

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.

23.11.92

NO. 143 OF 1992

ORAL

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?

ANSWER

THE 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.

of
the
the
the
the
the
the
the
the
the
the
the
the

the
the
the
the
the
the
the
the
the
the
the
the

the
the
the
the
the
the
the
the
the
the
the
the

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.

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.

NO. 181 OF 1992

ORAL

THE HON P CUMMING

Mr Speaker, what plans has Government for the private wing at St Bernard's Hospital?

ANSWERTHE 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.

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?

ANSWERTHE 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.

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.

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.

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.

.

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.

2.

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 1992

THE HON F VASQUEZ

Mr Speaker, can Government indicate whether they have any policy to relieve the chaos in the Companies Registry?

ANSWER

THE 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 he 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 1992THE 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?

ANSWERTHE 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 1992

THE 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?

ANSWER

THE 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

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.