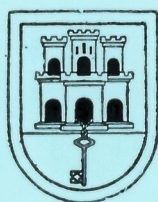


GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

15TH MARCH, 1993

NOS. 1 TO 87

15.3.93

ORAL

NO. 1 OF 1993

THE HON P R CARUANA

Mr Speaker, does the Government consider that it would be helpfully informative to commission an up-to-date report on how the European Community Customs Union and the VAT regime would apply to Gibraltar and on the economic advantages and disadvantages of Gibraltar's membership thereof?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. The question of Gibraltar's inclusion in the EC Customs Union and VAT regime has been closely studied on a number of occasions in the past and was last reviewed in detail in 1989 in anticipation of the move towards the Single Market. The main economic benefit of joining the Customs Union is the access it provides to the Single Market for manufactured goods. This continues to be of little significance for Gibraltar, and certainly would not outweigh the substantial economic and financial costs of introducing VAT, applying higher duties on non-EC goods and, possibly, having to introduce CAP.

SUPPLEMENTARY TO QUESTION NO. 1 OF 1993

HON P R CARUANA:

Mr Speaker, is the hon Member able to say, roughly if he does not have the information in any more detail available to him at present, what percentage of public revenue from import duty would be lost, forgetting the fact that it could be retrieved by the application of a value added tax in the first place, if Gibraltar were in the CCT?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I am working on figures produced in 1989 which I have updated purely on a straightline inflationary adjustment. The figures I have would give us a minimum loss in import duty of between 75% to 80%.

HON P R CARUANA:

Mr Speaker, I think I understand the answer. Although I asked what percentage of public revenue, I think the answer is as a percentage of current collections from import duty (75% to 80%). Mr Speaker, does the Government believe that

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our continued absence from the European Community regimes that we are discussing would facilitate Spain's ability to undermine our status and our credentials within the European Community as she has already sought to do by arguing falsely, needless to say, that we are not really in the European Community because we are outside of it for this crucial element of the Single Market - in goods at least?

HON CHIEF MINISTER:

Mr Speaker, that is really a consideration which does not arise out of the economic consequences of joining the Customs Union or not joining the Customs Union. It is a matter of political judgement. In my political judgement whether we join the Customs Union, we join the OECD or we join the United Nations, until there is a change of mentality in Madrid, Spain will do everything in its power to hamper our development and our progress.

HON P R CARUANA:

Mr Speaker, will the Financial and Development Secretary make available to the Opposition the report resulting from the review in 1989 of the economic advantages and disadvantages of joining the Customs Union?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I am prepared to provide hon Members with a synopsis of the reports which have been produced. May I add a couple of more points because I think, as a matter of public record, it is important to make the point that if we were to join the Customs Union we would have to introduce VAT and VAT would not only apply on goods, it would apply on services. Secondly, if we introduce VAT we have a less efficient tax in operation in the sense that at the moment, at least as far as import duties are concerned, the method of collection is almost automatic and hardly produces any problems with arrears. VAT, I think, will probably go the other way and have to, in fact, employ a substantial staff structure to tackle the operation of this tax.

HON P R CARUANA:

Mr Speaker, finally, whilst I am grateful for the offer of a synopsis, must I assume that the answer to my question is therefore no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker, but to clarify the point I think the hon Member should take account of the fact that of the four or five studies which have been conducted since 1972, three of these have been conducted by advisers in the FCO and they are, essentially, internal confidential documents. But I think it is probably better to give the hon Member a synopsis and not confuse him with a very voluminous report from the consultants.

HON P R CARUANA:

The hon Member is not easily confused by voluminous documents. Even short documents can be confusing but the length itself would not confuse me. If the Government has no objection then we would like to see the whole document but this is something that we can raise at another place, Mr Speaker.

HON P CUMMING:

Mr Speaker, does it not seem an attractive aim to the Government to be able to do away with frontier queues and the harrassment to tourists.....

