the town area?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the position continues to be as I explained to the Opposition Member in answer to Question No. 82 of 1992.

SUPPLEMENTARY TO QUESTION NO. 223 OF 1992

HON P R CARUANA:

Mr Speaker, what the Minister explained at that time included an assurance that an office would be opened in town and it has not yet been done. The question is when will it be done?

HON M A FEETHAM:

Mr Speaker, it has not been done and it will be done and let me say that I will do it before the end of this financial year.

HON P R CARUANA:

There is an answer. Why could the Minister not have answered that in the first place instead of trying to be as brief as possible.

HON M A FEETHAM:

Because I love him asking supplementary questions, Mr Speaker.

HON H CORBY:

Just one more question. The Minister said he was going to provide adequate signposting so that people would know. I know that at the moment it is Customs that deal with it but the Minister was going to signpost it and advertise where the place would be so that in the interim period of having the Consumer Protection Office in the centre of town people will know where the complaints have to go. To date I have not seen that manifested or applied.

HON M A FEETHAM:

Mr Speaker, the realities are that we waited because, we thought we were going to be able to find a position for it sooner than we expected but if we have not found the adequate facility within the next four weeks we will certainly do that.

MR SPEAKER:

Next question.

NO. 224 OF 1992THE HON F VASQUEZ

Mr Speaker, can Government indicate whether they have any policy to relieve the chaos in the Companies Registry?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the problem of staffing at the Companies Registry which had affected the quality of the service it has been able to give to those registering companies, have been addressed and the position has now improved. Whether it is, or was chaos is a value judgement.

SUPPLEMENTARY TO QUESTION NO.224 OF 1992

HON F VASQUEZ:

Mr Speaker, the Minister says that the situation has now improved. It certainly is not the information that the Opposition is receiving. The Minister has referred to as a value judgement. The fact is that in a properly functioning registry, if you want to go and make a company search and you are told that the company file that you want to search is simply not available, I call that a chaotic situation. Practitioners in the financial services sector are put in very embarrassing situations where instructions are received from abroad to go and search certain companies which is the first fundamental service which the Companies Registry is to provide and we have to report back that certain files are not available and are not available for weeks on end, Mr Speaker. Let me say that today and earlier this week and in the last couple of weeks I know of cases where individuals have sought certain company files to search them and they have not been available. Can the Minister undertake that that situation will be redressed in the immediate future?

HON J C PEREZ:

Mr Speaker, the Companies Registry is working to full strength already. There were financial resources put aside for them to take on students during the summer holidays which they took but that did not seem to have sorted out their problems very well. They then had more financial resources put in so that they should offer overtime to the employees to catch up with the number of things that have been lagging there. The employees presently in the Companies Registry do not want to do the overtime and that overtime has now gone out to the whole of the service and there is very little response. I think one of the major problems we have got in the Companies Registry is that no-one wants

to work there. Why? I do not know, but we see a reluctance of administrative staff wanting to go to the Companies Registry. It is now working to full strength and the person that runs it is satisfied at the moment that he can cater and give a service with the strength that he has got. It is a recent thing. It has been up to full strength now for two weeks. It has had staff shortages and there are problems with people wanting to do overtime in the Registry.

HON P R CARUANA:

Mr Speaker, will the Minister accept, in the constructive spirit in which it is tendered, that the Companies Registry remains the foundation on which the finance centre in Gibraltar is built. That might change. It will get certain of our intended products right but it is still the volume providing raw material on which the finance centre in Gibraltar is based. I would ask the Government to accept that it is a serious mistake to deprive that Department of resources simply pursuant to any policy to restrict or prune the size of the service.

HON J C PEREZ:

Mr Speaker, I have just said that we have not.

HON P R CARUANA:

What the Minister has said, Mr Speaker, is that the Department is up to full strength. I do not know what full strength is. What I can tell.....

HON J C PEREZ:

Full strength is what the person that is running it considers to be the adequate number of staff that he needs to fulfil the work that he is given. That is full strength, Mr Speaker.

HON P R CARUANA:

It is not enough.

HON J C PEREZ:

It may not be enough for the honourable Member's business but it is for the person that runs the Registry.

HON P R CARUANA:

But the purpose of the finance centre and the whole purpose of the Companies Registry is to provide businesses like the honourable Member's, now on his feet, with the ability to attract finance centre work for Gibraltar or is that no longer a policy objective of the Government? All I am suggesting to the Minister, who appears unwilling or unable to accept my remarks on the constructive and helpful spirit in which I intend them, is that those people who have to

work with that Department to provide a product for this community to export would be quite happy for the revenue raising potential of that Department to be reviewed upwards so that more staff could be justified because this is not a problem of keeping costs down, it is a question of improving the service.

HON J C PEREZ:

Mr Speaker, the honourable Member does not know what he is talking about. You do not give a better service by increasing the number of people that you get there. There is physically an impossibility in the work that you do in some areas because there is only a limited number of people that can do it. The Government has not, as a matter of policy, imposed any financial restraints in the Companies Registry and in the service that it used to give to the one that it gives now. A number of vacancies have occurred in the area because of the reluctance of people in the administration to move to the Companies Registry. We have had a problem there. We have sorted out the problem. We hope that it will improve and the Government shares with the honourable Member the concern that the work is not one that has been left undone for some time. We have taken the initiative. We have filled up the vacancies and now we have to look whether that is sufficient or not. The person that is running it feels it is sufficient. He is trying to get people to work overtime and extra hours because the equipment that there is does not allow for more people to use it. One person at a time can use that same equipment and then however many people you put there, they will all be in a queue waiting for one person to finish with the equipment and start with the other one. The honourable Member has got it wrong. I share his concern. The Government is doing something about it. The honourable Member wants to give the impression that we are not. We are doing something about it. We have done something about it in the last two weeks. Give it time to work. That is what I am asking the honourable Member to do.

MR SPEAKER:

Next question.

NO. 225 OF 1992

THE HON I. H. FRANCIS

Mr Speaker, will Government make a statement about the circumstances surrounding the recent petrol pipeline leak in the North Mole area, and will it say if investigations have shown whether such a dangerous situation could happen again?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, on Wednesday 19 August reports were received, by the City Fire Brigade, to the effect that a strong smell of petrol was present at the North Mole in the area adjacent to the Flying Angel Club. On investigation, it was found that a leak had occurred in the fuel pipe line some time during the previous 24 hours, during which time petrol had been pumped from the tanker, the Robert Maersk, to the Williams Way installation. Safety precautions were taken by establishing a restrictive zone around the suspected area whilst the extent of the leak was quantified. Because at first it was difficult to establish the path the fuel had taken, exploratory wells were made to assist in finding its underground spread. Once this was made and with an estimated 150 tonnes of petrol unaccounted for, a major spill plan was put into effect. This entailed the total evacuation of all port work within the area under which the leak was thought to have occurred. An additional 25 metre safety zone was established around all works not directly above the restricted zone. A massive and protracted recovery operation was started once specialist advice had been received by the working group tasked with the incident. For the first 8 weeks, hourly monitoring and safety checks were carried out jointly by Shell and Fire Brigade personnel and advice and action taken as necessary. The recovery operation has been successful and should shortly come to an end. Steps have been taken by Shell, the Fire Brigade and the Health Authority to tighten up procedures and thus try to avoid a recurrence. A "worthiness certificate" will now need to be obtained before fuel pumping takes place to satisfy the authorities that all the necessary precautions have been taken prior to a pumping operation.

SUPPLEMENTARY TO QUESTION NO. 225 OF 1992

HON P R CARUANA:

Mr Speaker, will the Minister say when he feels that port operations will be able to resume in the old container berth to relieve the congestion - saturation in fact that presently exists in the alternative site to Coaling Island?

HON J C PEREZ:

Mr Speaker, I have no indication whatsoever that there is any saturation in Coaling Island. Indeed only one of the port operators is in Coaling Island, the other operator continues to operate from the North Mole. The reports we have been receiving lately indicate that there has been zero readings of fumes in all the points that are being monitored and it is very possible that the area would be opened to commercial traffic again in the not too distant future. Notwithstanding that I think I ought to say that if there were agreement between the present operator in Coaling Island, the Ministry of Defence, the pilots, the tugs and everybody concerned that this operator should continue in Coaling Island and that when the Ministry of Defence releases Coaling Island, room should be made for the second and/or third operator to move there, then this arrangement would be one which the Government would favour because it would mean that the movement from Coaling Island back to the North Mole and then back to Coaling Island sometime in April would be avoided. A lot of parties need to agree on a lot of issues that are outstanding and which are rather complicated as a result of past agreement with the Ministry of Defence and it involves people losing out financially. Unless and until those issues are agreed it might be that we will have to move that operator back to where he was and then move him again when the Ministry of Defence releases Coaling Island therefore ceases to come under the present Ministry of Defence agreement.

HON P R CARUANA:

Mr Speaker, whilst I welcome the indication by the Minister that it might be next week, I am surprised that he is not aware that the Coaling Island site is saturated. Is he not aware - the answer may be no - that there is a ship on the Detached Mole laden with 130 containers that need to be emptied but that they cannot be emptied onto the Coaling Island because that site is saturated and the Ministry of Defence will not release any more land there and that the Captain of the port has refused permission for that operation to be done in the old container berth for reasons of the oil spillage?

HON J C PEREZ:

I am totally aware of the situation, Mr Speaker. That difficulty in unloading those 130 containers from that ship would have been more if we had only been using the North Mole because 130 containers over and above the number of containers that we are moving now particularly at Christmas time, if we only had the North Mole, it would be a very big problem anyway. I understand that the Captain of the port has put forward certain alternatives for them to be unloaded in Coaling Island two days prior to the ship that is coming to collect them. The agents do not want to give an exact date of when the ship is going to come and collect the 130 containers and we might have them stored free of charge for months before they come to collect

them unless we get a commitment that the ship is coming very soon. They might be unloaded at the Detached Mole and the ship that comes to collect them should then load them at the Detached Mole. It is a more difficult operation but it makes the operation possible. It is just that people would like the easier solution and the easier solution in a situation where the North Mole operation is still closed is not a very easy thing to do. Let me say that the restrictions at Coaling Island exist for an extra 130 containers because of the continued MOD presence and activity but when that ceases there should not be any difficulty in accommodating 130 and much more containers in that area for the present operator or the present two operators.

HON P CUMMING:

Mr Speaker, can I ask if the Minister is intending to close the North Mole area to the public taking advantage of the situation?

HON J C PEREZ:

Mr Speaker, there have been very very strong requests from the operators of the port and from personnel in the port Department that there should be a system of passes introduced and that activity in the North Mole area should be restricted to those working there. We are considering that situation by possibly opening it at night when there are no commercial operations there so people could continue to go fishing in the area. This is under review and we would like to accommodate the anxieties of those who work there who see that private individuals are sometimes walking up the road with a container on a big forklifter just over his head and the anxiety of those people who would like to continue using that area for fishing. I would like to restrict it to fishing.

HON F VASQUEZ:

Mr Speaker, we have heard in the quite length narrative as to all the work the Government has had to do in conjunction with Shell and the Fire Brigade to render the area safe. Does the Minister intend to negotiate some sort of financial settlement with Shell to compensate Government for that expenditure?

HON J C PEREZ:

Mr Speaker, the matter is in the hands of the Attorney-General and the Government obviously is getting all the costs incurred and that will be the subject of a claim Shell. I also understand that other parties are claiming but I also understand that Shell is fully insured in order to be able to meet this claim.

MR SPEAKER:

Next question.

NO. 226 OF 1992THE HON F VASQUEZ

Mr Speaker, will the Honourable the Minister for Trade and Industry make a statement to the House concerning his recent trip to South Africa and report to the House on the outcome of it?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, I certainly do not have any objections to inform the House. However, it must be stressed that there are times when commercial sensitivities are involved which Opposition Members will accept are not in the public interest to make detailed statements. On that basis I am prepared to inform Opposition Members on the purpose of the visit.

HON P R CARUANA:

Mr Speaker, if what the Minister is saying is that he is not prepared to give me details of specific negotiations or proposals involving commercial interests of third parties or otherwise, then I think that we can accept that. On the other hand, what I would expect is for him to make a statement of the kind of people that he has seen, the general interest shown, the sort of products that he was marketing, the response he has received and the sense of optimism or pessimism if that regrettably should be the case, as to the potential to attract business from that market.

HON M A FEETHAM:

Mr Speaker, on that basis I am prepared to proceed to make a statement. As Opposition Members are aware I recently made my second visit to South Africa in the short period of 6 months. I certainly do not go all the way down there, Mr Speaker, to improve my health, as Opposition Members can well imagine. On both visits I have concentrated on marketing the possibilities that Gibraltar has, to as wide as possible an audience. I have met bankers, trading companies, financial intermediaries, manufacturing bases, developers and investors generally. About sixty appointments were kept. But more important, in my view, having identified the potential, the visit has helped me to understand more deeply and closely, South Africa and how best I can tackle the crucial issues of bringing both commercial communities closer together. In this respect I have now decided on my short term future marketing strategy for that country. I have, therefore, during this visit, taken the opportunity to set up a small steering committee to assist me in different aspects of commercial life out there. There are two steps that are being taken immediately. The first step

being turning the temporary Gibraltar Office facilities operating in Johannesburg as an important centre for Gibraltar, into a permanent situation. The second is to devise a programme of events to run over the next three months. The establishment of the Gibraltar Information Office in its own office suite is an important step forward. The intention is to develop these facilities to the point where they become a focal point for people wanting to do business from Gibraltar and a useful point of contact for Gibraltarians wanting to do business with South Africa. Specifically I see the premises providing:

- (a) secretarial support;
- (b) a well stocked library of reading material on Gibraltar;
- (c) a video screening facility; and
- (d) a venue for meetings by special groups.

I am at present in the process of evaluating all current available corporate and marketing literature as well as audio visual and/or video material on Gibraltar that might be made available to clients by the Gibraltar Information Bureau there. In further support of my endeavours I have entered into an agreement, in principle, with the the South African Foreign Trade Organisation to assist me with my strategy for a fully fledged public relation and awareness exercise in South Africa as well as identifying market groups. Editorial exposure in the form of press releases submitted to various publications will be issued. The subjects to be covered in these releases will include:

- (a) the rationale and official opening of the Gibraltar Information Bureau;
- (b) Focusing on Gibraltar in terms of:
 - the exciting place to do business
 - investment and trading opportunities
 - gateway to EEC
 - tax and duty free incentives
 - firstworld infrastructure, immigration opportunities etc, and
- (c) capitalise on all topic driven newsworthy that may arise from time to time.

It is my intention to involve key journalists of the Financial Mail, Business Day and Sunday Times Business Times in generating their own interpretive articles on Gibraltar. Furthermore, I see opportunities for exposure of Gibraltar on key electronic business to business media especially in the prime Time SABC "Radio Today" programme. This approach will in my view maintain a constant flow of enquiries into the Gibraltar Office over the next three months period leading to the next visit planned for early in the New Year. I would like to add at this stage that

in dealing with enquiries, the Government has accepted, my recommendation that we should take on, on a short term basis, an expert on secondment from the UK company Economic and Export Analysis. He will assist me in developing my industrial strategy in the area of import and export with particular emphasis in developing our possibilities under the EEC General System of Preference. He will, of course, actively help me in my efforts with South Africa. I am at present, therefore, preparing the final touches to the plan before putting it to the International Business Development Board with whom as Opposition Members are aware, I work very closely with. A word of caution to Opposition Members. Whilst I am attempting to put forward a serious option, let no one be under any illusions about the difficulties created by the present economic climate and the competition facing us. Results should not be expected immediately simply because visits are made. What is clear however is that unless we follow a policy as outlined by me today there will be no results.

SUPPLEMENTARY TO QUESTION NO. 226 OF 1992

HON P R CARUANA:

Mr Speaker, I am grateful to the Minister for his comprehensive statement. Obviously, he enjoys the support of the Opposition. We applaud his efforts and hope that they come to fruition. My only supplementary would be is he able to say how the Steering Committee comprised?

HON M A FEETHAM:

The Steering Committee is comprised of persons that, as a result of the two visits and prior correspondence with and since then we have developed a relationship in the sense, that I see as persons that are taking a genuine interest in Gibraltar. I think that they are persons that can valuably help us in developing the strategy within South Africa. We are talking about accountants; we are talking about legal profession people, we are talking about financial investors. People like that who could open the doors and could coordinate and support the Information Office in developing this strategy in South Africa.

MR SPEAKER:

Next question.

NO. 227 OF 1992THE HON M RAMAGGE

Mr Speaker, will Government provide a list of unoccupied and unallocated Government owned houses?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, 12 flats have been returned to the Housing Department and are in the process of being refurbished. Once their refurbishment is complete they will be passed to the Housing Allocation Committee for allocation. There may be some others unoccupied, but which have been allocated to persons on the Waiting List by the Housing Allocation Committee, who although having signed a Tenancy Agreement have yet not moved in.

SUPPLEMENTARY TO QUESTION NO. 227 OF 1992

HON P R CARUANA:

Mr Speaker, will the Minister clarify whether that includes houses transferred to Government by MOD?

HON J L BALDACHINO:

Mr Speaker, I think there is a misunderstanding on the Opposition side on what is the responsibility of the Housing Allocation Committee and what is the responsibility of the Housing Department. I have said that those who have signed a tenancy agreement which means houses that are given out for rent. To answer the hon Member's question exactly and specifically, it is houses that have been returned to Government by people who have either moved into Elliott's Battery or have bought in Westside. They are rented accommodation, Mr Speaker, nothing to do with the MOD.

HON P R CARUANA:

That is very interesting indeed but it is not the question that the Opposition has asked the Government. We have not distinguished between who allocates them. We have asked "Will Government provide a list of unoccupied and unallocated Government-owned houses?" The misunderstanding is not on the Opposition's part, the misunderstanding is on the Minister's part. The question is perfectly simple and straightforward. Will the Minister answer it or will he not?

HON CHIEF MINISTER:

Mr Speaker, the answer to the honourable Member is that if he is asking a question about unallocated houses, he gets the answer of the houses that are unallocated because it is intended to allocate them. If there are houses which the Government decides are going to be put on sale, they are not unallocated houses because they are not going to be allocated, they are going to be sold.

HON P R CARUANA:

That is a pedantic, ridiculous and almost dishonest distinction to me.

HON CHIEF MINISTER:

Is that a question, Mr Speaker, because if the honourable Member is asking me whether I agree, I have to say that I consider him to be the prime example of being pedantic, dishonest and all the other things he said.

MR SPEAKER:

Order. Order.

HON P R CARUANA:

I do not agree, but if it were true, there will now be two of us in the House. The fact of the matter is that the Opposition has asked the Government a question on a matter of public interest. "Will the Government provide a list of unoccupied and unallocated Government houses?" Unallocated means that they have not yet been allocated to any particular use, purpose, occupier or purchaser and any strain that the Government wishes to place on the ordinary meaning of words in the English language is their problem and not mine. Now will Government tell this community how many unallocated and unoccupied houses belonging to Government it has or will it not?

HON J L BALDACHINO:

Mr Speaker, as far as I am concerned and my responsibility lies, there are 12 unallocated flats at the moment.

HON P R CARUANA:

Mr Speaker, as far as the Opposition is concerned we do not accept that that is an honest answer to a straightforward and perfectly unambiguous question.

MR SPEAKER:

Next question.

NO.228 OF 1992THE HON M RAMAGGE

Mr Speaker, why does Government leave MOD houses lying empty for such lengths of time as it does and does Government agree that as a result vandals are allowed to practically destroy what were otherwise habitable dwellings?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, as stated in answer to Question No. 90 of 1992, it is Government policy to dispose of these properties in some manner as soon as possible. It must be borne in mind that sometimes MOD properties are left empty before the actual transfer occurs. Once transferred Government must take a policy decision on how best to utilise the released property.

SUPPLEMENTARY TO QUESTION NO. 228 OF 1992

HON M RAMAGGE:

There are two flats at the Lighthouse which were vacant at the last meeting and are still vacant today. Is there any intention of doing anything with them within a short space of time?

HON M A FEETHAM:

Mr Speaker, can the hon Member clarify what he means by the Lighthouse properties?

HON M RAMAGGE:

At Rock WT.

HON M A FEETHAM:

Mr Speaker, those will be dealt with in the course of the next two or three weeks.

HON P R CARUANA:

Will the Minister say whether Block E on Old Naval Hospital Road has been delivered to the Government or has been given to the Government?

HON M A FEETHAM:

Precisely, Mr Speaker, those are the kind of situations that people take it for granted have been handed to the Government of Gibraltar because they are sealed. They have not been handed over yet to the Government of Gibraltar.

HON F VASQUEZ:

What about Humphries cottages on the Rock?

HON M A FEETHAM:

I confirmed yesterday that they had been recently handed over. The Government has not yet decided how best to handle those four cottages.

HON F VASQUEZ:

Surely Government have a list of people who are looking to take properties on repairing leases who would consider straightaway taking on those.

HON M A FEETHAM:

Absolutely, but that is not the sole criteria of the Government deciding how best to dispose of a particular property.