MR SPEAKER:

I must call the Member to order. You have got to stick to the point. We cannot have a debate on this. Next question.

15.3.93

ORAL

NO. 2 OF 1993

THE HON H CORBY

Mr Speaker, following its answer to Question No. 152 of 1992, is Government satisfied that it is doing all that it reasonably can to prevent the importation of drugs into Gibraltar, their distribution and consumption and to counsel and rehabilitate victims of drug abuse?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, it could have been fairly easy to have probably answered the question by saying yes but I think in fairness to the hon Member and the seriousness of the question he raises he should have an answer in some detail.

The Royal Gibraltar Police continues vigorously to prevent the importation, distribution and consumption of drugs in Gibraltar. The fight against drugs is at the top of the priority list both of the Police Force and the Customs and Excise Department and no effort is spared in tackling this work. The authorities mentioned are in regular contact, at an operational level, with the Spanish authorities, Moroccan authorities and other law enforcement agencies in order to continue to effectively tackle drug trafficking. Insofar as the Customs Department is concerned, they are constantly vigilant in their endeavour to prevent not only the importation of drugs but they are now internationally known for the important assistance they afford to overseas law enforcement agencies to curtail the transit of drugs through Gibraltar - to prevent the use of Gibraltar as an organising point. Officers of the Customs Investigation Branch together with other uniformed officers of the Drugs Dog Unit, carry out periodical checks at entry points. As a matter of routine the passenger vessel arriving from Tangier is constantly targetted. Joint operations with the Gibraltar Police are also carried out. However, one should know that all efforts, no matter how much and how great they are, can never be enough to fend off completely the distribution and importation of drugs.

Recently the Misuse of Drugs Ordinance was amended to include other drugs such as Ecstasy and Valium. The Customs Department have recently appointed an officer and he is presently in the United Kingdom undergoing an intensive course on lecturing on drug abuse and prevention. This officer will, on his return to Gibraltar, lecture not only the Customs staff but other organisations who may wish to take advantage of his expertise. This will be another step in acquainting school leavers with the dangers of drug consumption. The cooperation of the public is always vital

and use should be made of either the "hot line", as it is called, or by telephoning direct the Customs Investigation Branch on telephone number 79988 where all information received is treated with the utmost confidence.

In addition, there is also constant contact with banks and other financial institutions to impress upon them the need to make disclosures whenever they know or suspect that money derived from drugs smuggling is being deposited with them.

I reiterate that on the international side the Customs Department is very much involved and even today, as I speak, there are two Customs Officers in America giving evidence in a major drugs case which has local connections in that one of the individuals arrested had formed a local company.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1993

HON H CORBY:

Mr Speaker, I thank the Attorney-General for his appraisal of the situation which is a contradiction in terms because recently the Subaqua Club of Gibraltar found quite a number of bales of marijuana in the seabed, which were found by this Club twice without any intervention from the Police. I have been in the area of Eastern Beach and all the beaches in Gibraltar, like Sandy Bay and Camp Bay, where there is no vigilance whatsoever. This is known to everybody in Gibraltar, there is no vigilance whatsoever as far as beaches and the surrounding areas are concerned. I have seen no Police and I was there for one and a half hours and no Customs presence at all during the night.

MR SPEAKER:

Could you ask a question?

HON H CORBY:

Yes. Could the Attorney-General please say how that comes into being with all that he has said about what the Police and Customs are doing because to me it is not relevant insofar as he says that this is taking place but in actual fact the practice of it is not being undertaken?

HON ATTORNEY-GENERAL:

Mr Speaker, the situation is this. I represented the Crown in the appeal which was heard last week. The appeal failed concerning the members of the Subaqua Club and the person who organised the diving expedition, if I can call it that. The divers each received two years imprisonment and they would have got three years but the learned Judge gave them

a third off for pleading guilty in accordance with recent guidelines which my hon Friend opposite is aware of. As far as the fact that the hon Member did not see the Police or the Customs last week, that is probably because they are doing a very good job. They are not really there to be seen all the time and it may very well be that they saw the hon Member but the hon Member did not see them. The fact is that they cannot be everywhere all the time. It is a big coastline to look at. The hon Member knows how many Police Officers we have and how many Customs Officers we have, they are doing all they possibly can. But they were probably there.

HON H CORBY:

Let me tell the Attorney-General that I was not at the beach this week, I was in a seminar in UK this week. I have been monitoring this situation not on a one-day basis but on a series of monthly exercises and I still have not seen the Customs Officers and I still have not seen the Police and by the looks of it neither the Police nor the Customs Officers have seen the people smuggling all over the place.

HON ATTORNEY-GENERAL:

Well, I can only say that I certainly received complaints from people who say that their nightsleep is often disturbed by the police launches doing all sorts of things. What I will do, because there is no point in arguing this forever, is I will bring the hon Member's remarks to the attention of the Commissioner and the Collector of Customs. And I repeat, everything really is being done as much as it can.

HON P R CARUANA:

Mr Speaker, given what the Attorney-General has said about the strength of our laws in relation to the laundering of drugs monies and, indeed, the supervision of banks that exists in that regard, is there anything that the Government thinks that they can do to counteract the persistent campaign by the Spanish news media and, indeed, on the lips of senior politicians who insist and persist in statements calculated to make the international community believe that Gibraltar is some sort of paradise for the laundering of drugs money which apparently can be easily and freely done? Are there any steps that the Government can take on any particular quarter to counteract this damaging practice?

HON CHIEF MINISTER:

The answer is no, Mr Speaker. I do not see what we can do to make newspapers print what we would like them to print rather than what the Spanish Government would like them to print. We do not have, certainly in the Spanish media

or in the British media, the influence to ensure that things get printed which we consider to be balanced. I am certainly prepared to take up any initiatives that the hon Member suggests to me that he things will be effective. But I can tell him that in five years we have not been able to make newspapers print what we would like and in the years that I was in Opposition my predecessor in Government did not seem to be any more successful.

HON H CORBY:

Mr Speaker, the second part of my question was what progress has been made in consultation with volunteer groups inasfar as that is concerned?

HON M A FEETHAM:

Mr Speaker, a considerable number of meetings have been taking place as regards finding an appropriate location for rehabilitation within Gibraltar. I wish to emphasise once again that we see it as part of the structure that Father Caruana and Joe Caruana have in terms of Camp Emmanuel. We see the structure coming together and we are looking at the question of sponsorship of patients who are certified that would require rehabilitation, either within Gibraltar or outside Gibraltar, through the structures that we want to set in place. I am hopeful that within the foreseeable future things are coming together but if the hon Member were to speak to Father Caruana he would see that everything is being done and I think he is quite happy with the progress that has been made under the circumstances.

HON H CORBY:

Mr Speaker, should this process of talk not lead to anything at all - I know that what the Minister is saying is that he is in consultation - has the Government any alternative plans?

HON M A FEETHAM:

Mr Speaker, I do not see that it will break down because everything that is being discussed is on course to put together what we think the resources both sides can carry in the light of the number of patients and the degree of involvement that this requies. So it is a question of patience at this point in time.

MR SPEAKER:

Next question.
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15.3.93

ORAL

NO. 3 OF 1993

THE HON F VASQUEZ

Mr Speaker, how much money has been raised by the Employer's Insolvency Fund established under the Gibraltar Development Corporation; how are such funds being held, and how much has been paid to claimants since the fund's creation?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, the sum of £373,333.50 has been raised as at 9th March, 1993, for the Insolvency Fund. These funds are held on call in the Gibraltar Savings Bank. No payments have been made as yet, but 57 claims from former employees of 5 different firms, are at various stages of consideration.