HON P R CARUANA:

Is the Government in a position to say how long it will take it to make the decision as to how best to allocate empty dwellings in Gibraltar at a time when there are people who need them? How long is the Government going to wait? Until properties in a particular development have all been sold? What is the criteria? What is the reason why Government takes so long to make a relatively simple decision on a relatively simple matter?

HON M A FEETHAM:

Very simple, we have got an awful lot of other things that have to be done and things are taken in order of priority, Mr Speaker.

HON P R CARUANA:

The Minister should remember that he now has three Ministers dealing with matters connected with Housing.

HON M A FEETHAM:

No, Mr Speaker, that is not correct. Each Minister has got his own responsibilities. I am responsible for MOD lands and lands in general including property and to the point where the Government decides what to do with it. If it decides to dispose of it by allocation, it goes into the housing stock handled by my hon colleague on my left.

HON F VASQUEZ:

Mr Speaker, is the Minister then saying that he is so busy that he is actually happy just to sit by and watch these properties become vandalised as they are being and have in the past until he has the time to get round to decide who is going to receive that property?

HON M A FEETHAM:

If that is what he wants me to say, yes, Mr Speaker, I confirm that.

MR SPEAKER:

Next question.

NO. 229 OF 1992THE HON M RAMAGGE

Mr Speaker, when will the Government decant and dismantle the temporary housing units erected on the old NOP tennis courts at Queensway?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, the Government will take a decision on the dismantling of the housing units on the old NOP tennis courts at Queensway when there is no longer a requirement for them.

SUPPLEMENTARY TO QUESTION NO. 229 OF 1992

HON M RAMAGGE:

Mr Speaker, is the Minister aware that in at least one of the flats at the NOP Queensway the amount of condensation is such that it is now a danger to light any switch or use any electrical apparatus in that flat?

HON J L BALDACHINO:

Mr Speaker, I am aware because the honourable Member brought it to my attention in the ante room yesterday afternoon. Up to there, I am aware. I am not aware that it has been certified a danger by any of the emergency departments. I am prepared to look into the matter. If that is the case then we will look for the best way to help the tenant in that flat.

HON P R CARUANA:

Mr Speaker, is the Minister aware that that problem affects not just one flat, but every flat on the top floor; that it is a problem due to the construction of the roof; that it affects all the floors about 25 people and is he saying that this accommodation is no longer for four years, as originally stated, but it is now for as long as they are necessary. That appears to be the effect of his answer, which might mean another forty years.

HON J L BALDACHINO:

I do not share, Mr Speaker, the view of the Opposition Member that the housing situation in Gibraltar to be so bad in forty years as it was in the last sixteen. We have made a lot of in-roads in that area. I would agree with him that it does affect the top floor. It has been a problem that we have had since the construction of the

pre-fabs. We have tried to alleviate that problem even by doing some modification on roof. It appears that even though it alleviates, it does not go as far as solving it. We will have to look at the problem of the top floors and if we see that we do not have to use the top floors, then we will not use the top floors. Leaving the prefabs in situ until we no longer have a requirement, I think is a fairer answer than committing myself to dismantling them in four years.

HON P R CARUANA:

Will the Minister confirm, finally, Mr Speaker, that if any of the emergency services certify that these houses contain danger to the inhabitants arising from the condensation problem, that the Government will immediately vacate them and re-accommodate the occupiers?

HON J L BALDACHINO:

Mr Speaker, I can commit myself that if that is the case I will take it to the Housing Allocation Committee and the Housing Allocation Committee can then decide if they will decant to one of the houses that are vacant. In a question of an emergency - we have done it previously - we will not take a different view to people whether they are living in a pre-fab or whether they are living anywhere else.

HON P R CARUANA:

Will the Government take political responsibility, as they took yesterday saying that the final decision for the allocation of houses was a political matter, for urgently alleviating any danger to the occupants of public housing that exists arising from water condensation problems?

HON J L BALDACHINO:

Mr Speaker, I do not hide behind any committee to take political responsibility. The honourable Member is mixing two different things. He still does not understand what the difference is between allocating MOD property and the policy of the Government and the policy of allocating rented accommodation which comes under the Housing Special Powers Ordinance which states that there must be a Housing Allocation Committee. The Housing Allocation Committee allocates houses without political interference. They are two different things, Mr Speaker, and he still does not understand that. I will take full responsibility, Mr Speaker, if it comes under my Department. In this case it does and therefore if there is any danger we will deal with the tenants in any particular area equally and without any difference whether it is in the pre-fab or whether it is in the tower blocks.

HON P R CARUANA:

The answer to my question therefore, Mr Speaker, was yes and all references to the fact that I do not understand are both irrelevant and incorrect. It is a debating style which the Chief Minister tries to get away with. I do not think it lies well in the mouth of the Minister for Housing.

HON J L BALDACHINO:

Mr Speaker, it is not a question of whether the Chief Minister can get away with it and I cannot. It is a question that it is there and it is a question that the honourable Member still does not understand.

MR SPEAKER:

Next question.

HON LT-COL E M BRITTO:

Mr Speaker, on a point of order. Can I ask on what grounds you are disqualifying the supplementary?

MR SPEAKER:

Why? Because I have decided that enough has been said about that question. I am the sole judge of that and I do not have to give an explanation.

HON LT-COL E M BRITTO:

No, Mr Speaker. I have not asked the question.

MR SPEAKER:

I think we have ventilated the matter enough and the answer is no. Next question.

NO. 230 OF 1992THE HON F VASQUEZ

Mr Speaker, will Government undertake a review of the Statutory Rent chargeable under Part III of the Landlord and Tenant Ordinance?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, this is one of the matters being considered by the Advisory Committee set up to look at all aspects of Part III of the Landlord and Tenant Ordinance, with representation from Action for Housing, landlords and a developer under an independent chairman. Once this Committee reports its findings, Government will consider all its recommendations.

SUPPLEMENTARY TO QUESTION NO. 230 OF 1992

HON F VASQUEZ:

Mr Speaker, I accept that the matter is under review by an Advisory Committee, what I would like to know is whether the Government itself has a policy on this matter. The fact is, Mr Speaker, that the statutory rent at present is 60p per square foot which leaves statutory tenants paying something in the region of £20 or £25 per month for very substantial, very desirable properties as a result of which, Mr Speaker, the properties are virtually confiscated from landlords and no one benefits. Landlords cannot afford to maintain their properties as a result of which large areas of slums are being created in the old part of town. I cannot believe, Mr Speaker, that there is any social policy underlying this state of affairs because Government itself charges rents six or seven times as high as those allowed to private landlords under the Landlord and Tenant Ordinance. My question is therefore, does Government intend to give this matter any urgency and does itself have any policy to ameliorate that situation which is creating slums in the old part of Gibraltar?

HON J L BALDACHINO:

Mr Speaker, I explained it publicly at the time due to the shambles that is the Landlord and Tenant Ordinance, not only as regards rent but the whole of the Ordinance. You must remember, Mr Speaker, because you were in this House and there were amendments to the amendments to the amendments to the Ordinance. We finished with an Ordinance that was no good either for the tenant or the landlord as far as I am concerned. We set up an Advisory Committee, rather than have a political view, with all the parties

affected and therefore we are in a position, Mr Speaker, where as I said publicly, there will not be any political interference. I do not meet with the committee. I am not a member of the committee and therefore we are prepared to wait for the findings whether it is on any section of the Ordinance or whether it is on rent until we have the recommendations from the committee.

HON P R CARUANA:

Mr Speaker, given that the Minister does not think that he has political responsibility for the Housing Allocation Committee nor for housing in the private sector and given the assistance that he receives from the Minister for Labour and Social Security and the Minister for Trade and Industry, will he just explain to the House what his political responsibilities actually are?

HON J L BALDACHINO:

Mr Speaker, the honourable Member's colleague should have said that he had an interest in this. The honourable Member's colleague has gone to the rent tribunal as a private legal practitioner representing a landlord and because he lost the case, then he comes here and he puts a question in this House. I have been avoiding to bring this up in the House, Mr Speaker, but the honourable Member has the habit of bringing us

HON P R CARUANA:

Mr Speaker, the last honourable Member that rose was me. I have never in my professional life appeared before a rent tribunal so I just do not know what the Minister is talking about.

HON J L BALDACHINO:

I have referred to his honourable colleague, Mr Speaker.

HON P R CARUANA:

Then he should distinguish because the logical inference is that the honourable Member means the last one who spoke. So if you are going to make slurs at least address them in a proper fashion to the party that you intend to slur. In any case, it is not an answer to my supplementary question which is, "Will the honourable Member tell this House what he considers his political duties in the Housing Ministry actually are?".

HON J L BALDACHINO:

Mr Speaker, I clarified the point. I referred to his honourable colleague. The honourable colleague who has brought the question. Mr Speaker, I am responsible for the Landlord and Tenant Ordinance. I have said publicly that rather than the Government bringing an Ordinance that

will not be accepted by one party or the other, I spoke to the different parties affected and we set up an advisory committee. They are looking at the Landlord and Tenant Ordinance (Part III) as a whole and once we have the recommendations we will make a decision. A political decision! It does not mean that we will accept all their recommendations. It will be my responsibility if we are to accept all the recommendations or part of the recommendations.

HON P R CARUANA:

Mr Speaker, given the Government's reluctance which was made clear yesterday to take advice from professionals on matters which are clearly beyond their understanding and given their reluctance to refer things to committees, which the Chief Minister has always regarded as simply wasting time and kicking the matter into touch, is the fact that the Minister has referred this difficult political matter to a committee not simply an admission that he has kicked it into touch because the Government do not wish to make a political decision.

HON J L BALDACHINO:

No. Mr Speaker, I would be prepared in my political responsibility to review the rents down not up. I still do not think that the rent they are charging is fair. The honourable Member says that they are not charging an equivalent rent. Well let us look at Section 15. How many Section 15 tenancies are given out? How much are they charging for pre-war dwellings in that area? What I am saying, Mr Speaker, is that there is a difference between the rent that the Government charges and what is charged in the private sector. Some of them are higher. The ones with bathrooms and toilets in the Government are £75 per square and that is 100 square feet and in the private sector it is £60 per square which is 100 square feet. In other areas which is £40 per square without bathroom the Government's rent is much lower than what it is in the private sector.

HON P R CARUANA:

Mr Speaker, that may be so and of course there is always examples of greater things and examples of lesser things but if the Minister thinks that rents in the private sector deserve to be reduced and given that a large proportion of council tenants are paying more than their private sector landlords, all that one can conclude is that the Government is overcharging public council tenants.

HON J L BALDACHINO:

Mr Speaker, I did not establish nor this Government establish the rent level either in the private sector or in the Government. It was a decision taken in 1984 and there has not been an increase since one way or the other

by anybody. What the honourable Member's colleague has asked is when the Government will review the chart under Part III. He has not asked me about the Government, that is an argument that the honourable Member has just brought up.

HON F VASQUEZ:

Mr Speaker, I raised it in my supplementary.

HON J L BALDACHINO:

The Government, Mr Speaker, will make a decision of reviewing the whole of the Landlord and Tenant Ordinance and that is the position of the Government. Once the committee makes its report and its findings to the Government, its recommendations will then be a Government political decision where we take them all on board or where we take part of them or none. That is the political responsibility that I undertake on myself.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 231 OF 1992

THE HON F VASQUEZ

Mr Speaker, can Government explain the policy underlying the decision to extend the 50/50 purchase scheme to Phase three of the Westside One developments which originally was intended to be an open market development?

ANSWER

THE HON THE MINISTER FOR HOUSING

Answered together with Question No. 232 of 1992.

NO. 232 OF 1992THE HON M RAMAGGE

Mr Speaker, has there been any extension of the application of the so called 50/50 scheme since Government answered Question No. 87 of 1992 and if so to what projects or parts thereof has the scheme been extended and how much will the scheme now cost the Government or Government owned companies, if every purchaser eligible to do so calls upon Government to take up a full 50 percent share?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, Westside One Phase three was always part and parcel of the development. As stated by me at a general meeting with the purchasers of Phases one and two on the question of the 50/50 option, the granting of this option to Phase three was subject to negotiations with the developer. Once there was a satisfactory conclusion to the negotiations the 50/50 option was extended to Phase three.

SUPPLEMENTARY TO QUESTION NO. 232 OF 1992

HON F VASQUEZ:

Mr Speaker, that is not in answer to the question. We want to know the cost.

HON J L BALDACHINO:

Mr Speaker, I am saying that it was part and parcel of the development. It is the figure I gave the honourable Member in the question he asked in the last House - £28m.

HON F VASQUEZ:

Mr Speaker, I do not think I have had an answer to my question. What is the policy underlying the decision and on what grounds does Government take a decision as to whether to grant the developer the facility and the great benefit to this development of granting the 50/50 purchase scheme?

HON J L BALDACHINO:

Mr Speaker, we do not grant the developer the 50/50 option. We grant it to the purchasers.

HON F VASQUEZ:

Why then does the Minister negotiate with the developer, Mr Speaker, as he has just said?

HON J L BALDACHINO:

Mr Speaker, we negotiated with the developers on the question that we were not happy with the amount of money that we had to pay per square foot and therefore we reached an agreement for that scheme. There were other demands by people who were interested in buying in the project - exactly the same project under the same licence. Seeing that there was a demand on that area then the Government accepted and we went ahead to give the 50/50 option in Phase three.

HON F VASQUEZ:

So, what we have is a negotiation with the developer. In other words the grant of the 50/50 scheme, Mr Speaker, is the great concession made to the developer because obviously it makes the marketing of this development exceedingly easy and it guarantees that he is going to sell his development. We now have an admission by the Minister, Mr Speaker, that he negotiates with the developer on the granting of 50/50 scheme, not the individual purchasers and my question remains. What is the policy underlying the decision to grant or not to grant, to extend or not to extend the 50/50 scheme to a particular development? We all know that this Phase was initially marketed as unrestricted purchase, not part of the scheme, later it became apparent that it was being included, so I want to know, on what basis, what is the policy underlying it? Will the Minister please say?

HON J L BALDACHINO:

Yes, Mr Speaker, the policy underlying is that there were one hundred and seventy flats and there were one hundred willing purchasers who were prepared to move into that project but did not have the opportunity of having the 50/50. There were ten originally - I do not know if the Honourable Member remembers that to whom we granted the 50/50 in Phase three. This was before Westside One Phase two was on the market. There were already ten willing to purchase in Phase three which we granted. So there were already ten before we extended it to the whole of the one hundred and seventy six.

HON F VASQUEZ:

Yes, I still do not know why the decision was taken. If they had seventy purchasers why did they have to extend the 50/50 scheme? Why not, for example, extend it to every other development in Gibraltar. People who are having difficulty selling their flats or do you have to be a friend of the Government to qualify for the 50/50 scheme?

HON CHIEF MINISTER:

Mr Speaker, I really must ask the honourable Member to behave himself to the type of standards that we are used to in this House. He chooses to try and make every question into an inference that the Government of Gibraltar is using corrupt practices of giving certain privileges to its friends and he must really withdraw it otherwise I can promise him he will regret having joined this House because we will make constant warfare the meetings of the House. We will make this something that the people of Gibraltar will be ashamed of by the way we behave here.

HON F VASQUEZ:

Mr Speaker, if I can reply. I fall back on that tactic as often as the Government Members fall back on everytime that I raise the question trying to suggest that I am furthering a personal interest. So as soon as that side retracts those suggestions I may begin to retract my suggestions. Can we please have an answer to the question?

MR SPEAKER:

The rules do not allow imputations against any Member. Obviously Members can criticise the Government. General statements at the Government is not against the rules but against a particular Member it is.

HON P R CARUANA:

Mr Speaker, I entirely agree and I accept that ruling but on behalf of the Opposition that I lead, let me make it clear, Mr Speaker, that I consider that suggesting that an honourable Member is bringing a personal interest to the floor of this House or furthering the interests of a client in a particular private case or that your father was given a tender or that your client was also given a lease of the premises next door, all those are serious imputations against the character of the individual and it was they who did that yesterday.

HON CHIEF MINISTER:

No Mr Speaker. Let me say that one of the leading figures in this development is of course related to the honourable Opposition Member and he accuses us of giving it to our friends. Are we supposed to allow him to say that we give it to our friends and not mention that our friends happens to be his family?

HON F VASQUEZ:

What the Chief Minister(inaudible)..... criticise members of my family in making a point of principle, Mr Speaker.

MR. SPEAKER:

Another point of order that I want to draw attention to the Members is that if they do have an interest they have to declare it. In other words they are allowed to speak but before they speak they say, "I must declare an interest in this particular subject" but he is allowed to speak.

HON F VASQUEZ:

I would be grateful for an answer to my question, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, we are not prepared to answer the honourable Member's question on the basis that he adds the comments which he did that the explanation is that we give to our friends, because if the question is, "Is the explanation that we giving it to our friends?" then the answer is no. we do not give it to our friends because unlike him we are not here just to defend our private interests. That is the answer to the question that he has put.

HON F VASQUEZ:

It does not conceive an answer, Mr Speaker.

HON P R CARUANA:

Mr Speaker, has allowed to go unchallenged what is clearly a personal imputation by the Chief Minister of my hon Colleague delivered not three minutes after Mr Speaker had given a ruling.

HON CHIEF MINISTER:

No, Mr Speaker, the hon Member wants an answer to his question. He has not rephrased his question. The question he has put to the Government is whether the criteria we use for granting the 50/50 option is that we give it to our friends. The answer to that question is, no, we do not use that criteria and the only reason we are getting that question is because it reflects the attitude, the mentality and the values of Members of that side of the House who put questions because they assume that because they would behave like that so do we. That is the answer. So if the hon Member objects to the imputation he should not phrase his question that way.

HON F VASQUEZ:

Mr Speaker, the questions are put in the way the Chief Minister is objecting because we do not get answers to our questions. We had it yesterday in relation to the Key and Anchor premises and we are having it today. The question is this: What is the criteria? If we are not going to be given the criteria are we to assume therefore that the only thing comprised here is the one I have stated? If they do not provide me with the criteria, we can only make an assumption.

HON CHIEF MINISTER:

No, Mr Speaker. The hon Member may not get the answer that he wants or the answer he wants may not exist. That does not give him the right to say that the only alternative is that if they do not get the criteria, it must follow that we are dispensing favours to our friends. No, it does not follow. The answer as my hon Colleague has given from the beginning is that the 50/50 scheme was introduced for Westside and was extended to Phase three simply because Phase three was part of Westside and what my hon Colleague has told him was that there were already ten people on 50/50 in Westside before it was decided. Of course, it was made clear at the time that the Westside development was done that the land was provided to the developers on conditions which restricted the sale and in Phase three they had an option to go outside the restrictions if they were not able to get sufficient customers within a three months period. Part of the original agreement was that there were two options, either they stayed within the scheme or they went outside the scheme and obviously the developers, in the context of the market situation, felt it was better to stay within the scheme than go out. So it has nothing to do with what is the criteria. The criteria here is the criteria that there has been from the beginning because, as my hon Colleague has already said, the figure of £28m, which was given in the last House, covered the whole of Westside and Brympton. Opposition Members asked what is the extent if everybody in every project that is earmarked for the 50/50 were to say, yes. Well that figure is for every project that is earmarked so what is the hon Member coming up now saying why we do not give it to the whole of Gibraltar. It is neither here nor there. It has nothing to do with the whole of Gibraltar.

MR SPEAKER:

Let me make another ruling. In fact it is part of Standing Orders. A Member that makes a statement in a question is responsible for his statement. So if an accusation is made by a Member, the Member must be able to substantiate it. That is the position and I draw attention to the Members that that is the way to proceed. If they do not I shall have to stop them.

HON M RAMAGGE:

Mr Speaker, having heard the Chief Minister just now, there is a remark which he has made and which I would like clarification on. He has just said that the £28m applied to Westside and Brympton but he has not mentioned the Watergardens. Does that include the Watergardens?

HON CHIEF MINISTER:

No, Mr Speaker, the Watergardens are not in the 50/50 scheme.

MR SPEAKER:

Next question.

NO. 233 OF 1992

THE HON F VASQUEZ

Mr Speaker, is Government taking any steps to secure any other operator to fly to Gibraltar following the demise of Dan Air?

ANSWER

THE HON THE MINISTER FOR TOURISM

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 233 OF 1992

HON F VASQUEZ:

Mr Speaker, does the Minister intend to take any steps in his capacity as Minister for Tourism to try and ensure that another operator is found: (a) to service the Gibraltar market and to service the Gibraltar Tourist Industry, and (b) to protect the local traveller from the monopoly situation?