SUPPLEMENTARY TO QUESTION NO. 3 OF 1993

HON F VASQUEZ:

Mr Speaker, our information is that the claims procedure appears to be something in disarray and that certainly when the first claims were made by employees, principally, I understand, from ex-employees of the Montarik Hotel, there did not seem to be any claims procedure well in order. The regulations are quite straightforward, the entitlement is very straightforward, so why is it taking months to process what are relatively straightforward claims on a fund which is relatively awashed with money?

HON J L MOSS:

Mr Speaker, for something to be in disarray it needs to have been in array previously and the fact of the matter is that the fund was set up last year, that some claims were actually coming in before the companies in question had even ceased operation and that however straightforward the claims form may appear, there needs to be quite a bit of checking up on the information which is contained in these claims before payments can be made. I can assure the hon Member that all claimants have already been written to and that as soon as the information has been checked out payments will be made.

HON F VASQUEZ:

Mr Speaker, does the Minister appreciate that the whole point of the fund is to provide, as it were, a lifebelt for people who find themselves with their employment terminated with no notice at all? The idea of the fund is that it puts these unfortunate individuals in the position that they would have been if their employment had been terminated legally, ie they are entitled to recover any salaries that they are owed, any holiday pay that they are owed, and to any period of notice. In other words, it is an emergency fund to help people in dire straits. That is certainly, from the relief that the regulations provide for, the logical assumption. What is the point then of having this fund and having people to wait years to receive the monies to which they are entitled to?

MR SPEAKER:

Would you ask a question?

HON F VASQUEZ:

I have asked a question, Mr Speaker. What is the point of having this fund, which is meant to be a lifebelt in these situations, and have the claimants wait years for these emergency funds?

HON J L MOSS:

Mr Speaker, in the first case I have to correct the hon Member on the question of years.

HON F VASQUEZ:

Well, a year.

HON J L MOSS:

Not even a year. What is the hon Member talking about? The first claims came in four or five months ago, as I informed the hon Member, even before the companies in question had been declared insolvent - some of them were still trading. The point the hon Member is making is about an emergency fund. I think he is missing the point about the Insolvency Fund. It is not a fund which is there to hand out emergency payments to people who may be in financial difficulty because the companies have become insolvent. It is there to ensure that certain things which are due to them under the appropriate legislation will be paid out. But, in the first instance, one needs to check up the information which is

being provided before payments can be made. It is not an emergency fund, I will repeat, in the sense that the money is there to be doled out and then we will see whether people were entitled to those payments or not.

HON P R CARUANA:

Mr Speaker, given that the purposes of the fund are limited in the sense that the elements for which compensation is payable under the fund are limited and they do not include redundancy payments or things like that, as some people appear to believe, and given that the fund has built up substantially; can the Government say whether they have a target which once the fund has reached they will suspend contributions or is the Government proposing to allow this fund to grow and grow and grow even to the point where the size of the fund is out of all proportion to the possible, realistically speaking, claims that it can realistically expect to have to meet? Will there be a point on which the Government will say, "The fund is now large enough, at least temporarily, we will suspend contributions to it"?

HON J L MOSS:

Mr Speaker, I take the Leader of the Opposition's point but we certainly have not set ourselves a financial target at the moment and I would say it is extremely early days because we have not had the fund in operation for a year. It is extremely early to gauge what would be the appropriate level, if indeed there can be an appropriate level. And taking on his hon colleague's remarks then one has to have a fund that, even if it is not an emergency fund in the way which the hon Member was interpreting, actually will have the capacity to pay out the required monies if and when they should be needed. But the answer to the Leader of the Opposition's question is that there is not a financial target as such at the moment and that, quite frankly, we need to see how the fund works in terms of incomes and in terms of payments before we could decide this.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 4 OF 1993

THE HON H CORBY

Mr Speaker, will Government say what decision has been made in the case of the deportation of Achrafe Boukbael and will a residence permit be issued to him to prevent the deportation?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, in this case Mrs Boukbael, a Moroccan national, has been working and residing in Gibraltar on annually renewable permits of residence since the 16th November, 1987. According to our information she is married and her husband does not and has never worked or lived in Gibraltar.

On the 22nd August, 1990, Mrs Boukbael gave birth to a baby boy, I think his name is Achrafe, in Gibraltar. And the position regarding non-EEC female nationals is that they used to be required to leave Gibraltar and were not allowed to give birth to a child here. This was changed and the mother was allowed to give birth but required to return the child to the country of origin of the parent unless both parents were working in Gibraltar.

In most cases where there is one parent in Gibraltar, the usual situation is that the father is in Gibraltar and the mother has been visiting Gibraltar when the birth has taken place. The child was allowed to stay at the time because, unfortunately, it was overlooked that only one parent was in Gibraltar. When the Immigration Department discovered this on the 26th January, 1993, that is, that the child was in Gibraltar without a permit, the standard procedure in the Immigration Ordinance for such cases was followed without reference to the specific circumstances of the case. Following representations in this case, the child in question has now been given renewable monthly permits.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1993

HON H CORBY:

Mr Speaker, will the Attorney-General then say whether this will be an ongoing process by which the child will stay with his mother if his mother has legal employment in Gibraltar?

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HON ATTORNEY-GENERAL:

Mr Speaker, I have to say to my hon friend that there is a problem about a specific answer to this question. I do not know if the hon Member knows, but the Moroccan Workers Association have been given leave to seek a declaration in our Supreme Court and the matter is to be heard on the 2nd April. One of the matters, in fact, that the hon Member specifically raised, forms part of their application for a declaration and if the hon Member does not mind me saying so, I would respectfully say that this is now really sub judice.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 5 OF 1993

THE HON P R CARUANA

Mr Speaker, will the Government make a statement on the finding of a bullet on the 15th November, 1992, in the lobby bar of a local hotel and will the Government say whether the Police investigation has revealed who may have fired the shot?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, I understand from the Police that it has now been established that users of the terrace bar at the Caleta Palace Hotel discovered damage at approximately 1100 hours on Friday 13th November, 1992.

At about 0800 hours that same day reports were received from residents of Catalan Bay that a Spanish customs boat was giving chase to a fast boat and it was reported that shots had been heard. A call was also received from the Spanish customs boat to the effect that they were chasing a fast boat which they suspected was engaged in smuggling drugs. The fast boat was eventually stopped at the reporting berth and when searched it was discovered that there was nothing evidential on the boat whatsoever. The occupants mentioned that they had been shot at by the crew of the Spanish customs boat.

The angle of the bullet hole on the window pane in question suggests that the shot originated from the sea area opposite Catalan Bay itself and, in fact, it was established that it would have been impossible for the shot to have originated from any point on land.

Detective Constable Olivero, of the Royal Gibraltar Police, examined the bullet and confirmed that it was a 9mm calibre round and from its shape surmised that it had either gone through fairly soft material or had deflected from something before hitting its final target. This apparently would have slowed down the velocity of the bullet very considerably. The calibre of the ammunition discovered is the same as that used by Spanish customs in both their pistols and machine guns and an examination of the scene was conducted which revealed that the bullet could have hit the edge of a concrete parapet which surrounded the terrace, before hitting the window pane.

From the facts available, it appears that the boat was damaged from a stray bullet fired from the Spanish customs boat in the incident referred to which occurred at approximately 0800 hours, as I have said, on Friday 13th November. There is no evidence at all to suggest that the fast boat was carrying or using any weapons of any kind.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1993

HON P R CARUANA:

Mr Speaker, united as we all are, I presume, in this House as to the importance of supporting the fight against drug smuggling, and given the inclusion of that anecdote by the Attorney-General in his answer, will he agree that whether or not the boat in question was carrying drugs, whatever it was involved in, it is not acceptable for the lives of innocent people ashore, going about their lawful business, to be put in jeopardy by the indiscriminate use of firearms? And I must ask the Attorney-General, what steps he or the Government has taken to bring this situation to the attention of those who are able to make representations directly to the Spanish Government, namely, the United Kingdom Government, and what steps the Government can take to ensure that that particular hotel and specifically the lobby bar thereof, does not become the OK Corral as far as people who are taking evening drinks there are concerned?