HON J E PILCHER:

Mr Speaker, the answer continues to be no Sir, but I think for the benefit, not only of Opposition Members but for the benefit of the members of the public to which the honourable Member is referring to, I think an explanation is in keeping. Mr Speaker, I need to go back some three or four months and take honourable Members back to the period just before Dan Air collapsed. There was a run-up period of at least three months before that happened. Opposition Members read the UK papers and this demise of Dan Air was on the cards for quite some time. During that period, Mr Speaker, we had a meeting with the Managing Director and members of the Board of GB Airways where GB Airways asked the Government, in the first instance, for support during the winter programme to look at basing more aircraft in Gibraltar and running a throughput operation which they have successfully mounted, may I add, with transit facilities to Marrakesh, Casablanca, etc. During that meeting, Mr Speaker, GB Airways asked the Government to consider the possibilities, if Dan Air collapsed, of giving GB Airways a breather space of some year to be able to successfully mount an operation of throughput to Gibraltar and to successfully overcome the financial difficulties which the whole of the civil aviation market is undergoing at the moment. Mr Speaker, the Government looks at this request in two different lights. On the one hand it is a problem at the moment, when in the civil aviation industry that there are many many entities which are suffering major financial difficulties. Gibraltar

itself has undergone two such demises. Air Europe some eighteen months ago and Dan Air. From that first position, Mr Speaker, it is not in the interest of Government, at this stage, to have attracted another airline unless that other airline was financially sound. That nowadays, Mr Speaker, is a very, very difficult situation indeed to find and therefore the first aspect of that was to look at the increased difficulties created to Gibraltar by the demise of Dan Air. It is not a situation which Gibraltar would want to be in again. I am sure that if Opposition Members look at the history of civil aviation in Gibraltar, they will find that there have been many airlines coming and going but there has always been an airline in Gibraltar that has been here to service the needs of the local economy. We felt that if that airline, who produced figures for us was already on the back of the recession and particularly on the back of the disaster in the civil aviation industry felt that they required the Government to give them a respite in order to be able to redress some of their financial instability, we felt that not only were they deserving of this but that that airline, which is part of a group in Gibraltar which creates employment in the local market deserved to be given that breathing space in order to reassert their business. It would take hours to explain all the negotiations but the Government felt that it would cede to the request to give GB Airways a year in which the Government would not, as I think the question asks, actively market in order to try and get in a second airline. We did, however, produce a list of commitments which we required of the airline in order for the Government to feel safe and secure in creating what we have done over the next year, a monopoly situation. The Government then requested GB Airways - we have now concluded an agreement which we did last week - various elements which are as follows, Mr Speaker. Firstly, an undertaking in the first instance, the instance of the six to eight week period, GB Airways would put flight for flight of Dan Air, ie they would put an extra flight every day. GB Airways were able to do this. At the end of this week, if I am not mistaken, Mr Speaker, we have allowed the airline because of the passenger throughput statistics to lower that schedule from one a day to five a week. That will be the same through the winter period and coming up to the summer period where again they will put flight for flight as in fact Dan Air did last year ie they will have an extra flight every day during the summer. The second aspect of the commitment, Mr Speaker, was to look at the flexibility and get a flexibility agreement from the airline, which again we have. The flexibility agreement works two ways. If the airline can prove to us that the passenger throughput shows that there is not a requirement for the five aircrafts during the winter, then we will consider allowing them a decrease in flight and if the throughput - we monitor passenger movements at the airport on a day-to-day basis - shows that the load factors are such that the Government feels that they should go up to seven then that flexibility is there and that flexibility is there for the whole of the period. The third aspect

of that, Mr Speaker, is an agreement of fair structure because monopolies create a situation where a carrier because he has monopolised the situation can increase the price. What we have structured is a fair agreement with the airline by which the price during the winter will be maintained except, Mr Speaker, for normal price increase agreed by the international carriers. I think there is one on the way and I am sure that if Opposition Members read the international press they will realise that there is a fight to 7% increase because of currency fluctuation particularly the pound against the dollar. The dollar as Opposition Members will know is the currency in which certainly most businesses work and certainly civil aviation. So there is a fight for 7% increase but with that exception, prices will be maintained throughout the year and any fluctuation in that will be advised to the Government who will only accept it if, Mr Speaker, it is an increase of prices determined not by the local market but determined by the international market. Let me add to that that Gibraltar is no longer an island in civil aviation terms and therefore any price structures that any airline coming to Gibraltar determines has to be competitive against Malaga, Mr Speaker, because if not they will lose the business that way. So I think there is over and above an agreement to have a fair structure with the Government. There are competing market forces that will not allow a monopolised industry particularly in Gibraltar on civil aviation because of the link-up with the airports in the region. I think the other aspect of that, Mr Speaker, is employment. We were worried that there were a number of people that used to work for Dan Air and obviously have been made redundant. Again GB Airways have looked at the employment market and have made job offers to certain amount of the people employed by Dan Air. They have also looked at the difficulties created to certain operators by the demise of Dan Air and they have agreed with us and given us the commitment that subject to competitiveness and subject to quality, all the businesses would be Gibraltar based ie the employment would therefore be created in the local market. From an operator point of view, they are also looking at being able to take on board some of the areas that Dan Air left behind from the property point of view at the airport in order not to create any problems for the operating company. Based on that, Mr Speaker, and based on that agreement, the Government have agreed to give GB Airways the breather space and have agreed with them that for a year we will not take any steps to secure any other operator which was the initial question that the hon Member asked.

HON P R CARUANA:

Mr Speaker, I would thank the Minister for the extremely detailed and comprehensive nature of his reply. On the basis of the answer that the Minister has given and also on the assumption that the agreement works as the Government

has drawn it up with the airline operator, we are confident that the interest of the consumer in Gibraltar will be protected and my last comment is that if Government gave wholesome and informative answers to all of our questions as we have had in answer to this one I think the proceedings in this House generally would be a good deal more constructive.

HON J E PILCHER:

Mr Speaker, just to answer one of the points, both sides will be monitoring this agreement on a day-to-day basis. We expect it to work but obviously that does not mean that we have done the agreement and now we will sit back. There will be a monitoring on a day-to-day, week to week and month to month basis, basically so that we ensure that it is for the benefit of Gibraltar not only from the point of view of the airline but from the point of view of employment etc.

MR SPEAKER:

Next question.

NO. 234 OF 1992THE HON H CORBY

Mr Speaker, does Government consider that the Gibraltar tunnel network has potential as a tourist attraction and, if so, is it proposed that any part of the network be handed over by MOD to Government?

ANSWERTHE HON THE MINISTER FOR TOURISM

Yes Sir, the Government does believe that the tunnel network has a tourist potential and is liaising as part of its overall discussion with the MOD on the lands memorandum, for their eventual return.

SUPPLEMENTARY TO QUESTION NO. 234 OF 1992

HON H CORBY:

Can the Minister say how the negotiations have gone and what time limit is set in as far as that is concerned?

HON J E PILCHER:

Mr Speaker, the negotiations on the lands memorandum in general, with very few exceptions, are going well. From the point of view of the tunnels, it is not, as far as the Gibraltar Government is concerned a total priority. We have got to plan ahead for the capital expenditure required to refurbish some of those tunnels. We already have property which belongs to the Gibraltar Government and from a tourist point of view and the investment from outside at this stage is not there and the internal capital required for refurbishment is not there, so it is not a priority.

HON P R CARUANA:

Can the Minister please confirm we do not take the view that it is freehold property?

HON J E PILCHER:

No. Mr Speaker, I can confirm that the tunnels are not freehold property.

MR SPEAKER:

Next question.

NO. 235 OF 1992

THE HON H CORBY

Mr Speaker, does Government intend to undertake an ongoing programme of maintenance to ensure that all historical guns on the various sites in Gibraltar are kept in an attractive condition?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, the question of providing resources for the upkeep and maintenance of historical guns takes place within the limits of the resources available to Government for maintenance of public places. Within this constraint, the policy is to keep such sites in as an attractive a condition as possible.

SUPPLEMENTARY TO QUESTION NO. 235 OF 1992

HON H CORBY:

Mr Speaker, would the Minister agree with me that it might be an idea to have an enclosure of the guns to avoid vandalism by people going up the Rock to part of our history?

HON J E PILCHER:

No Sir. If the Opposition Member is referring specifically to guns on the Upper Rock, we are looking at the possibility of extending the system that we have just used at the Alameda Gardens, which is to close the Alameda Gardens at night. That has, in fact, created a tremendous improvement on the vandalism and I think that is the system that we are looking to extend to the Upper Rock but as certainly one of the Opposition Member knows, we have written to all the tenants of the area because we do not want to do anything which creates a problem, so at the moment although we have taken a decision in principle, and the initial reaction of the tenants is a favourable one. Now we have got to take matters through the Traffic Commission etc because there is a process which we have to go before we do that. If we can successfully do that, Mr Speaker, the question that the hon Member asked on the vandalism in the Upper Rock not only to the historical guns but to signposts, sites, plants, trees, everything, Mr Speaker. I think that will certainly solve the vandalism on the Upper Rock.

HON P R CARUANA:

Mr Speaker, does the Minister consider that it would assist him in his battle against vandalism, which of course all in this House support him on, if he were to ask those responsible for the operation of the litter control committees and the litter control regimes and indeed for the Police to be asked and traffic wardens to be asked, to make GSSL to make a specific effort to keep an eye open for people who vandalise public property so that perhaps there could be a greater deterrent value in being seen that the law is being enforced in relation to that crime?

HON J E PILCHER:

Mr Speaker, this has already happened. With the exception that we have not asked the GSSL wardens because they have got a specific contract which is not a contract related to vandalism but related to traffic. Unfortunately, Mr Speaker, these acts of vandalism are not done during the hours when "normal people" (and I put "normal people" in inverted commas) are up and about and I think this is why it is so difficult, Mr Speaker, particularly in areas isolated like the Upper Rock where it is quite easy to perpetrate acts of vandalism and not get caught. Any movement in that area at that time of the night would be seen long before the person that was driving up was caught. It is an on-going process. I assure the hon Member that we are taking every single step possible to catch these perpetrators and in keeping with what the Chief Minister said yesterday, because this is an act which goes against the grain of society, we hope that when we do get people doing acts of vandalism, the court will be strict with them.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 236 OF 1992

THE HON H CORBY

Mr Speaker, will Government undertake the total refurbishment of this Boulevard adjacent to Zoca Flank?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, the refurbishment of the Boulevard will be considered as part of next year's budget in the context of competing demands for Government funds.

SUPPLEMENTARY TO QUESTION NO. 236 OF 1993

HON H CORBY:

Mr Speaker, this is a place which is in the middle of town where people are used to go with children. It is now an unsafe place and an eyesore in the middle of town. I think that preference should be given to this refurbishment in order to make the Boulevard what has always been - a centre point of Gibraltar.

HON J E PILCHER:

Mr Speaker, I hear what the honourable Member says and I can assure him that certainly it has a very big priority as far as I am concerned and I assure him that the Government will take notice of this.

MR SPEAKER:

Next question.

NO. 237 OF 1992THE HON P CUMMING

Mr Speaker, is Government satisfied with the state of the safety rails on the upper flights of steps on Charles V Wall on the Upper Rock, and why has a gate been placed at the very top?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, gates have been fitted on the top and bottom of Charles V Wall to stop entry into the nature reserve, which as the Member knows is now a paying area. This has therefore prohibited access to the area of the upper flight of steps on Charles V Wall and therefore the question of the safety of the rails does not apply.

SUPPLEMENTARY TO QUESTION NO. 237 OF 1992

HON P CUMMING:

But Mr Speaker, there is access to those steps not just from the bottom but intermittently at different stages along. There is a new road now opened where you turn down to the Apes Den. There is one road straight along and another way up that has recently been opened. From there there is easy access onto those steps. You walk all the way to the top and then find that there is a gate at the top, not locked at the moment, but presumably could be locked.

HON J E PILCHER:

Mr Speaker, my information is that there are gates. The honourable Member's question is talking about the upper flight of steps ie those between the top station of the Cable Car and the one that exits, I think, at Queens Road which is the one that overlooks the Apes Den. Those gates are now closed. I accept the railings are not as safe as they should be, therefore we have closed the gates until such time as we are able to look at the railings.

HON P CUMMING:

Mr Speaker, does this mean that it is the Minister's intention that those flights be closed to the public?

HON J E PILCHER:

No. It is not the Minister's intention of doing that. They are now closed to the public. There are gates locked at the top and the bottom.

HON P CUMMING:

Mr Speaker, about ten days ago I was there myself and walked from the top to the bottom. I noticed the gate at the top could not actually be closed because there was difficulty closing it. There was no lock on it. The state of the safety rails are such that they are hanging right down into the abyss. The steps are only about two feet across. Flag stones were wobbly and holding up really grossly unsafe. It is open to the public. In any case, I would greatly prefer and hope that the Minister will leave them opened to the public to anybody who wants to ramble and walk up on the Upper Rock. They should not be restricted. If you are going to close the Port and the Alameda and the Rock, I do not know where we are going to go for a bit of recreation.

HON J E PILCHER:

Mr Speaker, I think that the honourable Member has certainly moved from one question to the other. I thought, Mr Speaker, that the Leader of the Opposition had in fact supported, or at least if he did not do so verbally, I think the nods across meant that there was support for the mechanism to utilise the Upper Rock the same as we have done the Alameda Gardens to try and close it at night to protect it against vandalism. This is contrary to.....

HON P R CARUANA:

No. No. We are discussing the steps during the day, not at night.

HON J E PILCHER:

The honourable Member has said as a follow-up of the steps that are we going to close that like we are going to close everything else as if we were producing Stalag 13. The gates have been closed, Mr Speaker, and they have been closed specifically because of the danger element. The gates were produced there initially to stop people coming into the Nature Reserve. Because we now have an agreement with the Cable Car, by which people pay for entering the Nature Reserve at the bottom station there is no longer a need to have the gates closed from the Nature Reserve point of view but because, as the honourable Member has highlighted, the fencing is dangerous and we would not want the honourable Member to walk up there again and fall over the wall. We have closed it until such time as we are able, within the constraints that I mentioned before on the financial implications of that, to repair the fence and feel safe that our tourists can walk up and down those steps without the danger of falling, Mr Speaker.

HON P CUMMING:

Mr Speaker, the Minister has been given wrong information then because up to ten days ago the gates at the top were opened and in any case if it had been closed, you could still walk right up to the top in very unsafe conditions and then have to walk all the way down again if it had been shut.

HON J E PILCHER:

Mr Speaker, I will certainly check the information that the honourable Member is giving me, but as I say, I have checked this and this is what the operator has mentioned. I will check it and if he is right, I will inform him this afternoon.

MR SPEAKER:

Next question.

NO. 238 OF 1992THE HON L H FRANCIS

Will Government explain how a "breakdown in communications" can result in the demolition of a significant local landmark namely the North Gate of the Dockyard and does Government agree that it could not have happened if there existed in Gibraltar an open planning procedure?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, the Government does not accept the premise through which the question has been asked and does not agree that an open planning procedure would have prevented this from happening.

SUPPLEMENTARY TO QUESTION NO. 238 OF 1992

HON L H FRANCIS:

Will the Minister say what premise is that? Is it the breakdown in communications because this is a quote I took from him on a radio programme?

HON J E PILCHER:

Yes, Mr Speaker, because when I explained the breakdown of communications, it was not that the breakdown of communications had actually caused the North Gate to be demolished. What I was reacting to is the situation whereby the North Gate was knocked down over a weekend and nobody knew about it. That was the breakdown in communications. Had it been in my honourable colleague's domain he would have defended it like I have defended it. The fact that we needed to knock down the North Gate is something that I would have defended because it was a good idea looking at the traffic flows. I said in the programme that today it gives a much better view of the City Walls than it was when the North Gate was there and again I said if the environmentalist, the protectionists, the conservationists had been around in 1917, it would not have been built because it was built in front of the City Walls, Mr Speaker.

HON L H FRANCIS:

Is the Minister then confirming that it is an appalling state of affairs when after a weekend the citizens wake up and find a valued landmark gone? Does he accept that that is not a good state of affairs?

HON J E PILCHER:

Mr Speaker, I do not think that the Minister can confirm or deny anything. What the Minister is saying is that under normal circumstance, this would have been defended by the Government and I commit myself to defend this situation. Mr Speaker, this has been said to the Opposition Members. It has been said to the Heritage Trust. It has been said clearly in the Development and Planning Commission. The Government have one criterion which they have to utilise. There is a balance always but there is one criterion. What is it for the economic benefit of Gibraltar, Mr Speaker, and if there is an area, a landmark which is for the economic benefit of Gibraltar, we will explain to the Gibraltarians why we need to do something about it and then we will, Mr Speaker, and we will be judged like any Government is judged for its track record.

HON L H FRANCIS:

Does not the Minister accept then that there is a difference, not just in the decision to take it down which I accept he will defend politically and may have been done for very good reasons, but more importantly the fact was that it was done without anybody knowing about it during the course of a weekend. And overnight I think as well during some of the time. People just did not know. They just found out the next morning when they went by. I do not think this is acceptable.

HON J E PILCHER:

It is not acceptable. I said that myself. This is why we called it a breakdown in communications because under normal circumstances it would have been explained the week before or two weeks before or three weeks before. We have no difficulty, Mr Speaker, in defending ourselves against any lobby when we think that what we are doing is right for the people of Gibraltar.

HON P R CARUANA:

Mr Speaker, the position then is now very clear. The Minister says that the Government supports the demolition of the North Gate and that is a matter of policy for them, which they must defend. But really you see, Mr Speaker, I put it to the Minister that that misses the point. The question is that it could not have happened if there had been an open planning procedure because it is all very well for the Minister to be willing to defend politically at the polls or otherwise his decision to demolish a local landmark in the economic interest of the community but it does not return to the people of Gibraltar the landmark if the people of Gibraltar choose to castigate him for his political decision. Therefore, Mr Speaker, what the Minister is saying is that the natural heritage of this community and whether the North Gate is part of our heritage or not may be a very subjective opinion, but the fact of

the matter is that for lack of an open planning procedure that gives the people of Gibraltar the right to demonstrate in advance of a Government intention to demolish a local landmark. What we have in this situation is that the people of Gibraltar complain but cannot avoid the damage. Does the Government accept that that is true? And does the Government not accept that the way to protect the community about that is to require an open planning procedure before any historical landmark is proposed to be demolished as happens in every civilised part of the world except in Gibraltar?

HON J E PILCHER:

No Sir. The reasons for that were explained quite clearly by me, Mr Speaker. Since this is not a debate, I will follow the rules of this House but we had a debate on television where his colleague, the Honourable Mr Vasquez, defended that position and I defended the position of the Government quite clearly. We have put mechanisms in place and the scenario that the honourable Member is painting is not possible under the new systems in place, Mr Speaker.

HON L H FRANCIS:

Can the Minister just state for the record what these procedures will now be?

HON J E PILCHER:

Yes. Mr Speaker, the honourable Member knows that we have already in the Development and Planning Commission, a representation of the Heritage Trust, which are there acting as a watchdog particularly for these areas, Mr Speaker. The point that was made by the Heritage Trust at the time was that in our planning policies, the Government - in fact this is the case in all civilised countries - does not have to take its own property or parts of the Government to a planning procedure. Notwithstanding that we have put a Commission in place so that the Government bounce off the Heritage Trust, Mr Speaker, all its own plans so that we are then sure that everything that the Government is doing is cleared by the Heritage Trust. In fact it has been extended even more than that because it is not only a Heritage Commission, it is a Heritage and Nature Commission, so everything that we do will be bounced off environmentalists in its wider perspective before it goes to DPC.

HON P R CARUANA:

Is the Minister aware that the Heritage Trust complain that notwithstanding their presence on the Development and Planning Commission, they were not informed of the proposal to demolish the North Gate? Is it true or is it not true?

HON J E PILCHER:

Mr Speaker, I have just explained.

MR SPEAKER:

Next question.

NO. 239 OF 1992

THE HON L H FRANCIS

Mr Speaker, does Government consider that the demolition of the Piazza and its replacement with an open square would enhance the appearance and the amenities of that part of the City?

ANSWER

THE HON THE MINISTER FOR TOURISM

Yes Sir.

SUPPLEMENTARY TO QUESTION NO. 239 OF 1992

HON L H FRANCIS:

There have been plans for this demolition for a very long time now. Can the Minister give any indication if they are to go ahead, when, if and how?

HON J E PILCHER:

There have been plans for a long time, Mr Speaker. The answer to this supplementary is basically the same as the answer I gave to the refurbishment of the boulevard. It is an area that we are looking at, Mr Speaker, and certainly it has got a priority but obviously like everything else it will be determined by Government priorities from the point of view of our budgetary requirements for next year.

MR SPEAKER:

Next question.

NO. 240 OF 1992THE HON L H FRANCIS

Will the Government say if the proposed Urban Renewal Plan is ready and when will the programme be implemented?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, Urban Renewal is that part of the City Plan which is concerned with redevelopments within the City Walls. It was presented in April 1991 when comments from the general public were invited. The Urban Renewal Programme is therefore a continuing exercise which forms a part of the brief to the Planning Authorities which then translates itself into the advice of the Planning Department on presentation of papers to the Development and Planning Commission.

SUPPLEMENTARY TO QUESTION NO. 240 OF 1992

HON L H FRANCIS:

I had understood that a UK contracting firm, I think it was Bovis, had been giving advice to Government on this and there was some concrete scheme coming up?

HON M A FEETHAM:

Mr Speaker, we took on Bovis, the Urban Renewal Consultancy Wing of that company, to look at that plan for us and they produced what we have published within our overall development plans.

HON J E PILCHER:

Mr Speaker, just to add that I will be more than happy if the honourable Member did not get a chance to go and see the presentation in April, to give him a copy of the Urban Renewal plan.

MR SPEAKER:

Next question.

NO. 241 OF 1992THE HON LT-COL E M BRITTO

Will Government make a statement regarding the proposed privatisation of the public market?

ANSWERTHE HON THE MINISTER FOR TOURISM

No Sir.

SUPPLEMENTARY TO QUESTION NO. 241 OF L992

HON LT-COL E M BRITTO:

Why Sir?

HON J E PILCHER:

Mr Speaker, because in order to be able to make a statement, I would need to have made a final policy decision in all the aspects related to the closing down of the public market and the substituting thereof by some new mechanism, Mr Speaker. At the moment I am in the process of discussing the matter with the various elements that will form part of the new, if you like, keeping the words "public market" but it is too early at this stage, Mr Speaker, to know what that mechanism will be. I think that in the one hand I could mislead the House at this stage if I gave a statement and secondly I do not know whether all the requirements or all the policy decisions of the Government will be able to be implemented in a specific way, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, I take note of the Minister's comments, but would he at least inform this House on the underlying reasons for the decisions that have been taken so far and update us on what has happened up to now, rather than tell us what the final solution is?

HON J E PILCHER:

The reasons are quite clear, Mr Speaker. The public market was an area of business that was created for a specific purpose. When the public markets were created and when in fact the Ordinance was put in place, it was not a fully fledged commercial area, it was an area where people that normally came from Spain brought the fresh meat, brought the fresh poultry, brought the vegetables and needed an area to sell them from. That is why the market was produced with very small rent payments and very small payments across

the board and a mechanism by which all the maintenance and all the repair costs were met by the Government. That was a situation which I think was satisfactory until the frontier closed in 1969, Mr Speaker. From that year onwards the purpose for which the public market was created was not the purpose for which it was used and obviously during the years of siege it was changed to be another commercial area. Mr Speaker, the Government in looking at the public market felt that because it was now being used as a commercial area, it was not possible for us as a Government and therefore for the people of Gibraltar, to be maintaining a commercial area at public expense when the rents were relatively minor. The purpose of the new system is to try and create a commercial area whilst trying not to affect the stall holders there but encouraging the stall holders to form themselves into a management committee to take over the commercial running of the public market. That is one aspect of it. There is another aspect which is to look globally at enhancing the public market and utilising that to activate movement of tourism in the area as we beautify the area, Mr Speaker. That is the main thrust of it but there are other elements which I am looking but at this moment it is too early to be able to give more information.

HON LT-COL E M BRITTO:

Mr Speaker, the comments made by the Minister apply to the fish market as well? That part of the operation is still following the more traditional line.

HON J E PILCHER:

No. Mr Speaker, the comments I made do apply to the fish market as well. There are one or two operators that utilise the fish market as in fact it was meant to be utilised prior to 1969. The area is costly to maintain and certainly costly now to refurbish because it has been allowed to deteriorate for many many years. We are now looking at being able to incorporate a fish market within the main market so that we do not create a problem for those one or two operators that trade from there and utilise the area of the fish market to house the street market, Mr Speaker. We are now looking at providing a priority to the refurbishment of the Piazza which would then make it impossible for them to be where they are now. This is why it is a complex mechanism with a lot of interests which I am now negotiating with and I am not able at this stage to say what the final conclusion will be.

HON LT-COL E M BRITTO:

Mr Speaker, I welcome those comments specially the last one in relation to the street market. The Minister has mentioned the dilapidated state of the building. Is it Government's intention to refurbish this in any way before the final handover or will the new combine that will emerge be saddled with the cost of refurbishing the building right at the very beginning?

HON J E PILCHER:

It is difficult to identify at this stage what the final outcome will be. It is not Government's intention to utilise public money to refurbish the public market because, Mr Speaker, if we did, we would only be prepared to do it the same way as private sector developers do, ie, we would refurbish it and then we would charge a market rent for the commercial operators to use the place. That is not the intention, Mr Speaker. The intention is for the stall holders to get themselves into some kind of management committee to look at the refurbishment of the place in exchange for which the Government will then look at nominal rents for the area.

HON H CORBY:

Mr Speaker, in this refurbishment or whatever development is going to take place, would the character of the facade of the market suffer in as far as the old building is concerned?

HON J E PILCHER:

Quite the contrary, Mr Speaker, the whole idea is to enhance the character and the facade of the market place in a way that enhances the character of the whole of that square.

MR SPEAKER:

Next question.

NO. 242 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, subsequent to the recent rock falls on the east side which damaged the Gibraltar Beach Hotel and could have been a serious threat to the safety of people in that area, will Government say whether any technical or other investigation has been carried out to assess the potential risk of re-occurrence and what steps have been taken to prevent this?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, the Government has in the past carried out various investigations into the reason for rock falls in the area of the east side. All the investigations show that it is not possible, from a technical point of view, to do anything to stop what are virtually "Acts of God". This was known when the Gibraltar Beach Hotel was constructed and reflected in their lease.

SUPPLEMENTARY TO QUESTION NO. 242 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, is Government aware of certain proposals made by a former City Council engineer, Mr John Dumoulin, for a trap of some sort to be built into the Water Catchments area to catch any fallen rock?

HON J E PILCHER:

No, Sir.

HON LT-COL E M BRITTO:

Mr Speaker, these plans were featured in the Gibraltar Chronicle as recently as three months ago. Certainly in the aftermath of the fall and presumably they are on record somewhere in Government and it would seem to me that there might be some future from the Government point of view in looking them up and finding out whether they are feasible.

HON J E PILCHER:

Mr Speaker, I have no difficulty in trying to do that. I certainly do not have it. I visited the area shortly after the major rock fall and on going to the top of the rock and looking at that, you can see the virtual impossibility of trying to do anything other than remove all the catchments, remove all the sand and just leave

a pit. Even then because of the momentum of particularly this rock which was a massive one, we are not absolutely sure that it would not bounce off one of the ledges and then be catapulted into the road or the hotel. This is why I have said, Mr Speaker, that really it is an act of God.

HON LT-COL E M BRITTO:

To one end of the hotel, Mr Speaker, netting was set up I believe by the MOD some years back. Can the Government say whether this netting has been successful in catching falling rocks in that area and whether it might be an idea to study the possibility of extending the line of netting all the way down that road?

HON J E PILCHER:

Mr Speaker, it has been successful in catching small stones. I do not think that it would have been successful in stopping this particular boulder. I am sure the Opposition Member, if he did go and see it, would agree that if we had put ten lines of fences it would not have stopped the momentum of that specific boulder, but it is something that can be looked at. This will have to be looked at by the owners of the Both Worlds because this is part and parcel of their lease, Mr Speaker.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 243 OF 1992

THE HON L H FRANCIS

Mr Speaker, will Government say whether it intends to create any new Litter Control Areas and if so where and when will they be implemented?

ANSWER

THE HON THE MINISTER FOR TOURISM

Yes Sir. These areas have already been gazetted about three weeks ago as part of the normal period of notice under the law.

NO. 244 OF 1992

THE HON H CORBY

Mr Speaker, can Government reduce the duration of parking restrictions for the road cleaning of Litter Control Areas to a period more closely related to the actual time taken to carry out the cleaning?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, the Government is already looking into this at present with a view of limiting the period to actual time taken.

SUPPLEMENTARY TO QUESTION NO. 244 OF 1992

HON H CORBY:

Mr Speaker, the Minister must agree with me because parking in Gibraltar is at a premium and people go out sticking their heads all over the place to find an available parking. At the moment I can tell the Minister that the parking areas which I have identified are just opposite the market place and also in the area of the marina. I have gone there and the cleaning has taken place already at about 9.15 am. Everything is cleared but the parkings remain empty until 12 noon because the signs there say "No parking from 10.00 am to 12 noon". So all those parkings which are at a premium in Gibraltar are left there for two hours without being occupied. This is what I am bringing to attention.

HON J E PILCHER:

Yes. That is why, Mr Speaker, in my answer I said that the Government is looking with a view of limiting the period to actual time taken. I have no doubt at all that the hon Member has gone and looked at this. We have a 10.00 to 12.00 prohibition and it starts at 10.00 am and finishes at 10.30 am, I see no reason why we should not open it up at 10.30 am. I would also like to advise Opposition Members that in looking at this we have to look at the resources necessary to do this and to be absolutely sure that we can do this every week at 10.00 am. What we do not want is to then say 10.00 to 10.30 and because of the intertwining of the resources which have to perhaps start at Casemates and do Casemates and Corral Road, we do not find the situation where we limit it so much that it becomes nonsensical. So we will try and limit it to actual time but giving ourselves a little bit of margin for the normal process that has to happen which is the movement of the team from one area to the other.

HON H CORBY:

Mr Speaker, I can tell the Minister that I have monitored this for quite a number of weeks and even months and the time limit taken is before 10.00 am.

HON J E PILCHER:

Yes. Mr Speaker, in view of the comments made by the Leader of the Opposition, since he is not a professional I am not sure that I have to take his comments on board.

HON H CORBY:

Mr Speaker, although I am not a professional, I have not the privilege of parking in an area which is there secured for me every day so I have to look for parking all over Gibraltar and I can tell the Minister that I am quite an expert at finding parking facilities.

HON J E PILCHER:

I suggest he tells that to the Leader of the Opposition.

HON J C PEREZ:

Mr Speaker, I will probably have a car park for the honourable Member very shortly in Naval Ground.

MR SPEAKER:

Next question.

NO. 245 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, is Government satisfied that the system of domestic refuse collection is efficient and, if not, what steps is it taking to improve it?

ANSWERTHE HON THE MINISTER FOR TOURISM

Yes Sir. The Government is satisfied that the system of domestic refuse collection is efficient.

SUPPLEMENTARY TO QUESTION NO. 245 OF 1992

HON LT-COL E M BRITTO:

Does that mean, Mr Speaker, that the Government does not have any plans or does not intend to study whether there is any means of improving the system?

HON J E PILCHER:

Yes Sir, that is what it means. The Government is satisfied that the system of domestic refuse collection is efficient.

HON P R CARUANA:

Does the Minister understand, as I am sure he does because he is presumably aware, that members of the public are not permitted to deposit their refuse outside their homes until after 10 pm?

HON J E PILCHER:

Mr Speaker, this is why I have stressed in my reply to the question that the Government is happy with the system of collection, which is what the hon Member asked. What the hon Member is saying is whether we are happy with the system of depositing, which is what the hon Member is saying, then we are not. I have answered the question as it was asked. There is no problem with the collection of refuse. There is a problem related to the law as it stands and if nothing else we should change the name of the regulations which is the "Filth and Litter Rules". If nothing else that we should change. But there is a problem in the collection in certain areas, in implementing the law, in the enforcement of the law by the Litter Control Committee. It is highlighting certain inefficiencies within the law and certain inefficiencies within the existing depositing systems and this, Mr Speaker, is at the moment being looked at by the Litter Control Committee. There are three different types of mechanism we can use and it

is trying to identify which mechanism is suitable for which area. I will explain. One mechanism is what we have done in Irish Town where there is a central system that has been provided by Line Wall Road. That covers for virtually everything although everybody is not cooperating because people want to be able to put their rubbish two steps outside their doors. If they walked 25 yards down the road they would be able to deposit their rubbish and not create a problem for other people. The second possibility is creating central cubicle areas like the housing estates have, where you have a central cubicle area for people to deposit their rubbish. The third element is to look at specific problem areas to see how we can change the law to be able to adapt the depositing of refuse in a way that does not create a problem. Once we have done that then we will look at the collection system to see whether that can then fall in line. There is an ongoing exercise which we are doing at the moment but the initial reply, Mr Speaker was that there is no problem in the collection. There is a problem everywhere else except in the collection, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that he has taken the question much more narrowly than was intended? Will the Minister accept that I am glad to see that he is conscious of the problem of the law in depositing and that a number of representations have been made to Members on this side of the House lately because it appears that the Public Health Authorities are going out of their way lately to enforce this particular law restricting the depositing of rubbish or refuse before 10.30 at night? Will the Minister also give this House an undertaking that seeing that the matter is being studied by the Litter Control Committee, presumably with a view to changing that time of 10.30 pm to an earlier time, that until such time as the Litter Control Committee makes its recommendations that the law is not enforced as it is being enforced lately in the town area where especially old age pensioners and older people are finding it considerably inconvenient to have to leave their homes late at night to put out the rubbish to avoid being.....

HON J E PILCHER:

No, Mr Speaker. What the Litter Control Committee did was before it started implementing the law it took the trouble to write to every single business in the area. So we had the inspectors going round Main Street, Cornwall's Lane, City Mill Lane and Engineer Lane advising the commercial tenants in the area that this is what the law said. Having done that, Mr Speaker, they were advised that if a shop had a specific problem, they should contact the Litter Control hot-line and an inspector or a policeman or a member of the Litter Control Committee would go to see their particular problem. What I will not do, Mr Speaker, is change the law at this stage until I am satisfied what

the requirements of the law are. When the law is on the Statute Book, Mr Speaker, there are various commercial tenants who will possibly have the right to say: "What am I supposed to do with my rubbish?" This is an area which we are looking at. Most of the tenants in Main Street, Mr Speaker, have a refuse collection system that was implemented some two or three years ago specifically asked for by the Chamber of Commerce that start at 9 o'clock in the morning. All that the tenants of that area need to do is open their shops at 9 o'clock in the morning so that they can deposit their rubbish in that particular system. What we are not going to do, Mr Speaker, is create a custom-built refuse collection run to suit the timing of every single individual shop in Main Street. If you want to open your shop at 10.30 am that is entirely up to you, but then you have got to dispose of your own refuse, Mr Speaker. What we are not going to do is allow the commercial operator to put their refuse at 7 pm, create the problem for Main Street when we have got a specific run that starts at 9 o'clock in the morning. I assure the Opposition Members that flexibility in law exists and that we do not go round with a hammer reporting people. What we are trying to do, Mr Speaker, is solve the problem and the problem is not solved by reporting people. The reporting element of it comes at the end when people are not cooperating with the system.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that his answer has been totally irrelevant because he has been talking to us about commercial refuse when my question is on domestic refuse. I am totally aware of the answer that the Minister has given me having been a recipient of one of his letters myself in my own commercial capacity. My question is not directed towards commercial refuse although.....

HON J E PILCHER:

I do not understand. What is the problem with domestic refuse?

HON P R CARUANA:

The problem for domestic refuse, Mr Speaker, is that for example, the Leader of the Opposition likes to go to bed at 10 pm and finds that he cannot because he has got to wait up to put out his rubbish. But the Leader of the Opposition does not mind subjecting himself to that inconvenience but there are old age persons, infirmed persons who cannot wait until 10 pm to go to bed simply so that they can put their rubbish out without being given a litter ticket.

HON J E PILCHER:

Mr Speaker, as far as my knowledge is concerned, we have not had any situation of creating litter tickets for other than with the major move that we are doing now to try and control the commercial element of litter which is what is creating a problem.

HON P R CARUANA:

I have to say that members of the Litter Control Committee were very constructive and very helpful but in fact my wife was threatened with the issue of a litter ticket for falling foul.....

HON J E PILCHER:

She must have broken the law.

HON P R CARUANA:

She was about to, but she was stopped in time. But it highlights the problem which is all that the question is intended to put, that the effect of the regulations is that people cannot lawfully deposit their rubbish before 10 o'clock at night.

HON J C PEREZ:

Mr Speaker, whether the hours are reviewed or not I think that the Opposition are stretching it in the argument that they are using on old age pensioners because the majority of households in Gibraltar have a central bin where the refuse is deposited and what is then put outside the building is the bin at any given time. The majority of people who cannot afford to have a separate entrance to the house and have to live in a block of a house like most people in Gibraltar. They have a central bin and they put the refuse in the central bin and then that central bin is the one that is put out after 10 o'clock at night. It is not that everybody puts their own particular refuse out at 10 o'clock at night. Every patio and every building have a central bin and then that central bin is the one that is put out at 10 o'clock at night, so it is not going to inconvenience very many old age pensioners like the hon Member says.

HON J E PILCHER:

In any case, Mr Speaker, this is precisely what I say we are doing. We are looking at the whole of the system and we will be flexible within the law and may I be so bold, Mr Speaker, as to ask the Opposition Member, at what time his wife happened to be just about to commit an offence and was stopped?

HON P R CARUANA:

I do not know.

HON J E PILCHER:

Mr Speaker, the main thrust has been at this stage by the Litter Control Committee and this we are doing. We have members of the Chamber now as part of the Litter Control Committee. We are doing a main thrust at the moment to try and control the commercial side of refuse depositing which is creating a major problem and not the household depositor. At Casemates House people have just been putting - I am not saying the Casemates House tenants necessarily - every single morning rubbish which is deposited in the middle of Casemates. Domestic refusedepositing is something that we are keeping an eye on but we are not at this stage doing any major move on because we want to look at the flexibility of the whole system.

HON LT-COL E M BRITTO:

Mr Speaker, to summarise, will the Minister then take on board the point that has been made on this side that as far as domestic refuse is concerned? Will he ask the Litter Control Committee to study the possibility of reducing the time from 10 o'clock to an earlier time which they may think fit in order to help people and secondly, Mr Speaker, seeing that the question of commercial rubbish has been raised, will the Minister say whether in the review of the system of depositing and collection he is prepared or the Litter Control Committee is prepared to consider changing the times of collection so rather than collecting rubbish in the morning that we collect commercial and domestic rubbish starting at night round about 10 o'clock onwards?

HON J E PILCHER:

We are not discarding any possibility about anything. The study we are doing is basically starting from the position of a blank piece of paper and working on it. We may be able to in a specific area to look at perhaps a specific change. But I think across the board the answer to that must I think be no. The answer to the first question is yes, we will look at because in fact this is one of the things that we are doing. I would like to take the opportunity to advise the Opposition Members and every single person in Gibraltar that rubbish and litter is the responsibility of all of us and we have to try and actively work at depositing our litter somewhere where we know that there is a proper collection system and if it does not exist, then rather than do something which is outside the law, is advise the Litter Control Department hot-line of what your specific problem is. I am sure that it will be fed into the system. We will not have 100% foolproof system, Mr Speaker, but we can have a much better system than we have at the moment.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 246 OF 1992

THE HON P R CARUANA

Mr Speaker, has Government guaranteed the loan obligations of any company (whether or not wholly or partly or directly or indirectly owned by Government) and if so, which obligations and of which companies?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

23.11.92

ORAL

NO. 247 OF 1992

THE HON P R CARUANA

Mr Speaker, as at 13 November 1992 did Government have any loans to any person or entity and, if so, what amounts and to what persons or entities?

ANSWER

THE HON THE CHIEF MINISTER

The Government, on occasions, makes loans to public employees in cases of hardship. These are dealt with by the Personnel Department. It has never been the practice to make public the names of those involved or the amounts. There are currently 6 persons in the service to whom loans have been made. It is not the intention of the Government to change the procedure. As regards entities, the following have outstanding loans:-

Pilot Boats Gibraltar Ltd	£22,000.00
Catholic Church of Gibraltar	£1,560.82
Sandpits Lawn Tennis Club	£1,000.00

23.11.92

ORAL

NO. 248 OF 1992

THE HON P R CARUANA

Mr Speaker, is any public housing stock of which the Crown in right of the Government of Gibraltar is the ultimate freehold owner and in which a company directly or indirectly owned by Government holds a leasehold interest, mortgaged to any bank or other entity or subject to any agreement or undertaking to be so mortgaged?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position is as stated in reply to Question Nos. 119 and 120 of 1992.

23.11.92

ORAL

NO. 249 OF 1992

THE HON P R CARUANA

Mr Speaker, does Government directly or indirectly service the loan obligations of any company (whether or not wholly or partly or directly or indirectly owned by Government) and if so, which obligations and of which companies?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 250 of 1992.

23.11.92

ORAL

NO. 250 OF 1992

THE HON F VASQUEZ

Mr Speaker, has the Government assumed any responsibility for the trading debts or liabilities of any Government owned or joint venture companies?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NOS. 249 AND 250 OF 1992

HON P R CARUANA:

Mr Speaker, by way of supplementary to my own question, will the Government state whether any of the funds that it has used to finance the funds that Government has used to finance its obligations under the 50/50 scheme have been borrowed through a company?

HON CHIEF MINISTER:

That is another question, Mr Speaker, and he will have to wait until he puts it.

MR SPEAKER:

Next question.

NO. 251 OF 1992THE HON P R CARUANA

Mr Speaker, will Government state the assets, liabilities and commercial activity of Venture Enterprises Capital Company Limited, a wholly indirectly owned Government company of which the Chief Minister and three other Ministers are directors?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the position regarding the information as to the commercial activities of those companies in which there are investments directly or through other companies by the Government has already been stated on innumerable previous occasions in this House. This particular company is no different from any other. The policy continues to be as previously stated.

SUPPLEMENTARY TO QUESTION NO. 251 OF 1992

HON P R CARUANA:

Mr Speaker, if the Honourable the Chief Minister will confirm - so that not everybody has to go back to Hansard - that the Government will give the House no information in relation to the activities, assets and purpose of this company of which he and three of his colleagues on that side of the House are directors?

HON CHIEF MINISTER:

That is correct.