HON ATTORNEY-GENERAL:

Well, if it is the OK Corral it would not be too unlucky to be there on Friday 13th. Fortunately nobody got hurt. But I know from my hon friend the Chief Minister that this matter is being investigated and the inquiry is ongoing.

HON P R CARUANA:

It seems to me from the answer, Mr Speaker, that the Attorney-General has given, that an admirably exhaustive inquiry has been completed already. What I have asked is what steps have been taken to bring the results of those conclusions to the attention of those who the report appears to conclude are responsible?

HON ATTORNEY-GENERAL:

The investigation took two forms. We first of all had to find out what sort of bullet it was. There had to be some sort of forensic examination to find out from where it had been fired. It has now been established it came from the sea area. There are witnesses who have shown that there

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was a fast boat being chased by a Spanish customs boat which took some time to establish. We now have the facts, that a bullet has landed up in the hotel and thankfully nobody was hurt. That is the first of the inquiry. The second stage, now that those facts have been established, is for the Chief Minister to make his further representations.

HON CHIEF MINISTER:

Mr Speaker, can I, just to make sure that the House is not mislead, make clear that nobody reported to me this incident until after the question was put in the House and presumably only because the question was put in the House.

HON P R CARUANA:

There were reports in the press.

HON CHIEF MINISTER:

Well, that may well be so but I would not expect to have to read the press to find out that somebody has been shot in the Caleta Palace Hotel. Therefore I want to make clear that the Constitution, for the present, continues to have internal security in the hands of Her Majesty's Government. If Her Majesty's Government is as incapable of discharging its responsibility for internal security as it seems to be in other areas, the sooner the Constitution is changed and they pass the responsibility on to me the better. I will then, and only then, answer in this House for the shortcomings.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 6 OF 1993

THE HON L H FRANCIS

Mr Speaker, what plans exist to redevelop the area around St Anne's School and how will the school be affected?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, plans exist to develop the area around St Anne's School in connection with Phase III of the Marina Bay Development.

The precise effect on St Anne's School is not known as the project has not been finalised. However, the Department of Education, after consulting the school administration, has already put across its views on what would be acceptable to safeguard the interests of the school.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1993

HON L H FRANCIS:

Mr Speaker, I believe some demolition work has already taken place on part of the building of the school. Could the Minister say what facilities are being affected by these demolition works and whether these are connected to the redevelopment of Phase III of Marina Bay?

HON J L MOSS:

No, Mr Speaker, they are not connected. In fact, what was demolished was the old annexe to St Anne's School which contained at one point a library, a storeroom and the caretaker's room. That was demolished due to safety reasons some time ago. To ameliorate the effect on the school, some portable classrooms were made available to the administration.

HON L H FRANCIS:

Mr Speaker, as I understand it, the art room was included in those buildings and has been reprovided with a portable classroom. But I have been made aware of the fact that some of the art department's equipment was left outside, namely, the kiln and clay and other items. The fact is that the rain seems to have spoilt them and they are now unusable. Can the Minister comment on that?