MR SPEAKER:

Next question.

NO. 252 OF 1992THE HON P R CARUANA

Mr Speaker, has Government financed the so called 50/50 Scheme from its own borrowings or (as Government prefers to call it) "the proceeds of sale of Government properties" or has the Scheme been wholly or partly financed by some other means, and if so, how much has been financed from:

- (a) direct Government borrowing
- (b) the proceeds of sale of Government properties
- (c) by some other party or means

and in the case of (c) what party and or means?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the 50/50 home ownership scheme is being financed by Government-owned companies set up for the purpose which have obtained the necessary loans to fund the schemes.

SUPPLEMENTARY TO QUESTION NO. 252 OF 1992

HON P R CARUANA:

So, Mr Speaker, the position is that if the Government has financed its obligations under the 50/50 scheme through companies that have borrowed commercially and given the answers to Question Nos. 246 and 249 of 1992, will the Government state how these companies service their loan obligations, given that they can have no income of their own from the sources for which these loans have been put?

HON CHIEF MINISTER:

No. Mr Speaker, I do not see why I have to explain to the hon Member how it has been serviced. All that I can tell him is that obviously the companies are able to service the loans otherwise the banks would not have lent them the money. Since it is not being done through any of the questions that he has put to me, then the answer is I do not have to give him that information. The companies have got a mechanism which enables them to service their loans.

HON P R CARUANA:

Will the Honourable the Chief Minister state whether that mechanism involves the Government simply subscribing to more shares every time the company needs cash flow to service its loans?

HON CHIEF MINISTER:

It does not mean simply that.

HON P R CARUANA:

Simply that, no? The question is not whether it involves simply that. What is absurd, does the Honourable the Chief Minister agree, is that the Opposition in the Parliament of Gibraltar should have to play twenty questions in order to elicit straightforward information from the Government as to how it organises the financial affairs and public finances? That is an absurd situation that would not be allowed to rule in any other parliamentary democracy of which I am aware. Now I am prepared to play twenty questions with the Honourable the Chief Minister if he puts me to the inconvenience of doing so.

HON CHIEF MINISTER:

Mr Speaker, in any parliamentary democracy that I am aware of the Opposition Member would not have been elected to parliament and would not be in the House of Assembly with the kind of support that he got. So that is my response to what happens in other parliamentary democracies. He can put the questions that he is permitted to put by you, Mr Speaker, as being allowed and I will exercise my prerogative as Chief Minister to give him the answers that the Government considers needs to be given and he will have to put up with it the same as every other Opposition has done in every other parliament.

HON P R CARUANA:

With a difference, Mr Speaker, that no other Opposition, certainly in this Parliament, has had to put up with the whole scale use of companies. Remember that the ruling, Mr Speaker, to which you have correctly referred several times related to one company that the AACR administration.....

MR SPEAKER:

No. No....

HON P R CARUANA:

Alright, Mr Speaker, I will ask a question. Will the Honourable the Chief Minister state whether the Government of Gibraltar introduces in any shape, form or by any mechanism or means, public funds of Gibraltar into companies which have assisted the Government in the implementation of the 50/50 scheme?

HON CHIEF MINISTER:

Mr Speaker, the position is that the Government of Gibraltar has set up companies for the purpose of financing the 50/50 scheme and the companies have been set up in the most efficient way to do it which I am sure the many hundreds of Gibraltarians that are home owners who would not otherwise be are very happy to know and I am sure the home owners must be very perturbed to see the constant attempt by the Opposition Member to undermine the financing of the 50/50. Therefore if the hon Member wants to know any further information then he will have to wait until another question that he has got further down on the Order Paper which deals with the question he has just asked me.

HON P R CARUANA:

What the position of the Honourable the Chief Minister shows is a total bankruptcy in his view as to the information that this Government is entitled. Mr Speaker, does the Honourable the Chief Minister accept that he says that these are companies set up by the Government to finance the 50/50 scheme and that therefore he has not answered my question? My question is whether he introduces public monies to finance the requirements of companies that have helped the company to do the 50/50 scheme. Mr Speaker, does the Chief Minister accept that what he is really saying is that he is borrowing money for public purposes off the balance sheet? There is an Ordinance that limits the right and the facility of Government Members to borrow public debt and that through the medium of companies for which he does not account to this House which he refuses to account for to this House and which he does not give information to this House about, he is exceeding. He is borrowing in a manner for which the public is ultimately directly or indirectly responsible. He is borrowing monies in excess of the limits imposed upon him by statute.

HON CHIEF MINISTER:

Mr Speaker, the honourable Member either is deliberately not telling the truth or is unfortunately continuing to be incapable of understanding the explanations he gets in this House from me. He has asked in the last House whether the debt of any company forms part of the public debt of the Government. I have said, "No". He has asked whether the Government has guaranteed the debt. I have said, "No". He has asked whether we are made responsible for the liability of the company. I have said "No". He gets a 'no' on every question and when he gets a 'no' in every question because he does not get the answer that he would like to get he stands up and makes a speech saying that all the no's that I have given him prove that he is right. I am afraid he is wrong. The hon Member puts down a question that says "Have we financed the 50/50 scheme by direct Government borrowing, by the sale of Government properties or by any other party or means". We have given him the answer. We have done it by another party or means.

The party is that a company is set up and the company gets the finance from the bank and purchases the house and the Leader of the Opposition thinks it is some hideous crime to do that although obviously it is not a hideous crime for the other 50% owner to get money from the bank. Only from the Government that is doing it through a company to assist home ownership. I am afraid the position is that the policy is a very sound one, it does not create any liabilities. We are confident of its success. There are other questions in the Order Paper which I am not going to pre-empt which will give him more information as to how the mechanism works. But if he asks all these questions and then he gets so confused himself that he has to ask me whether he has already asked the question or it is still due. I can bend over backwards as I do in my spirit of generosity to assist him but there are limits, Mr Speaker.

HON P R CARUANA:

Mr Speaker, the spirit of generosity of the Honourable the Chief Minister is not obvious to me. The fact of the matter remains, Mr Speaker - and I put this to the Government - that whatever the cleverness which relies presumably on the fact that it cannot be identified and cleverness devoted to concealment is not necessarily constructive cleverness. Does the Honourable the Chief Minister accept that the fact of the matter remains that the Government of Gibraltar is, through the companies wholly-owned and controlled by the Government (whether or not it forms technically part of the public debt under the laws of Gibraltar) and by Ministers of the Government, borrowing capital sums of money in excess of the limits imposed by statute? The answer to that is yes or no? If the answer to that is no I am completely satisfied that the Government is not doing that. If the answer is yes, then I put it to the Honourable the Chief Minister that it is equivalent to off balance sheet borrowing. Now please, if he will just give me the straight information, we can stop playing twentyfive questions.

HON CHIEF MINISTER:

Mr Speaker, the answer to that question has been given to the honourable Member countless times before. He has been told in heavens knows how many questions that there will be no limits put on what Government companies borrow and that the borrowing by a Government company is not off balance sheet borrowing because it is not public debt and it is not an infringement of the Loans Empowering Ordinance because it is not guaranteed by the Government. The hon Member has asked that same question many, many, many times and the answer to the question is that the company will borrow. He has been told that specifically. The company will borrow according to what it considers to be necessary for its business. What the hon Member is saying is that

if the Government of Gibraltar has got a shareholding in Queensway Quay, which it has, then the debt of Queensway Quay is off balance sheet borrowing or why is it not the case in Queensway Quay opposite us down there and half a mile down the road in Westside it is off balance sheet borrowing. Exactly the same property transaction.

HON P R CARUANA:

I am quite happy for the usual roles of parliament to be reversed and I am quite happy to answer the Chief Minister's question. The simple answer is that Queensway Quay is a genuine investment holding and companies of the kind that I am referring to are specifically set up for the purpose. Now, Mr Speaker, I must correct the premise on the Chief Minister's part. I have not suggested that he is in breach of the Loans Empowering Ordinance. I have never suggested that he is in breach of the Loans Empowering Ordinance. What I have said is that there is borrowing in a sum in excess of it. No-one has suggested that he would be in breach of it. The fact of the matter is that laws exist, the Loans Empowering Ordinance exists for the purposes of limiting the amount of money which Government borrows. Government borrows money through a means other than the means envisaged by the Loans Empowering Ordinance, then obviously that would not be a breach of it but in my submission, it tantamounts to Government borrowing. Frankly the view that I take, Mr Speaker, is that Government companies that are - not partly-owned in joint venture with Taylor Woodrow or anybody else - wholly-owned and controlled by the Government of Gibraltar and Ministers of Gibraltar who borrow large capital sums of money there is in any moral sense no difference between that and the constitutional public debt of Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, that is a matter for the morality of the hon Member. We do not have to answer for the hon Member's morals. I am now of course better able to understand the argument because it is the argument that he put as the lawyer of Barclays Bank against the bank providing the finance to the 50/50 and I have now understood the origin of the concern now that I have heard him repeating the same argument that he has put as a lawyer, which in fact led to Barclays Bank losing the business and another bank getting it. It did not stop us doing what is constitutionally permissible because we do not accept, it is a matter not of morality, it is a matter of philosophy and therefore the philosophy of the Opposition Member is that if they get elected they will terminate all the 50/50 schemes because they will not be able to do it within the £100m borrowing limit of public debt which he thinks should not be exceeded by companies that are financing the schemes. That is entirely a matter which the honourable Member is

entitled to have and to test in a general election. We are satisfied that the way that we are doing it is a way which does not create any of the problems that the Member predicted were going to be created in the general election in January when he was telling people that we were creating a mountain of debt which was then supposed to be the £100m which we have not yet reached, as questions previously elicited.

HON P R CARUANA:

No way can it be borrowed through companies instead.

HON CHIEF MINISTER:

We do not need the £100m.

HON P R CARUANA:

No. You do not need the £100m of public debt because you borrow it through companies instead and the philosophy of this.....

HON CHIEF MINISTER:

I have not given way.

MR SPEAKER:

Order, order. We are now coming to the end. When the Chief Minister finishes that is it.

HON CHIEF MINISTER:

The position therefore is that in answer to the question that the Member has put down (No.252) Mr Speaker, the Government has created companies which are able to directly finance the 50/50 scheme without using Government borrowing.

23.11.92

ORAL

NO. 253 OF 1992

THE HON P R CARUANA

Mr Speaker, how much money does the Government estimate will be paid into or credited to the Gibraltar Investment Fund during the financial year ended 31st March 1993 and what investments has that Fund made during the period 1st April 1991 to date?

ANSWER

THE HON THE CHIEF MINISTER

It is estimated that £17m will be credited to the Fund in the current financial year. Since April 1991 the Fund has subscribed £92.17m of additional share capital in the companies shown in the audited accounts of the Fund as at 31 March 1991.

NO. 254 OF 1992THE HON P R CARUANA

Mr Speaker, how much money does the Government estimate will be paid into or credited to the Social Assistance Fund during the financial year ended 31st March 1993 and what is the estimated expenditure during that same period of the Fund broken down into the various heads of expenditure charged to that Fund?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, as I stated during the debate on the motion tabled by the Member opposite, in July this year, the projected receipts for the Social Assistance Fund for this year is £18m which broadly speaking is programmed to be used to support the Health Authority, Community Care Trust and the Home Ownership Scheme. The expenditure of the fund on direct social assistance depends on the number of applicants and estimates of expenditure are not produced.

SUPPLEMENTARY TO QUESTION NO. 254 OF 1992

HON P R CARUANA:

Would the Chief Minister bear with me and repeat the last part of the answer. Was it to the effect that breakdowns between those Heads are not produced?

HON CHIEF MINISTER:

No. Not breakdowns between those three Heads. The three Heads that I have told him as I have already told him in July is broadly that the £18m is broken up in three equal parts, six each.

MR SPEAKER:

Next question.

NO. 255 OF 1992THE HON P R CARUANA

Mr Speaker, will Government provide details of all transfers of monies or payments from one Special Fund to another during the financial year ended 31st March 1992, providing in respect of each such transfer details of the amount of money, the Special Fund from which made and the Special Fund to which made?

ANSWERTHE HON THE CHIEF MINISTER

None, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 255 OF 1992

HON P R CARUANA:

Mr Speaker, that is not an answer unless there is a comma in the wrong place in the question. That is not an answer that can be right. There must have been transfers from one Special Fund to another, if only because funds have passed to the Savings Bank Fund.

HON CHIEF MINISTER:

No, Mr Speaker, there have been no funds passed to the Savings Bank Fund. I am assuming the hon Member is referring to the power to make transfer which he has questioned in a previous meeting of the House, but if a company has an account in a bank, then it is not a transfer because the money does not belong to the bank, it belongs to the account holder. What difference does it make whether the company has got an account in the Savings Bank or an account in Barclays Bank? If they open the account in Barclays Bank, they are not transferring the money to the bank, they are depositing it. They can withdraw it at any time.

HON P R CARUANA:

Mr Speaker, that distinction was not made when the Financial and Development Secretary answered his questions at the beginning of the session in relation to the total revenues of Government which were deemed to include the revenues of the Special Fund. So therefore on the assumption - which was not intended in the question but it serves my purpose - that he means transfers of funds not previously authorised and first authorised by the amendment to Section 20 of the Ordinance, there has been none.

HON CHIEF MINISTER:

There have been none as a result of that and there have been none in any other respect. I wish to correct the remark that the hon Member has made that the Financial and Development Secretary interpreted the matter in any other way because in fact the Financial and Development Secretary was at pains to repeat in every answer that the receipts of the Savings Bank Fund, as far as the rules of the Special Fund are concerned, shows all the money that is received by the Fund and all the money that is repaid by the Fund. But it is not a very meaningful thing precisely because the money does not belong to the Fund that is the Savings Bank. The money belongs to the entity that is depositing that just as if the entity is a private individual. And it is, if the hon Member will remember, for this reason that I made reference when we brought the amendment to the Savings Bank Ordinance to the fact that we were going to be showing the Gibraltar Savings Bank separately from the other Special Funds and in fact we have done so for the first time in the audited accounts for 1991 because we felt that it was misleading to treat as the property of the bank the money that somebody deposits in the bank because it is not the property of the bank. It is the property of the depositor.

HON P R CARUANA:

Mr Speaker, I do not regard that to be a correction of a point that I made but I do not think the purpose of this question is to debate that particular issue.

MR SPEAKER:

Next question.

NO. 256 OF 1992

THE HON P R CARUANA

Mr Speaker, does Government believe that it can lawfully pay Import Duty into the Social Assistance Fund notwithstanding the provisions of Section 45 of the Import and Export Ordinance?

ANSWER

THE HON THE CHIEF MINISTER

Yes, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 256 OF 1992

HON P R CARUANA:

Mr Speaker, does the Government accept that the provision it thinks allows it to pay import duty into the Social Assistance Fund is contained in regulations?

HON CHIEF MINISTER:

That is correct, Mr Speaker.

HON P R CARUANA:

And can the Honourable the Chief Minister further state whether he is aware if the Import and Export Duties Ordinance contains a provision allowing it to be amended by regulation or is he relying on the words in Section 20 "notwithstanding any other law to the contrary"? That is to say in the Public Finance Control and Audit Ordinance.

HON CHIEF MINISTER:

We are relying on the provisions in the Public Finance Control and Audit Ordinance. That is correct.

MR SPEAKER:

Next question.

NO. 257 OF 1992THE HON P R CARUANA

Mr Speaker, how much is Government's Forecast Outturn revenue during the financial year ended 31st March 1992 and estimated revenue during the financial year ending 31st March 1993 from each of the following sources of revenue:-

- (1) Import Duty
- (2) Stamp Duty
- (3) Exempt Company Tax
- (4) Tax paid by companies under sections 6, 40 and 41 of the Income Tax Ordinance (in respect of this item the 91/92 Forecast Outturn figure is not required)
- (5) Ground and sundry rents
- (6) Workers Hostels
- (7) Television Licences
- (8) Premia on assignments
- (9) Electricity charges (in respect of this item the 91/92 Forecast Outturn is not required)
- (10) The Training Levy
- (11) Contributions payable under the Social Security (Insurance) and (Employment Injuries Insurance) Ordinance, stating sub totals in respect of:-
 - (a) Group Practice Medical Scheme contributions
 - (b) Social Security Insurance contributions
 - (c) Employment Injuries Insurance contributions

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Forecast Outturn of Government revenue for the financial year ending 31st March 1992 and the Estimates of Revenue for the current year have already been provided in the Estimates of Government Revenue and Expenditure approved by the House on 28th May. The items listed below are collected and applied to meet the cost of the specific purposes of the Funds to which they are credited and do not form part of the general revenues of the Government. Having made that reservation the provisional outturn for receipts under the different items listed by the question for 1991/92 and the assumption on which the outturn for the different funds have been made at the time for 1992/93 are as follows:

<u>Source of Receipts</u>	<u>91/92</u>	<u>92/93</u>
Import Duty	£21.00m	£22.00m
Stamp Duty	£ 2.00m	£ 2.00m
Exempt Company Tax	£ 1.61m	£ 1.50m
Tax paid by companies under the sections referred to	not sought	£ 7.00m

Ground and Sundry Rents	£ 1.00m	£ 1.00m
Workers Hostel	£ 0.54m	£ 0.54m
Television Licences	£ 0.17m	£ 0.17m
Premia on Assignments	£ 0.12m	£ 0.05m
Electricity Charges	not sought	£ 9.80m
Group Practice Medical Scheme Contributions	£ 7.82m	£ 8.94m
Social Security Insurance Contributions	£ 8.84m	£ 7.64m
Employment Injuries Insurance Contributions	£ 0.43m	£ 0.40m

SUPPLEMENTARY TO QUESTION NO. 257 OF 1992

HON P R CARUANA:

Mr Speaker, I shall formulate it in the form of a question but really just for the record that whilst I am grateful to the Honourable the Chief Minister for providing the information, I cannot accept the premise of his reservation. Does the Chief Minister accept that inherent in the answer that he has given me is that he does not consider that revenue credited to a special fund is revenue of the Government of Gibraltar, whether it is credited to a special fund or whether it is available as general revenue or not, does not detract from its characteristic as revenue of the Government of Gibraltar or whose revenue otherwise is it? Does the Chief Minister accept that the distinction that he has sought to draw in his reservation seeks to imply that revenue, for example let us not choose import duty - stamp duty that is credited to a special fund is not revenue of the Government of Gibraltar. That is implicit in his distinction.

HON CHIEF MINISTER:

Yes Mr Speaker. Not only is it implicit it is explicit because we have had a motion on the subject. The honourable Member went on television saying at the time of the motion in July that this was a procedure we had introduced when we were elected in 1988 and that the changes introduced this time were simply a continuation of the process we had started in 1988. If I accepted his view then I would be accepting that he is right and the Government is wrong in publishing this as being the Estimates of the Government Revenue and Expenditure and as far as we are concerned, if stamp duty is allocated as being the revenue of the General Sinking Fund, then it is not available in the Consolidated Fund to meet the general expenditure of the Government of Gibraltar and that is the distinction that we have made. He can choose to make a different distinction, but what he cannot dispute is the fact that he disagrees with our view, has brought a censure motion on the subject, has put countless questions and expects us to agree with him. We do not agree with him.

HON P R CARUANA:

Mr Speaker, if the Honourable the Chief Minister does not consider that stamp duties are revenues of the Government of Gibraltar, will he state whose revenue he thinks it is?

HON CHIEF MINISTER:

It is the revenue of the Social Assistance Fund and not the revenue of the Consolidated Fund and under the definition in the Public Finance Control and Audit Ordinance, the estimates of Government revenue and expenditure, as he well knows, because he disagrees with it, are in fact subject to the requirement of an Appropriation Bill and therefore have to be included in the estimates of Government revenue and expenditure. We disagree on it, Mr Speaker, and he is entitled to ask as many questions as he wants and bring as many censure motions as he wants but what he cannot pretend is that we do not disagree.

HON P R CARUANA:

Mr Speaker, and to whom does the Honourable the Chief Minister think that the Social Assistance Fund belongs?

HON CHIEF MINISTER:

Mr Speaker, the Social Assistance Fund as indeed all the thirty special funds are part of the public funds of Gibraltar. That does not alter the fact that the definition of the hon Member which is that not just stamp duty but also, for example, employment injuries contributions are part of the revenue of the Government of Gibraltar.

HON P R CARUANA:

Of course they are.

HON CHIEF MINISTER:

The hon Member thinks they are and the hon Member is entitled to say that they are because we live in a democracy and he is entitled to say one thing and I am entitled to say something else, Mr Speaker. I can tell him that the employment injuries revenue has never, since the Ordinance was enacted, been considered part of the revenues of the Government of Gibraltar or published as part of the Government's revenue. No estimates of revenue have ever been presented, it has never been in this document and therefore the point, of course, is that he can ask what the estimated income is and we have given him the information but as far as we are concerned with all the distinction that notwithstanding the fact that we provide him with the information that he is seeking, it is not classified in the accounts of the Government as part of the general revenues of Gibraltar. The employment injuries

is not and neither are the other items. The television licences goes straight from the licence payer to GBC. They do not come into the Government at all. At one stage they did. We thought it was frankly a nonsense to have a situation where the House voted the money from the licences when in fact the House had no choice because in fact the money was not paid out of the Consolidated Fund. It was paid by the people who paid their licence fees. So, therefore, we altered the system and GBC collects its own licences. That does not stop the hon Member saying that television licences are part of the Government's revenue. As far as we are concerned they are not part of the Government revenue because it is not something that the Government uses to pay the Civil Service. It is something that GBC uses to pay its employees.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 258 OF 1992

THE HON P R CARUANA

Mr Speaker, why was the Gibraltar Investment fund which was established in 1988 by Legal Notice 54 of 1988 cancelled in 1992 by the revocation of the regulations establishing it and why was a second Gibraltar Investment Fund established in 1992 with retrospective effect to 1988?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, because there was a drafting error in the original legal notice and it was corrected retrospectively when it was discovered by the new law draftsman.