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HON J L MOSS:

No, Mr Speaker, I cannot confirm it simply because it has not been brought to my attention. I have spoken with the headteacher of St Anne's School on numerous occasions since the old extension was demolished and he did not seem particularly worried at the way that the changes had taken place.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 7 OF 1993

THE HON L H FRANCIS

Mr Speaker, how has the Westside Estates affected pupil numbers and facilities at St Anne's School, St Paul's School and Notre Dame School?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, the numbers on roll for 1992 and 1991 are as follows:

	<u>1992</u>	<u>1991</u>
St Paul's	182	136
Notre Dame	273	266
St Anne's	374	358

According to our latest information the numbers of children living in the two Westside Estates in the first year intakes of these schools are as follows:-

St Paul's	-	22
Notre Dame	-	1
St Anne's	-	2

However, it should be noted a number of home owners are still in the process of decorating their flats or moving to them.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1993

HON L H FRANCIS:

Mr Speaker, in the case of St Paul's there has been a significant increase in the number of children. Can the Minister say whether any extra resources are going to be dedicated to the school in order to enable them to cope?

HON J L MOSS:

Mr Speaker, obviously there has been a significant increase in St Paul's First School. It should be noted, in fact, that the numbers on roll at St Paul's had been dwindling for a number of years. So there is not an immediate problem but already as a result of the reviews that have been carried out to catchment areas, it is expected that St Paul's School

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will obviously need to have school teachers redeployed to it and that the fact that they have a greater roll will mean a substantially higher capitation. There is no indication that the school will be unable to cope with numbers in the near future although, as I have already said in public on more than one occasion, when all the flats are actually occupied not just in the Westside Estates but in the present extent of that catchment area which would include Varyl Begg, Eurotowers, Watergardens, etc - it would be, to my mind, impossible to have a sort of super first school with 1000/1500 children in it and have the other first schools in Gibraltar derelict or practically empty. So that is where the exercise in redefining catchment areas comes into play.

HON L H FRANCIS:

Mr Speaker, perhaps the Minister will consider that any changes to St Anne's School in the future might take into account the changes in the demography of the area and could be incorporated into any plans to develop the school?

HON J L MOSS:

Of course, Mr Speaker. There was a problem, I believe, well before my time when a number of children from Varyl Begg actually had to be sent to Bishop Fitzgerald because there was insufficient space at St Anne's which meant that every single Varyl Begg child was being rerouted to Bishop Fitzgerald with the consequent growth of that school very largely at the expense of St Anne's. Our ambition is to actually redefine catchment areas to reflect Gibraltar's reality much more and to be able to distribute the number of children at Middle School level more equitably.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 8 OF 1993

THE HON LT-COL E M BRITTO

Mr Speaker, is Government aware of the existence of an offshore shiprepairing operation which employs a mainly Polish labour force and which is based on a ship which uses berthing facilities at Gun Wharf, and does Government consider that the terms of the Employment Ordinance and the Social Insurance Ordinance apply to that labour force?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, this has been brought to the attention of the Employment and Training Board which has been actively investigating the matter and has held discussions with the company in question. There is a complication in that foreign nationals engaged on foreign owned vessels come under international shipping law not under the laws of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister explain what he means by complication? Will they be able to deal with the problem or not?

HON J L MOSS:

Mr Speaker, I did indicate in the answer that we were trying to deal with the problem and that conversations have been held with the company in question.

HON P R CARUANA:

Mr Speaker, will the Minister investigate the possibility that those international rules to which he refers applies to the crew of the ship necessary for the safe and proper navigation of the ship and not to persons who may be based on the ship but used for employment not in connection with the safe navigation of the ship, otherwise we could all find barges, register them in Panama and park them out in our lot there and not pay our labour force's tax and social security. Will the Minister accept that that is not the position in law and that he ought to proceed on that basis?

HON J L MOSS:

Mr Speaker, that is a matter which has been concerning me quite actively since this was brought to my notice and to the best of the advice that I have been given so far, there is not a distinction between the crew, as he would put it, and other persons engaged on work aboard the ship if they are registered as crew.

HON P R CARUANA:

Mr Speaker, we hear that the Government has the problem in hand and this should not convert into a debate, but he has used the crucial words himself, "work aboard the ship". A crew that is working on another ship is not a crew of that ship.