NO. 259 OF 1992THE HON F VASQUEZ

Mr Speaker, will Government say if, and if so when, it intends to reopen the Shipping Registry for vessels over 150 tonnes?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, in a letter dated 16 July 1992 I was informed by the Foreign and Commonwealth Office that agreement had been reached on the categorisation of Gibraltar's Shipping Register and that, as part of the arrangements which applied to all Dependent Territories, an 18 month exemption period was being allowed to upgrade the register to Category 1 in order to be able to register ships over 150 grt. Intensive discussions have been held with the Department of Transport in the UK and administrative procedures are being reviewed for the operation of the register using a specialist contractor. Draft legislation is also being prepared. I held discussions with the departments concerned during my recent visit to London. The aim of the Government is to operate the registry with Category 1 status by the 1 January 1993 and I expect to publish the necessary legislation next month. Whether this target will be met will largely depend on the degree of co-operation which we can obtain from officials at the Department of Transport in the UK.

SUPPLEMENTARY TO QUESTION NO. 259 OF 1992

HON F VASQUEZ:

Mr Speaker, does the Chief Minister have any indication as to what level of cooperation he can expect from that department?

HON CHIEF MINISTER:

They seem to think that the target is too ambitious.

HON F VASQUEZ:

Can the Chief Minister give some indication as to what they consider to be a realistic target date?

HON CHIEF MINISTER:

Well obviously they consider a realistic target to be within the 18 months which they have stipulated. When the United Kingdom Government took this decision we asked for the period in Gibraltar to be different from the other colonies and to be kept at six months and they came back and said; "Well, no we are not prepared to make it six months in the case of Gibraltar, but of course the 18 months is a maximum not a minimum, and if you can satisfy us that everything is in place in six months, then there is nothing to stop you doing it, but frankly we would have preferred not to have the 18 months because it gives an opportunity for the case to be looked at in slower time".

MR SPEAKER:

Next question.

NO. 260 OF 1992

THE HON F VASQUEZ

Mr Speaker, will Government state what Shipping Registry functions have been privatised or transferred to a company and state on what terms that has been done?

ANSWER

THE HON THE CHIEF MINISTER

None, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 260 OF L993

HON F VASQUEZ:

I think, possibly the terminology of the question might be at fault here, Mr Speaker. Can the Chief Minister indicate whether it is intended to privatise or transfer any of the functions of the Shipping Registry in the near future?

HON CHIEF MINISTER:

Yes, Mr Speaker.

HON F VASQUEZ:

Can the Chief Minister state on what terms it is intended to effect that transfer?

HON CHIEF MINISTER:

No, Mr Speaker.

HON F VASQUEZ:

Why not, Mr Speaker?

HON CHIEF MINISTER:

Because the terms have not yet been decided, Mr Speaker.

MR SPEAKER:

Next question.

NO. 261 OF 1992

THE HON F VASQUEZ

Mr Speaker, can Government indicate whether it intends to enter into any direct or indirect investment in Vietnam arising out of its contacts with the Government of that country?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there are no plans at present for such investment by the Government.

SUPPLEMENTARY TO QUESTION NO. 261 OF 1992

HON F VASQUEZ:

Mr Speaker, can the Chief Minister inform the House then whether as a result of his visits, I think there has been more than one, he has succeeded in attracting any potential or actual Vietnamese investment in this community?

HON CHIEF MINISTER:

Mr Speaker, the Vietnamese are not in a position to invest abroad. I would have thought that the honourable Member at least would know that much about Vietnam, if he knew nothing else. The difficulty that the Vietnamese face, which we hope to be able to assist in, is tapping international investment into Vietnam and finding markets for Vietnamese exports, because in fact their international trade was concentrated, as must be obvious to Opposition Members in the former Soviet Block and they have lost all their markets. We believe that there is an opportunity for Gibraltar which we hope will be realised in business in Gibraltar to act as an intermediary, as a conduit through which investment will go into the country and exports will come out of the country and that is the niche, the slot that we are promoting for Gibraltar in connection with Vietnamese trade. There are 70 million Vietnamese. We are not big enough to constitute a sufficiently large market for them to want to have a trade mission here to sell to Gibraltarians but if they can establish a position where Gibraltar can be used as a way of getting products exported into other European countries, into EFTA or EEC markets and that generates work here for banks and lawyers and accountants or whatever, we think that is a kind of role that Gibraltar can take quite well.

HON F VASQUEZ:

I am grateful for that explanation. Mr Speaker, can the Chief Minister say then whether he has been successful in establishing this niche? He has identified the niche. Nobody on this side of the House is aware whether there has been any success in obtaining that sort of Vietnamese business.

HON CHIEF MINISTER:

Mr Speaker, it is not that the Government itself is involved in participating in such a venture commercially. What the Government is involved in is in putting people in touch with interested parties. For example, there are a number of possibilities that are being looked at. These things do not happen quickly. They take a long time and particularly what we have with the Vietnamese Government is that we have established a very good political rapport which is not the case with many other Governments in western Europe except the French Government which has got a historical cultural link with Vietnam and this is why quite a lot of their investment is now coming from France. Since the Vietnamese Government in the past has had a centrally planned state economy and it is opening to private investment only now, it is considered to be the country in South East Asia with the greatest potential for the future. The future Taiwan or the future South Korea. Then it is obvious that if we are able and we are fortunate enough to establish a relationship with them which means that the development of future business in 1993 or 1994, as the economy in Vietnam takes off which is dependent on the world economy to some extent, means that they see Gibraltar as a place where they establish a first foothold, there is in the culture of the Vietnamese, as there are in other Asian peoples, a tradition that once they establish a link with one place they tend to stay with the place that they have established and that is really what we are trying to achieve at this stage.

MR SPEAKER:

Next question.

NO. 262 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, will Government say what practical steps it has taken to support Estate Management Services, the company formed by PSA workers in their attempt to successfully tender for the maintenance and repair work to MOD buildings once PSA relinquishes this responsibility?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Gibraltar Government has made strong and repeated representations in support of the PSA workforce, ever since concern was expressed in 1989 about the uncertain future of the organisation. I have been in correspondence with the Minister responsible since October 1991 on all the issues raised including terms of employment, redundancy compensation and retraining. In June this year, the Government gave its full backing to the Union's request for PSA workers to be transferred to the MOD, in line with the arrangements that had been introduced in other defence bases in Germany and Cyprus. I was also approached by the Union in August this year seeking support for the establishment of EMS Ltd. I wrote a letter dated the 20th August 1992 confirming the Government's backing for the company. The Company was initially unsuccessful in its bid to be short-listed for the MOD tender. The Government made further representations, again in support of the Union and we know that the decision was reversed. The success in getting the tender admitted was followed by lengthy meetings with the representatives of the TGWU and the PSA workforce and during the course of those meetings, it became evident that the company would require some form of guarantee if it were able to compete with any prospect of success with other tenders. Given the unique circumstances of this particular situation, the Government agreed to provide the comfort sought. The Government therefore issued a further letter dated 30th October 1992 confirming its willingness to provide a Performance Guarantee. I should add that should it be necessary to issue the guarantee, we will need to bring a resolution to the House in order to be able to do it.

SUPPLEMENTARY TO QUESTION NO. 262 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware of reports in today's lunchtime news on GBC from Union sources that there are indications emanating from UK that the successful tenderer could be Amy and not the workers' company?

HON CHIEF MINISTER:

I have not heard the reports to which the hon Member refers but what I have been told officially is that the decision is due on the 18th December. Whether the Union has got somebody inside the Tender Board that is able to tell them before the decision is taken, I am not in a position to know.

HON LT-COL E M BRITTO:

How confident or otherwise, Mr Speaker, is the Government of succeeding in the efforts that it is making to put pressure on MOD?

HON CHIEF MINISTER:

The Government is not putting pressure on MOD to give the tender to the Union. That would be the wrong interpretation. For a start I do not even know how the prices proposed by the Union compares with the prices proposed by other people and certainly I am sure the hon Member would not expect me to commit funds to subsidising the work of the MOD in Gibraltar. That would be the last thing I would want to do. It is bad enough that they are not going to be subsidising us anymore. But we do not want to reverse the relationship, so that we subsidise them. At the end of the day I cannot say to the MOD, "You should give the work to EMS irrespective of whether they are competitive or not". I think the hon Member himself made that point when he was interviewed on the 30th October, where he said that as he understood it the Union would only be able to obtain their work if their tender was competitive. The reason why we have agreed to give them the guarantee that they have sought, that is to say, we have agreed to confirm to the MOD that should a guarantee be sought it will be provided is because under the terms of the UK contract it states that the authority may require a performance guarantee from the parent company of the tenderer or from the tenderer's bank or insurance company. Obviously EMS which has only got a month's life does not have a parent group. Does not have a bank. Does not have an insurance. We felt that if they were going to have a fighting chance of being considered, we had to be able to remove that excuse so that they could not turn round and say, "We are not giving it to you because if you fail, there is nobody behind you to whom we can have recourse". Let me say that in fact the guarantee already involves exposing us to a liability on which a price cannot be put. Let us go through a scenario where they were to be successful and let us say that because although they are experienced in their work, they are not experienced in running a company. They find that they make mistakes and we have been down this road before and we have made the point to the Union. In GSL in 1988 we took over with the workforce from A & P Appledore and there was a period where people made mistakes because

they had to learn how to do things that look very easy from the outside but were much more difficult when they took them on. In that situation what the performance guarantee means is that if the MOD were to then turn round and say, "Well look you are not delivering. We have to get somebody else". We would have to pick up the bill for all the damages. I really think that that is as far as one can go and frankly we would not have gone this far but for the special circumstances.

HON LT-COL E M BRITTO:

Should the worst scenario develop and the workers' company not get the tender, Mr Speaker, does the Government consider that it will be able to put any sort of pressure at all on Amy or whoever should be the successful tenderer to employ a substantial number of the present workers who were given redundancy notices yesterday?

HON CHIEF MINISTER:

The main difference between the proposals of EMS and the likely proposal of Amy or anybody else is that what is coming out to tender is the management contract. That is the management role. EMS has put a proposal which goes beyond what the tender is about and says, "As well as being the management contractor we intend to employ a lot of people and do the work ourselves as opposed to simply monitoring the performance of other people". I think if Amy is one of the tenderers then it is likely to be not Amy Construction Company that is currently in Gibraltar but a management company within the Amy group that already does this kind of role in MOD bases in the United Kingdom. The successful tenderer other than EMS is therefore likely to be somebody that will employ directly very few people and will simply get the packets of work from the MOD and invite tenders for doing those packets of work. So it is much more complicated than it appears at first sight.

MR SPEAKER:

Next question.

NO. 263 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, following the public admission by the Chief Minister of the failure of Government policy to reduce unemployment to 300 by the end of 1992, and further to the answer to Question No. 27 of 1992, does Government now agree that it will be necessary to implement a system of unemployment benefits extending beyond the maximum thirteen weeks allowed by the present system?

ANSWERTHE THE HON THE CHIEF MINISTER

No, Mr Speaker. The policy of the Government continues to be as explained in answer to Question No. 27 of 1992.

SUPPLEMENTARY TO QUESTION NO. 263 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, I can do nothing more but urge the Government to reconsider its policy. It is all very well for the Government to state policies like that but as the Chief Minister well knows in a thing like unemployment people cannot either eat policies or sustain their families with policies. In a worsening situation there ought to be consideration, at least consideration by the Government, Mr Speaker, will the Government give consideration to looking at this policy and at least making some sort of contingency planning for possible changes in the future?

HON CHIEF MINISTER:

No, Mr Speaker. We are not prepared to do any of the things the Opposition Member is suggesting and I take it that he is doing it out of genuine concern but he just I am afraid does not have enough knowledge about how the labour market operates. He is coming to the wrong conclusion and he is prescribing the wrong medicine. If we were to do as he suggests, that will produce higher unemployment and not lower unemployment. He is wrong in saying that there has been any public admission of failure. Obviously we are disappointed that we have not been able to bring down the unemployment to the degree that we had hoped but I think we also have to say, for the record, Mr Speaker, that when we set ourselves the target of bringing down the unemployment a year ago, the situation was one where all the expectations were of a recession that would be ending in 1991. We are the only country in Europe today that is not declaring increasing unemployment. We are actually in the position that we have been able to bring down the unemployment between September 1991 and March

1992 and since March 1992 it has not come down any further. It has been static. In August this year following a review of the performance in the labour market of the first six months of the year, we discovered, retrospectively, by looking at insurance records that it was quite obvious that many more jobs were being filled in the economy than were being reflected in the vacancies in the Employment and Training Unit. In fact the figures which I have already made public showed that out of 1,800 people who got jobs between the 1st January and the 1st July, 300 were Gibraltarians and 1,500 were outsiders. If you have got a situation where 1,500 outsiders get jobs the answer is not to have the Gibraltarians longer on the dole, the answer is to find out why the Gibraltarians are not getting the jobs and other people are getting them. We introduced legislation in August to do this. The effect has been that in October alone, 410 jobs were notified to the Employment and Training Unit. When we are looking at the composition of the unemployed workforce, what we do find is that there seem to be really four elements which are making it more difficult for us to reduce unemployment. Those are the four elements to which we are giving attention and frankly if we simply said: "Let us give them the dole for longer", it would be an admission of failure. That is the point that I made in Question No. 27 and that is the point that I make today. On the one hand we still have some reluctance of workers to take up employment in the private sector, if they have not worked in the private sector before. There is a barrier there which exists both on the part of the worker and on the part of the employer. Secondly, we find that there are people who say that the wages in the private sector are so low that they will not touch the job in the private sector until they run out of unemployment benefit because they say that the gap between the unemployment benefit and the jobs that are available is not attractive enough. They say why work for another £20? Thirdly, there is a mismatch of skills. There are skills demanded in the private sector that do not exist in some of the people who are losing their jobs and the fourth element is we have got a problem of age. That is to say, when there is redundancy as there is in PSA, then one of the things that the PSA does is that in order to avoid paying redundancy payment, the first people they get rid of is the over 60's. The over 60's have got a problem in getting retrained or in taking on heavy work in the construction industry or whatever. So those are really the four elements and we believe we have got to concentrate on those four elements and any ideas the hon Member can give us on those four elements will be welcomed. The answer is not simply to say we will give them unemployment benefit for more than thirteen weeks. That is our view.

HON LT-COL E M BRITTO:

Mr Speaker, will the Chief Minister accept that I in turn accept his final statement that the answer is not just to give the extra thirteen weeks but at the same time will he also accept that the answer cannot be not to look at the unemployment benefit and to do all the other things that he says he is doing. Surely the answer must lie somewhere in between where the people are encouraged not to stay on the dole but at the same time the genuine cases that are unemployed and will become unemployed in the foreseeable future and are or will be suffering hardship that those have to be looked at more compassionately.

HON CHIEF MINISTER:

No, Mr Speaker, the position is that at the end of the thirteen weeks we have a non-statutory scheme which is not eligible to non-Gibraltarians and which if we make part of the statutory scheme will have to be paid to every EEC national. Let me say, Mr Speaker, that part of the problem that we face in Gibraltar as a consequence of our membership of the Community and the free movement of labour is that, for example in September, amongst the people who were employed or seeking employment we had eleven who had been made redundant in the United Kingdom by the National Coal Board in August. Now one can well imagine that if the 30,000 miners that Mr Major intended to make redundant decide to make their way to Gibraltar - which they are perfectly entitled to do - the answer cannot be we simply have them to find work in Gibraltar or provide them with unemployment benefit. So extending the statutory scheme would really produce very little benefit for very few local people at vast expense because we would then be required by Community law to provide them to everybody else.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 264 OF 1992

THE HON L H FRANCIS

Mr Speaker, will the Government give a detailed description of the responsibilities of the proposed new Ministry of the Environment and what departments it will amalgamate?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 265 and 266 of 1992.

23.11.92

ORAL

NO. 265 OF 1992

THE HON F VASQUEZ

Mr Speaker, will the Government explain to the House the exact division of Ministerial responsibilities and functions as between the Minister for Government Services, the Minister for Tourism and the Minister for Trade and Industry in respect of functions previously carried out exclusively by the Minister for Trade and Industry?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 264 and 266 of 1992.

NO. 266 OF 1992

THE HON M RAMAGGE

Mr Speaker, will the Government explain to the House the exact division of Ministerial responsibilities and functions as between the Minister for Housing and the Minister for Labour and Social Security in respect of functions traditionally carried out by or under the auspices of the Housing Department, and will Government say whether the Minister for Tourism has any responsibility or input for any housing matters?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, broadly speaking we are looking at grouping responsibilities in ways which reflect the changing structure of the public service and the workload in different departments. The departmental estimates for 1993/94, on which work has not yet started, will reflect the changes that are finally decided upon as has been the case in previous years. As regards housing and the granting of leases which is managed by Land Property Services on behalf of the Minister of Trade and Industry is provisionally responsible to the Minister for Tourism. The concept being considered is grouping areas like local tourist sites, with cleansing, environment and land matters. As regard the Housing Department, the Minister for Housing is being assisted by the Minister for Labour and Social Security in dealing with applications involving changes of accommodation. The division here is between the Management of the housing stock, departmental organisation and new construction with direct labour, on the one hand, and the problems of inadequate housing which applicants often like to explain directly to a Minister which is often linked with social problems, on the other. Having said this I have to state that the exact re-allocation of responsibilities between portfolios of the different Ministers have not yet finalised. When they are, the relevant changes will be made public.

SUPPLEMENTARY TO QUESTION NOS. 264, 265 AND 266 OF 1992

HON L H FRANCIS:

Do we know when these changes will be made public? Does the Chief Minister have any idea when the changes will be made?

HON CHIEF MINISTER:

Obviously, the final date by which this is going to happen, if it does not happen before, will be when the new Estimates will be produced and that will be reflected in the way departmental votes are grouped in the Estimates for next year so that the position between now and the end of the financial year is that there will be ad hoc sharing of responsibilities which is what is happening now and in fact through the practice we will be in a better position to decide how we finally group things together but the most probable thing is that it will be at the time we put the final estimates together that the decision will finally be made.

HON L H FRANCIS:

So I take it then that we are going through a sort of semi experimental period defining which.....

HON CHIEF MINISTER:

Yes that is correct because of course in terms of looking at it, if you like, academically you can say to yourself these two areas will fit together and then when you try and work it you may find that there are difficulties that on paper did not look right and if we find that instead of getting a more efficient working situation we get a less efficient one then we will backtrack because it does not make sense.

MR SPEAKER:

Next question.

NO. 267 OF 1992

THE HON F VASQUEZ

Mr Speaker, will Government commit itself to the funding of a system of Citizens Advice Bureau similar to that existing in the United Kingdom?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 267 OF 1992

HON F VASQUEZ:

That does not surprise me.

HON CHIEF MINISTER:

Mr Speaker, since they are providing one free, which they advertise daily in the Chronicle, I do not see why we should spend public money on it.

MR SPEAKER:

Next question.

NO. 268 OF 1992

ORAL

THE HON F VASQUEZ

Mr Speaker, will Government take steps to implement a local Ordinance similar to the Domestic Violence and Matrimonial Proceedings Act in the United Kingdom to provide greater protection to women from domestic violence?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the matter is under consideration but no decision has yet been taken.

SUPPLEMENTARY TO QUESTION NO. 268 OF 1992

HON F VASQUEZ:

Mr Speaker, could I urge upon the Chief Minister to give this matter his pressing consideration? I think it is a fact probably well known to Government Members as it is to Opposition Members that for some reason, unexplained to me, there is an increase incidence of domestic violence in respect of which both married women and women subject to common law relationships are very much more exposed than they are in the United Kingdom.

HON CHIEF MINISTER:

Mr Speaker, I know the hon Member's interest because he wrote to me in October and in fact I have met representatives of the women. There appears to be technical difficulties which I do not fully understand myself and I know the hon Member has told me that he does not fully understand himself but the matter is being looked at with a view to seeing how it can be achieved.

HON F VASQUEZ:

If I can just clarify that point, Mr Speaker? What was explained to me is that certain technical difficulties were presented to the members of this group by the previous Attorney-General which I did not understand because I did not believe they existed. Will the Chief Minister please give this matter his priority?

HON CHIEF MINISTER:

Yes, Mr Speaker.

MR SPEAKER:

Next question.

NO. 269 OF 1992THE HON P R CARUANA

Mr Speaker, has the Government received any proposal or recommendation to make alterations to the jury system in relation to certain types of offences and is it Government's intention to or is it considering bringing a Bill to the House to that effect?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, a proposal to do away with the jury system was made to the Government on 26 February 1992. There are no plans at present to proceed with this proposal.

SUPPLEMENTARY TO QUESTION NO. 269 OF 1992

HON P R CARUANA:

Should I assume that the answer is intended to be limited to in relation to drug offences or was the proposal that it should be abolished altogether?

HON CHIEF MINISTER:

There was a proposal that it should be abolished altogether.

HON P R CARUANA:

That being so, can I express the Opposition's solidarity with the Government's intention not to consider it any further?

MR SPEAKER:

Next question.

NO. 270 OF 1992THE HON P R CARUANA

Mr Speaker, given the inability of a large number of people to vote at the last General Election due to their failure to place themselves on the Register of Electors, in many cases arising from confusion with the census questionnaire, will Government now produce a supplement to the Register of Electors?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the answer is that we are committed to doing this but we will not be doing it in the current financial year. The movement of people as a result of new housing is one of the factors. We are waiting to see how the demographic situation finally settles down.

SUPPLEMENTARY TO QUESTION NO. 270 OF 1992

HON P R CARUANA:

Yes, Mr Speaker, the urgency is not in relation to any given date although the time of the next general election can never be certain. The principle concern would be to avoid a repetition of the previous situation where the production of the register coincides too closely in time with the conduct of a general election.

HON CHIEF MINISTER:

We are very conscious of the fact, Mr Speaker, that our vote would have been even greater had we managed to register more people at the last time and we are going to make sure it happens the next time.

HON P R CARUANA:

I would not agree with that, of course, Mr Speaker, because my contention is that they managed to get most of their people in at the last minute with the last extension that they gave. They being better organised than we were.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 271 OF 1992

THE HON P R CARUANA

Mr Speaker, will the Government make a statement concerning the appointment of the next Financial Services Commissioner and state whether he has been selected, if not when and by whom he will be selected, and will Government state the respective roles of the Government of Gibraltar, the Financial Services Commission and the UK Government in the licensing regulation and supervision of institutions operating in the Finance Centre in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 284 of 1992.

NO. 272 OF 1992

THE HON P R CARUANA

Mr Speaker, will Government support the establishment of a Select Committee of the House to investigate and report on the Constitutional development of Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 272 OF 1992

HON P R CARUANA:

Mr Speaker, does the Honourable the Chief Minister consider that it is appropriate for correspondence, negotiations or discussions with the Foreign and Commonwealth Office in correspondence and in a manner which requires the Foreign and Commonwealth Office to permit itself in writing that that sort of process is best conducted in public and open correspondence by a body other than the Government of Gibraltar?

HON CHIEF MINISTER:

I do not know what the hon Member is talking about, Mr Speaker.

HON P R CARUANA:

Mr Speaker, I am talking about letters being exchanged between the Foreign and Commonwealth Office on the one hand and the Self Determination Group on the other, which is not a Government body. Does the Honourable the Chief Minister not consider that that sort of correspondence is best conducted by the Government of Gibraltar on behalf of the people of Gibraltar and not by self-appointed persons?

HON CHIEF MINISTER:

Mr Speaker, if I tried to stop self-appointed persons from writing to the Secretary of State, the hon Member would accuse me of being a dictator and not allowing people to be free to express their views. So it is quite obvious that whatever I do I am going to meet with his disapproval. It is a matter for any Gibraltarian citizen that chooses to do it to write to the Secretary of State putting any opinion. Let me just say that I have said in my previous answer that the Finance Centre Institute took it upon themselves to write to the Secretary of State saying that

the United Kingdom's obligations in respect of the application of Community law in Gibraltar could be discharged either by this House of Assembly or by direct legislation, which I consider to be an aftermath and yet they did it and I may not like it but the hon Member must know that they did it and he must know that in fact the reply that they got from the Secretary of State particularly drew attention to Section 7(3) of that particular letter which of course was something that the voices that I have mentioned in the UK were obviously keen to see. Mr Speaker, the reply effectively was saying at a time when I was arguing the contrary: "Yes we take on board the point that the view being put by the Government of Gibraltar is in fact not shared by other people and particularly by people within the industry". So I found that much more objectionable than anything that the Self-Determination Group is doing and yet I have to accept that in a free society I cannot stop him from doing it.

HON P R CARUANA:

Mr Speaker, it may interest the Chief Minister to know that I am aware neither of the existence of the original letter by the Finance Centre Institute nor of its reply because I am not a member of that august body whom I understand is comprised of a representative, for example, not just of the legal profession in Gibraltar, but of all the other professions involved in the finance centre industry in Gibraltar. But, nevertheless, my question was not whether the Chief Minister should gag people from writing to the Secretary of State. My question was whether the Chief Minister considers that it is best done by the Government and the fact that it is best done by the Government does not require the Chief Minister to gag anybody else from doing it.

HON CHIEF MINISTER:

Mr Speaker, the Government was elected with a mandate to pursue constitutional reform because we had it in our manifesto. I announced it at the Official Opening of the House as one of our priorities and we started work on that immediately. What the Self-Determination Group is promoting is not in conflict with the policy of the Government because, in fact, in the speech that I made before the Committee of 24 in the United Nations I defended the right of self-determination of the people of Gibraltar without specifying which of the four options available under the UN should be the one that people should support because we have not got a mandate for that particular aspect of constitutional reform. We were not elected on the basis that we would negotiate free association or independence or integration with UK. So we have not got a mandate to do that but we put in our manifesto that we would concentrate on bringing our constitution up-to-date, particularly in what we consider to be a very important area which is this grey area of foreign affairs in relation to Community law. We think that the logic of our situation

in the Community is that this is domestic and not foreign and that if we pursue it along the route effectively it advances our right to self-government. I do not believe that the exchange of correspondence between the Self-Determination Group and the Secretary of State inhibits the Government from pursuing the policy. I can assure the hon Member it is not inhibiting it because in fact we are tackling it at a very fast pace and we are getting a sympathetic response from London.

HON P R CARUANA:

Will the Honourable the Chief Minister say whether the policies and the points made by the Self-Determination Group have always reflected Government policy?

HON CHIEF MINISTER:

No, Mr Speaker, I am not saying that they reflect Government policies. I do not quite see how that is a supplementary of whether we should have a Select Committee of the House to investigate on constitutional development. The group naturally would not have the support of the party which is in Government, which it has, if what the group wanted was contrary to what the GSLP stands for. Since the group stands for self-determination it seems to me that it can enjoy the support of those who want independence or those who want free association or those who want integration but it cannot enjoy the support of those who are against selfdetermination. I understand that his party does not support it. I do not know whether there is any connection.

MR SPEAKER:

Next question.

NO. 273 OF 1992THE HON P R CARUANA

Mr Speaker, given the proximity of 1993, when will Government make a statement concerning the so-called Spanish pensions problem and how the Government proposes to deal with it?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the position is the same as explained in answer to Question No. 105 of 1992.

SUPPLEMENTARY TO QUESTION NO. 273 OF 1992

HON P R CARUANA:

Mr Speaker, this question does not ask the Government to state how it is going to deal with it. What it asks the Government is when; when it thinks it will be able to make a statement as to how not how - the distinction is obvious - given that the date by which it must deal with the matter is fast approaching? The position of the Government, as I understand it, Mr Speaker, has been that it is unwilling to make a statement on it until it is in a position to do so. It is either never going to make a statement on it or it must make it before the problem arises again.

HON CHIEF MINISTER:

Mr Speaker, the hon Member is quite right that the position of the Government is that it is unwilling to make a statement until it is in a position to do so. How can he expect me to be willing to make a statement when I am not in a position to do so? Of course we cannot make a statement until we have something to state. Obviously since it is now six months since he asked me the last time, then we are six months closer to the date of 1993 than we were six months ago and if he keeps on talking for the next twenty minutes we will be twenty minutes closer.

HON P R CARUANA:

So when will he make a statement then?

HON CHIEF MINISTER:

Obviously when I am in a position to do so which he has already recognised is what I am saying.

MR SPEAKER:

Next question.

NO. 274 OF 1992

THE HON P R CARUANA

Mr Speaker, will the Government make a statement to the House concerning the Joint Council established between Gibraltar and Algeciras following the Chief Minister's visit to that city and report to the House on the work and achievements of that Council to date?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there has been no further work in respect of the Council.

SUPPLEMENTARY TO QUESTION NO. 274 OF 1992

HON P R CARUANA:

Is that an admission that the only achievement was the obtaining of a gift and box of oranges from the Mayor of Jimena and that therefore the fanfare with which the Chief Minister introduced it was premature and misconceived?

HON CHIEF MINISTER:

No, Mr Speaker. I am afraid the honourable Member shows the same lack of grasp in this question as he did in all the others. The Mayor of Jimena did not join the Council, it was the Mayor of Algeciras and the Mayor of Algeciras did not give me the oranges. So he has got the people confused. It is not the necessary condition of belonging to the Council that I get boxes of oranges but I do not mind because I like them.

MR SPEAKER:

Next question.

NO. 275 OF 1992THE HON P R CARUANA

Mr Speaker, will the Chief Minister make a statement to the House on his recent official trip to Morocco and report to the House on its outcome?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I visited Morocco at the invitation of the Minister responsible for the affairs of the Moroccan community abroad, Mr Rafiq Haddaoui from the 2nd to the 4th October 1992. The visit gave me the opportunity to put across directly the Gibraltar Government's views on the problems faced by Moroccan workers in Gibraltar. I gave a detailed account of the origins of the frontier closure and how this led to the demand of labour from Morocco mainly to service the requirements of the Defence Base which at the time accounted for 75% of Gibraltar's economy. I also referred to the problem which this created in terms of living accommodation, not least with the acute housing shortage and the expulsion of Gibraltarian families previously resident in Spain. I then explained the changes which have taken place in the economy following the opening of the frontier and the significant and continuing MOD withdrawal. This has created a shift in the pattern of employment from the public to the private sector with many Moroccans moving into the construction industry where there had been a substantial output and activity in recent years. The construction boom was ending and the prospects of re-employment for Moroccans and indeed for Gibraltarian employees were limited. The reality of the situation was that Gibraltar had to compete as a market economy and there was no guarantee particularly with the current recession of the type of secure employment which was traditionally provided by the MOD. Notwithstanding this, I pointed out that the Gibraltar Government as an employer had since 1970 maintained a level of 315 Moroccan workers employed even though there had been contraction in the Government sector and increasing unemployment amongst Gibraltarians. I reiterated the statement that I made to this House in February this year regarding the Government's position on the problem faced by the Moroccan community. The Government was prepared to try and protect the employment position on Moroccan workforce which had arrived in Gibraltar prior to February 1985. No other commitments or guarantees could be given. We had a lengthy discussion on a number of specific points such as residence rights, employment, accommodation, social assistance, pensions and visas. I gave a detailed account of the background to each of these matters and to the policy position of the Gibraltar Government. I also referred to the

constitutional responsibilities as between the Gibraltar and British Governments as this related to the situation of the Moroccan workforce and pointed out where international obligations, if any, rested. The meetings lasted some eight hours on Saturday 3rd, followed by a further one hour meeting on Sunday 4th. I have to say that these meetings were held in a very friendly and frank atmosphere, that the Gibraltar delegation was afforded much courtesy and hospitality throughout the visit. I think that there is now a clearer understanding on the part of the Moroccan authorities as to the policy of the Gibraltar Government in this matter and the constraints we face.

SUPPLEMENTARY TO QUESTION NO. 275 OF 1992

HON P R CARUANA:

Is the Chief Minister able, Mr Speaker, to say whether the Government of Morocco looks to the Government of Gibraltar to solve the problems and the grievances that the Moroccan community in Gibraltar are expressing or, hearing the explanations that the Chief Minister has just given to us accept, that they could not be attended to?

HON CHIEF MINISTER:

Well they asked us really for no more than what was possible within the limits of our resources. We therefore pointed out that in fact our resources are more limited than they may appreciate and how in an economy like ours, where, for example, if we have to finance unemployment benefit, it can only be financed by the people who are still working in Gibraltar. If you finance unemployment benefit in La Linea or in Chatham it is financed by the whole nation. Therefore by giving them detailed explanations of this nature I think we succeeded at least in removing any sort of bitterness or hostility or undertones of racism or anything of that nature. We made them understand that, for example, if the argument was used that because of the 1977 bilateral protocol signed between the Community and Morocco, Moroccan workers in Gibraltar were entitled to anything which they were not getting, then frankly the responsibility must lie with the United Kingdom because just like they tell us all the other directives and regulations and things that we have to put in place, that should have been raised in 1977 when it was signed. Indeed I would go further. The view that we take today in Gibraltar although it might not have been taken in 1977, to be fair, is that we need to be consulted before we are included in anything so that we can put our views as to what it implies for us. There was no prior consultation with Gibraltar about the application of that protocol to Gibraltar and there was no attempt post its signature to suggest that the terms of employment of the Moroccan workforce in Gibraltar were in any way in conflict with that protocol and to date there is not. Although it has

been suggested, the United Kingdom itself has not come back and told us that. Therefore, we said to the Moroccan Government: "If your citizens are complaining that they are being deprived of something in Gibraltar which is their right as a result of an agreement that you did with the Community, then it is up to you to point this out to the United Kingdom Government and it is up to the United Kingdom Government to raise it with us". Then we will say to them: "Why have you not raised it before?"

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 276 OF 1992

THE HON P R CARUANA

Mr Speaker, has the Government considered how Gibraltar will implement the depositor protection scheme proposed by the European Community Commission?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, no decision has yet been taken.

SUPPLEMENTARY TO QUESTION NO. 276 OF 1992

HON P R CARUANA:

So the answer is yes, the Government has considered it?

HON CHIEF MINISTER:

No. It is not that we have considered it. It is that at the moment, in fact, the scheme is a proposal and therefore that proposal has got to be turned into a Directive and then that Directive will have to be considered as to how we implement it. At the moment the proposal says that there are only ten members out of the thirteen that have protection schemes.

MR SPEAKER:

Next question.

NO. 277 OF 1992THE HON F VASQUEZ

Mr Speaker, can the Chief Minister state whether he has received an invitation to attend the summit of the European Community Heads of Government in Edinburgh in December?

ANSWERTHE HON THE CHIEF MINISTER

No, Mr Speaker. The Gibraltar Government has not yet been able to obtain responsibility for Gibraltar's external affairs which under Article 227(4) of the Treaty of Rome remain with the member State UK. Such a transfer of responsibility would require a re-negotiation of Gibraltar's terms of membership of the EEC.

SUPPLEMENTARY TO QUESTION NO. 277 OF 1992

HON F VASQUEZ:

I think really that, Mr Speaker, gets to the knob of the point of the question. That is the whole point of the Chief Minister's repeated statements that Gibraltar is the thirteenth member State of the Community. I would like to put a question to the Chief Minister. Does the Chief Minister accept that the Opposition accepts all the sentiments that he expresses if he can see that he has expressed them in a sense metaphorically or as an expression of the aspirations that Gibraltar has to be the thirteenth member State. But does he not accept that at present Gibraltar, in fact, does not constitute the thirteenth member State of the European Community?

HON CHIEF MINISTER:

Mr Speaker, I have already dealt with that in my answer to Question No. 284, where I have said that obviously we are still a colony and therefore we are not a sovereign independent state but de facto, by virtue of the agreement we have got with the United Kingdom and by virtue of our own European Communities Ordinance, we are, in practice, behaving like a member State and in practice we are the thirteenth Member. If the hon Member agrees with all the sentiments, then by ridiculing the statements of the Government of Gibraltar, he is not helping to bring it any nearer. He is only helping to make it less likely that our rights are recognised. I have just said in answer to the Leader of the Opposition, Mr Speaker, that the Directive, which is at the moment a proposal that only ten member States have a guaranteed scheme. When we implement the scheme, we will be the thirteenth scheme in the Community because one of the ten at the moment is

the United Kingdom and the United Kingdom guaranteed scheme does not apply in Gibraltar. Out of the ten sovereign nations that are involved, one of the sovereign nations is responsible for Gibraltar as a territory for whose external affairs they provide in our Constitution. The fact that they handle our external affairs on our behalf has to be focused on the basis that because we are a colony we are a Member country in Europe which is the equivalent of a State without being independent and every Directive addresses itself to the member State. So if in fact we are not the member State and if the Directive that the Leader of the Opposition has asked about in the previous question says: "The member State shall bring into force the laws and regulations to comply with this Directive", then what is the Leader of the Opposition asking me to implement? I cannot implement it because I am not the member State and the Directive says that the member State has to do it. So in fact the contradiction lies in the position of the Opposition Members because the Leader of the Opposition says to me in Question No. 276: "When am I going to implement the Community Directive on depositor protection?" The depositor protection Directive says that the member State shall do it. His colleague says that I am not a member State. Well then my answer to Question No. 276 is that I do not have to implement it. Do not ask me.

HON F VASQUEZ:

The Honourable the Chief Minister started his remarks by saying that Opposition Members had ridiculed his repeated assertions that Gibraltar is the thirteenth member State. Mr Speaker, the Opposition has never ridiculed that. The Opposition has only pointed out that such a statement is simply inaccurate. If they appear ridiculous, it is because the very statement, the very claim appears ridiculous. If the Chief Minister repeatedly states that Gibraltar is the thirteenth member State, why is he not going to Edinburgh in December with all the other Heads of the Community?

MR SPEAKER:

Will you put the question?

HON F VASQUEZ:

The question is this. Would it not be more responsible and accurate to describe Gibraltar as a self-governing territory to which Community law applies, which is exactly what we are? That does not make us a member State, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, the fact that the United Kingdom handles my foreign affairs means that they will be representing our Government in Edinburgh. There is a subsequent conference to which we will be likely to go which is one which involves the regions following the Edinburgh conference, but of course that is not the subject matter of the question. Since the point of the question clearly is to try to demonstrate that we are not a member State as I have said we are, then obviously we should not accept in this House any questions from the Opposition which asks of us to do things that member States have to do. That is the point that I am making. Let me say that I do not think he has succeeded in ridiculing the arguments of the Government but he has attempted to do it because in fact he was doing it even before the general election. In the annual general meeting of the GSD before the election in January, he made a speech there, where he said it was absurd and ridiculous. Well if that is not ridiculing it, I do not know what it is. That is the tone in which he attacked the Government before the election and it is on that basis that I have assumed they have made remarks to the media when there have been headlines saying "It is pie in the sky to call Gibraltar the thirteenth member State". Our view is that we are de facto the thirteenth member State, that the only reason why we are not a sovereign state is because we are a British colony and therefore since the aspirations of the people of Gibraltar are to be decolonised, as it is in every other colonial territory, then the more we strengthen our personality and identity as a people by highlighting how we can do everything that a member State can do the better it is. I am sorry that Opposition Members instead of adopting a similar position and supporting this view seek to undermine it.

HON P R CARUANA:

Mr Speaker, the Opposition is quite happy to work with the Government to establish a situation which is not at present so, and which we would like to be so. We do not consider that the way to establish that is to simply make statements which suggest that we already are where we would like to get. That is the difference in approach between the Opposition and the Government, Mr Speaker.

HON CHIEF MINISTER:

As I understand it, Mr Speaker, one is never sure whether the Opposition has got a coherent policy, because different hon Members seem to have slightly different views. It is the hon Member who is asking the question, I think, who is the one that thinks we must not rock the boat and that it is better to let sleeping dogs lie and that we should stay as a colony for the time being. So I do not think

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that that is necessarily consistent with the statement that the Leader of the Opposition has made. But I must reiterate that the view of the Government of Gibraltar is that the agreement we have just done in London - I have given a very lengthy explanation - in fact, reinforces our statement - which I will again be repeating on Friday this week in London - that we are the thirteenth member State in the Community in all but name and that we are able to do everything a member State is able to do.

MR SPEAKER:

Next question.

NO. 278 OF 1992THE HON LT-COL E M BRITTO

Mr Speaker, is the Government aware of any indications that the next Governor of Gibraltar could be a civilian and what is Government's policy on this matter?

ANSWERTHE HON THE CHIEF MINISTER

Yes, Mr Speaker. The policy of the Government is that should Her Majesty's Government decide to proceed with a civilian appointment there should be consultations with the Gibraltar Government before the appointment takes place.

SUPPLEMENTARY TO QUESTION NO. 278 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, can the Honourable the Chief Minister clarify whether the 'yes' which started his answer is a yes to the first part of the question or yes that he will answer me. In other words are there indications. Did he say yes there are indications?

HON CHIEF MINISTER:

Mr Speaker, the indications have been there since we got elected in 1988 and I had my first meeting in May 1988 with Sir Geoffrey Howe. They raised the matter then. So we have had indications for five years.

HON LT-COL E M BRITTO:

Is it likely that it could be the next Governor, Mr Speaker?

HON CHIEF MINISTER:

That is a possibility because whether it should be military or civilian is looked at when the time comes to make any appointment and on this occasion the view of the MOD appears to be less strong than on previous occasions in retaining a military Governor for obvious reasons.

HON LT-COL E M BRITTO:

Mr Speaker, would the Government support in consultations with the British Government, the concept of a civilian Governor?

HON CHIEF MINISTER:

The position is that our view has been and continues to be that it would be preferably to have a military Governor and frankly it will create more problems. We do not see a problem really at a political level but there are financial and logistical problems. A lot of the support given to the Governor's office forms an integral part of the resources of the MOD. So we have always been very conscious of how do we deal with that if the MOD is not providing it. So for that reason it simply makes life easier to have a military Governor. The view that I have put to the Foreign Secretary - and I can tell the Hon Member that his reply was that they understood the position and sympathised with it - was that if they decide to go ahead and appoint another military Governor, then frankly it is a matter for them to choose whoever they want because we are not in a position to make any sort of judgement as to whether it should be the Army, the RAF or the Navy. We do not know the background to anybody. If he is not going to be military and he is going to be civilian, then clearly the background of the person can make a difference politically. In that case we expect to be consulted beforehand and we expect to have our views taken into account.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware of the report in the current issue of Panorama reviewing a book called "Britain's dependent territories" by a Mr George Brier, in which the conclusion is reached that the wrong signal is the headline to Spain if a military Governor goes. The conclusion in the book is to prevent Spain getting the wrong signal and imagining a loss of British resolve to keep Gibraltar. Governors of the Rock should continue to be senior retired military officers. Does the Government share this political viewpoint?

HON CHIEF MINISTER:

Mr Speaker, I do not really think I am here to share the views of writers of books who get reviews in Panorama. I think the main signal that Panorama produces on its front page is to get Panorama sold, irrespective of the strength of the background which leads to the front page. Whether some writer or some book thinks we ought to have a military Governor or not is of no relevance at all to the way we see it. I have already said to the hon Member that the view we have put in the past and put on this occasion is that frankly we would prefer that they carry on with the system that we have had until now. We have got enough things changing and enough problems to cope with without

having other things added to all the things that Gibraltar is coping with at this point in transition. In principle there are certain attractions about the concept of a civilian Governor because in fact I think we are the only colony that has got a military Governor. It has disappeared everywhere else. Therefore one can argue that it is, if you like, a less colonialistic situation. It has a better image. You can argue those things. It is not that in principle we think it is very important to have a military Governor because it sends the wrong signal to Spain. At the end of the day I feel the only signals that matter in Spain are the signals of the Members of this House not the military Governor's or the writers of books or anybody else.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 279 OF 1992

THE HON LT-COL E M BRITTO

Mr Speaker, is Government aware of any political or diplomatic moves that could lead to the removal of, or physical alterations to, the Frontier gates or the Frontier fence and, if so, what is Government's policy on this matter?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker, we are not aware of the moves.

23,11,92

ORAL

NO. 280 OF 1992

THE HON LT-COL E M BRITTO

Mr Speaker, will Government explain the reasons for the secrecy surrounding Mr Jeremy Greenstock's recent visit to Gibraltar and say why it helped to keep the visit a secret by failing to inform the people of Gibraltar of the meeting with the Chief Minister and of the subject matter under discussion?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, it has never been the practice of the Gibraltar Government to make a public announcement every time it has discussions with an official of the UK Government. Such discussions are a continuing process in areas of common interest with UK as part of the normal process of Government. Her Majesty's Government did not ask and the Gibraltar Government did not agree to give help to keep Mr Greenstock's visit secret otherwise Mr Greenstock would not have sat in public next to the Honourable Questioner, on the day he was in Gibraltar, at the Ceremony of the Keys. We have a very strange way of keeping it secret. It was entirely a matter for Mr Greenstock or Her Majesty's Government to decide who he should meet while he was in Gibraltar and whether an announcement about his visit was required.

SUPPLEMENTARY TO QUESTION NO. 280 OF 1992

HON LT-COL E M BRITTO:

Mr Speaker, I take note of what the Chief Minister has said. I also take note that everytime the Ceremony of the Keys is mentioned Mr Greenstock moves nearer to me. He actually sat about five seats away and he is now alongside me. Mr Speaker, can the Chief Minister reasonably expect the Opposition to accept that answer when we are dealing with a senior civil servant who is dealing with the ongoing talks with Spain, who is dealing directly with Gibraltar's future, who comes here to Gibraltar, who meets the Chief Minister? Can he reasonably expect that such visit is not in the public interest and that such a visit should not be announced to dispel exactly what happened, the rumours and all the reports in the press and all the speculation that arose about such a visit not having been announced?

HON CHIEF MINISTER:

No, Mr Speaker. As I have said in the original answer, I have meetings everytime I go to London with Mr Greenstock and I do not make an announcement everytime and that does not make the meeting a secret one. By definition anything that is not announced is secret. Making statements is something that is required when somebody has got something to say, ie a new policy or a new decision or something that needs to be explained to the public. If Mr Greenstock comes to Gibraltar tomorrow, then he rings me up and he says that he is coming to Gibraltar and I will arrange to see him and that is the end of the story as far as I am concerned. If he thinks that he needs to announce that he is coming to Gibraltar or if he thinks he needs to see Opposition Members then it is up to other people to do something about it, not up to me, because I did not ask him to come. I was not asked to keep it secret. As far as I was concerned we did not give him a false nose and coloured glasses so that he would not be recognised. The man was out in the open in public. Perhaps we need to provide Opposition Members with photographs and then they can grab him when he sits next to them or three seats down from him.

MR SPEAKER:

Next question.

23.11.92

ORAL

NO. 281 OF 1992

THE HON P R CARUANA

Mr Speaker, has the Ministry of Defence formally communicated to the Government any proposal to transfer financial responsibility for the Airfield to the Gibraltar Government and, if so, what is the proposed date for that to happen and will Government make a statement about the impact of such a development on Government finances?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, no such proposal has been formally communicated to the Government.

SUPPLEMENTARY TO QUESTION NO. 281 OF 1992

HON P R CARUANA:

Is the Government aware of any such proposal informally?

HON CHIEF MINISTER:

Mr Speaker, no such proposal has been formally communicated to the Government.

HON P R CARUANA:

Is the Government aware of any such proposal informally?

HON CHIEF MINISTER:

Mr Speaker, at the time that the last Defence Review took place, I announced publicly what the position was and the position has not changed since then. I accept that the hon Member might not have been taking the same interest in public announcements before he became a Member of the House or have been so concerned about public statements and secrecy then as he appears to be now and therefore he might not have read the announcement so I am quite happy to repeat it for him.

HON P R CARUANA:

The Chief Minister will also repeat it so that they become a matter of public record which is Hansard in this House. What is reported about what he says in the local media is not public record.

HON CHIEF MINISTER:

I doubt very much whether the honourable Member has gone back to check the records of Hansard but if he prefers to do that then I will not tell him now. It just means that he will have to go back and find the statement because it was reflected in questions in the House as well obviously when I made the public statement at the time. The position was that the United Kingdom Government has decided to contract out the services of the RAF at the expense of the MOD and to review the position in 1996.

HON P R CARUANA:

And is the Chief Minister aware what the Ministry of Defence has in mind, albeit informally, since obviously there is no form of proposals for after that period?

HON CHIEF MINISTER:

On the premise that the Leader of the Opposition is not going to win the 1996 election and I am, which I suppose is the premise, then the position is that in 1996 they will come back to us on the basis of their defence requirements at the time to look as to whether we can assume responsibility. The position of the Government now and the position of the Government in 1996 will be that we will look at it at that point in time.

MR SPEAKER:

Next question.

NO. 282 OF 1992THE HON P R CARUANA

Mr Speaker, will Government cease the initiative in relation to the 1987 Airport Agreement by drawing up and offering an alternative and purely commercial "Mulhouse type" agreement thereby exposing the Spanish Government's political objectives and lack of genuine interest in using Gibraltar airport?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government does not agree that the exclusion of Gibraltar's airport from the scope of the EEC Directives by making it subject to the implementation of the 1987 Airport Agreement can be overcome by ceasing the initiative to offer an alternative purely commercial agreement. The fact that such agreement would be rejected by Spain would not serve to expose Spain since Spain has made no secret of the fact that its interest in the 1987 Airport Agreement concerns matters of sovereignty. If anyone is in any doubt about the Spanish position and needs to have Spain exposed in order to be convinced it can only be the hon Member. I would remind the hon Member that his colleague Col Britto has seen the Spanish arguments in the European Court of Justice at the stage where Col Britto had changed his view from being in favour of the Brussels Agreement to being against the Brussels Agreement before he changed again to his current position of being in favour. Spain has argued that because the issue of sovereignty of the isthmus is accepted in the Brussels process as being separate from the City of Gibraltar ceded under Article 10 of the Treaty of Utrecht, the airport is part of the member State, Spain under Article 227(1) of the Treaty of Rome and not an airport in a European territory under Article 227(4) of the Treaty. This view which was stated in public at the hearing in May this year of the European Court of Justice simply expands on the view expressed to the Gibraltar Chamber of Commerce and to Apyemel by the office of the President of the Kingdom of Spain Senor Felipe Gonzalez in a letter dated 5 December 1991, where it is clearly shown that the problem of the use of the airport and the need of the 1987 Agreement had been throughout the disputed sovereignty. All this must be known to the Leader of the Opposition who will no doubt also be aware that in the House of Lords Lady Trumpington recently attached responsibility for the signing of the 1987 Airport Agreement to the former Chief Minister of Gibraltar, Sir Joshua Hassan, suggesting that he had taken part in its

negotiations. Therefore, for all these reasons, the initiative proposed by the hon Member is considered by the Government totally unsuitable. However the Government has taken the initiative as I have recently stated in a public meeting organised by Rotaract to question the 1987 Agreement by a new approach demonstrating that it is incapable of implementation and in conflict with Community law as now provided for in the latest instrument Regulation 2408 of 1992. We have made considerable progress in pressing this view in discussions with London and I believe this is the best route through which to pursue the matter.

NO. 283 OF 1992

THE HON P R CARUANA

Mr Speaker, does the Government have any official indication of when the Advocate General's Opinion in relation to Gibraltar's case on Air Liberalisation will be given to the European Court of Justice?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there are currently three separate actions pending before the European Court each concerning a different piece of Community legislation which discriminate against Gibraltar Airport. The Opinion of the Advocate-General is still awaited and the indications now are that it is unlikely to be delivered before Christmas. One possible explanation for the delay, as well as the importance and novelty of the case, is that the Advocate-General works in German, whereas the working language of the Court is French and all the pleadings have been made in English. The House will wish to note that a fourth action has now been formally lodged with the Court challenging Council Regulation 2408/92 of 24th August 1992.

NO. 284 OF 1992THE HON P R CARUANA

Mr Speaker, will the Chief Minister make a statement in the House concerning his recent and latest meetings in London with the Secretary of State, Minister of State and Officials at the Foreign and Commonwealth Office, although we now know that there were others as well, and in particular will he confirm to the House that its legislative prerogative under the Constitution is not to be curtailed in relation to the legislative implementation of European Community Directives?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the discussions I had in London with the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Douglas Hurd, the Minister of State at the Foreign and Commonwealth Office, Mr Tristan Garel Jones, the Assistant and the Secretary of State at the Foreign and Commonwealth Office, his deputy legal adviser, the Heads of the Southern European and European Community Department, Officials from the Treasury representing banking and banking supervision, the Securities and Investment Services, the Foreign Office Dependent Territories Matters Officials, a Banking Supervisor of the Bank of England, the Deputy Director and Head of International Unit of the Security and Investment Board, Officials from the Inland Revenue Department and the Department of Transport and an Official from the Insurance Division of the Department of Trade and Industry dealt almost exclusively with Gibraltar's position as a member country in the European Community and the manner in which it could best meet its obligations in accordance with its terms of membership. As is well known, this was highlighted as a priority of the Government in the election campaign in January and is at the very centre of our approach on constitutional reform. We are the only country in the European Community whose inclusion in the territory of the Community derives from Article 227(4) of the Treaty of Rome. The other twelve countries are sovereign independent states and their memberships derives from Article 227(1) of the same Treaty. The United Kingdom is the Member State responsible for our external affairs and therefore has to answer to the other eleven sovereign states on our behalf on any questions regarding implementation of community requirements. Equally it has the obligation to pursue complaints on our behalf where our community rights are being denied. In a recent question in the House of Lords this was made clear by Baroness Chalker in response to Spain's refusal to permit the introduction of the Algeciras/Gibraltar ferry service. I want to record my appreciation to Baroness Chalker for

the forthright manner in which she defended Gibraltar's position. As regards the application of EEC obligations I have to say that we have adopted a consensus on this matter with Her Majesty's Government which goes a very long way towards meeting our aspirations in this respect. I regret to have to say that this was achieved in spite of the statements made by the Leader of the Opposition and by some of his colleagues ridiculing the policy of the Government in calling Gibraltar the thirteenth member State. Of course we all know Gibraltar is still a colony and not yet an independent state, but Mr Speaker, the text of the Directives makes clear that they are addressed to member States and therefore that if we are responding we are being categorised for implementation purposes as a member State. If I may quote an example out of hundreds the Council Directive on the obligation of branches established in a member State of credit institutions and financial institutions having their head office outside the member State, regarding the publication of annual accounting documents states in Article 6 paragraph 1: "Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than the 1st January 1991. They shall inform the Commission forthwith". We are in the process of doing this and hence in this context we are de facto the member State when it comes to granting Community rights within the territory of Gibraltar including, let me say, the Isthmus, the sovereignty of which, as far as we are concerned, is no different from that of the rest of our City. The United Kingdom therefore has adopted the view that in the exercise of its responsibility for our external affairs under Article 227(4) of the Treaty of Rome and the terms of our Constitution, it will uphold that the laws of Gibraltar are as much the laws of a member State as the laws promulgated by the Parliament of the United Kingdom. It was recently being canvassed within the UK Government that in the field of financial services, the creation of a passport licence required a different regime to be adopted as a result of which UK laws would apply in Gibraltar and it would therefore cease to be the thirteenth jurisdiction. This view was never formally put to the Gibraltar Government by Her Majesty's Government but just as we knew there were voices in the United Kingdom Treasury promoting such ideas, equally the Foreign and Commonwealth Office who has strongly supported us on this matter knew that the view we held was that such a position would be tantamount to abrogating the level of self-government Gibraltar enjoys under the 1969 Constitution and its right to act as a member State with its own independent legislation. I regret to say that the contrary view has only been put forward in writing to the United Kingdom by the Finance Centre Institute prior to my London meeting. Within the Institute I understand that it was the Chambers of Triay and Triay, where the Leader of the Opposition is a Senior Partner, that was arguing that the United Kingdom has the right to impose its own version of Community requirements on us by UK legislation on the basis of Section 86 of our Constitution.

Clearly, this situation is not acceptable politically to the Government nor do I think the spirit of the letter of the Constitution in 1969, never mind in 1992, can have been intended that either we did what we were told to do by our colonial masters or we were overruled by Section 86. I am happy to report that this is certainly not the way that London sees things and Her Majesty's Government is committed to promoting self-government and devolution in the running of domestic affairs of all its dependent territories and Gibraltar is no exception. We are therefore entirely in tune with the United Kingdom and believe we can pursue our goals and the aspirations of our people in partnership with Her Majesty's Government. We still have two matters pending. In the case of financial services, the creation of passport licences from the 1st January 1993, means that there will be thirteen such licences in the Community, just like there are thirteen EEC passports. We have a British EEC passport, which is accepted as the equivalent to the one issued in the United Kingdom, but it is not identical since the word Gibraltar is on the cover. We accept that the United Kingdom, therefore, in accepting our right to issue in Gibraltar community passport licences, wants to be sure that we have the necessary machinery in place and human resources to properly supervise those to whom the licences are being issued. This is a separate matter from the measures adopted to transpose into national law Community requirements which will continue to be our own banking and financial services laws. When the experts from the United Kingdom have looked into those other issues we will know what is required and how the licensing and supervisory authority in Gibraltar should function. The other area which was and still continues to be discussed with the United Kingdom is the whole field of bilateral application of Community rights and obligations as between Gibraltar and the United Kingdom. In the past this has happened piecemeal. Section 208 of the United Kingdom 1986 Financial Services Act, being a case in point. The view of the Gibraltar Government is that we should draw up between our two countries a bilateral agreement giving each other reciprocal Community rights. As I have said this is an area on which agreement has yet to be reached.

SUPPLEMENTARY TO QUESTION NOS. 271 AND 284 OF 1992

HON P R CARUANA:

Mr Speaker, I do not believe I have received an answer to Question No. 271 of 1992, which relates specifically to the respective roles of the institutions and Government mentioned in that question in relation to supervision, regulation and licensing. In particular, I would ask the Honourable the Chief Minister if he can confirm that no-one should misinterpret the words in the joint statement issued following his meetings to the effect that the Government of Gibraltar has accepted the offer of practical support from the United Kingdom to ensure sufficiently high standard of regulations and supervision in the area

of banking, insurance and financial services. I will repeat the question that no one should misinterpret those words to mean that the United Kingdom are reserving some sort of right of veto, of interference or of control in relation to the matter of supervision. Will the Honourable the Chief Minister confirm to the House that the regulation, licensing and supervision of the finance centre will be exclusively a matter for the Financial Services Commission. The Financial Services Commission will in turn be an entirely local institution.

HON CHIEF MINISTER:

Mr Speaker, I am concerned with the legislation that is required. I do not interfere in the way that the Commission works. That is to say, I do not say to the Banking Supervisor that he should get weekly reports from the banks, monthly reports from the banks or annual reports from the bank. I am simply concerned that the banking licence is a Gibraltar banking licence. That the requirements of the Community are the requirements that we have in our law and that the standards of behaviour required of licence holders are such as would be expected elsewhere in the Community so that nobody can accuse Gibraltar of being a low standard, back entry into Europe. Whether the way we have been doing it in the Commission until now, to which I am not privy, is enough I do not know. That is why people who are doing this in the United Kingdom are coming to Gibraltar in order to be able to satisfy themselves that the system that we have in Gibraltar is capable of effectively supervising passport licences in the rest of Europe. I cannot tell the hon Member what conclusion these people are going to come to before they have come. When they have come and they have examined the system they will no doubt put any recommendations for any changes to us and we will consider them.

HON P R CARUANA:

Mr Speaker, the principal question asked whether the next Financial Services Commissioner has been selected, if not, when and by whom he will be selected.

HON CHIEF MINISTER:

Mr Speaker, I do not select the Financial Services Commissioner and therefore, as far as I am concerned, the Financial Services Commissioner that we have got at the moment is still there and if when he goes we need to replace him on the basis of the system we have got now - because the system has not been changed - he will have to be replaced on the basis that we have got now. We are certainly not putting the work of the Commission into cold storage until these experts from the UK have come, have looked at the system and have made any recommendations. So the answer to the question is that I do not know whether, when or if there are going to be changes because what the honourable Member is asking me is to have a crystal ball.

I do not have a crystal ball. All I can tell him is that the people from London who have been discussing these matters with me will come to Gibraltar; will meet the people in the Commission and will meet people in the industry and then, as a result of their meetings, and when they assess what is the methodology and the resources that the Commission has, they will either come back and say: "We think you do not need anything extra" or they may come up with a different conclusion but I do not know what that conclusion will be. What the Commissioner will be required to do or not required to do, I cannot tell now because I do not know whether there is going to be any changes recommended. All I can tell the hon Member is that it is the intention to send us lots of these experts and although it might not solve our problem in the finance industry, it should go a long way to help our problem in the tourist industry.

HON P R CARUANA:

Mr Speaker, the existing Commissioner has announced his retirement or his contract comes to an end within the next few months. Is it or is it not the intention that he be replaced or will he not be replaced until this extended process of advice to which the Chief Minister refers is concluded?

HON CHIEF MINISTER:

Mr Speaker, I have already answered the question three times. I have said to the honourable Member that there will not be a point in time when we have no Financial Services Commissioner. If there are recommendations before he goes, then obviously that will affect the selection of a successor, the work of a successor and the resources of a successor. If there are no recommendations before he goes, then obviously somebody will take over from him. We are not going to have a period without one.

HON P R CARUANA:

And as to who will appoint him?

HON CHIEF MINISTER:

Whoever appointed the one the last time which was not me.

HON P R CARUANA:

And was the Chief Minister's advice taken on the appointment of the last one?

HON CHIEF MINISTER:

No, Mr Speaker. I do not get myself involved in advising people on appointments. The honourable Member should read the law. He will find that it does not say there that the Chief Minister will appoint the Financial Services Commissioner.

HON P R CARUANA:

What the law says, Mr Speaker, is that the Financial Services Commissioner is appointed by His Excellency the Governor. Most of the constitutional functions that His Excellency the Governor now discharges he does so on the advice of the Chief Minister. Therefore, my question is a good deal more pertinent than he is trying to make listeners understand. The question is whether His Excellency the Governor will exercise that function on the Chief Minister's advice or on the advice of somebody else.

HON CHIEF MINISTER:

The last occasion that there was an appointment, Mr Speaker, it was on the advice of a Committee that interviewed the applicants, one of whose members was the Leader of the Opposition's father-in-law, I believe. So I had less to do with it than the Leader of the Opposition did.

MR SPEAKER:

Next question.