HON J L MOSS:

Mr Speaker, but I did say, "the crew on board the ship". I have not made a distinction of saying that the crew of one ship is entitled to work on another ship. The Leader of the Opposition has made the distinction. My suggestion is that the crew that are working on a particular ship now are registered on that ship.

HON LT-COL E M BRITTO:

Mr Speaker, have any attempts been made, seeing that there is contact with the company running the ship, to try to obtain employment for Gibraltarians instead of importing labour from Poland?

HON J L MOSS:

Mr Speaker, I can confirm that if this operation were to be working substantively in and from Gibraltar throughout, then certainly they would have to comply with all the necessary legislation and we would be looking to them to open and register vacancies at the Job Centre and give local people the opportunity to take up these jobs.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 9 OF 1993

THE HON F VASQUEZ

Can Government confirm that information relating to job vacancies was recently being referred from the Employment and Training Board to a private company called Rockforce Ltd and have any disciplinary measures been taken as a result?

Mr Speaker, I should point out that there is a typographical error in this question which is of my own making. That should not say Rockforce, Mr Speaker, but Rock Developments Ltd and I would ask the Minister to answer that question as if that question stated Rock Developments Ltd. I think, Mr Speaker, the Minister knows what I am referring to.

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, first of all I will read out the answer which I had for Rockforce Ltd and then if the hon Member wishes I will give him an impromptu answer on the Rock Development question as well. The answer I had, said, "No Sir, the Government is not aware of any allegations of this nature but will look into any report the hon Member may wish to make". As to the new question that has just been introduced on Rock Developments Ltd, quite frankly, Mr Speaker, the answer is the same. No information on job vacancies has, to the best of my knowledge, been passed on to Rock Development or to any other company with Rock in front.

SUPPLEMENTARY TO QUESTION NO. 9 OF 1993

HON F VASQUEZ:

Is the Minister saying, Mr Speaker, that he is not aware and that he has not had a meeting to discuss this very relationship that has been suggested to him, I put it to the House, exists between the Employment and Training Board and Rock Developments Ltd? Has he never come across this company before in his dealings as the Minister in charge of the Employment and Training Board?

HON J L MOSS:

No. Mr Speaker, those two questions are completely different. Of course I have had dealings with Rock Developments Ltd but the dealings do not amount to passing information on job vacancies.

HON F VASQUEZ:

Mr Speaker, again we have had information on this side of the House - I wonder whether this comes as any news to the Minister - that employers have registered vacancies at the Employment and Training Board and that potential employees have become aware that these vacancies exist and that they have gone to the Employment and Training Board, have been told there that there is no such vacancy but that subsequently such vacancies have been offered to them not by the Employment and Training Board but by Rock Developments Ltd. I understand that this is a matter which has been discussed with the Minister himself. Is the Minister saying that he is not aware that this has happened?

HON J L MOSS:

No. Mr Speaker, I do not understand how such information could have got to the hon Member but I want to get the record straight on how the Employment and Training Board goes about its work. Vacancies are registered with us but the employers do have the right to refuse people who do go along from the Job Centre. We do check first of all whether the applicant is considered to be suitable even for an interview by the appropriate company. So I am not really too sure what point the hon Member is trying to make.

HON F VASQUEZ:

Well perhaps I can help the Minister, Mr Speaker. I am quite aware obviously that employers can refuse. Of course they can. The point is this. The potential employees who are looking for employment turn to the Employment and Training Board. That is the function the Employment and Training Board is supposed to be serving. They turn to the Employment and Training Board to see what vacancies are available. We have had information to the effect that the Employment and Training Board tell them that they are not aware of any vacancies and yet there are vacancies that have been referred to the Employment and Training Board and have actually ended up, not at the Employment and Training Board, but at Rock Developments Ltd. The Minister says he has no knowledge of this.

HON J L MOSS:

Not only that. Mr Speaker, that would be against the law. If the hon Member is suggesting that the Employment and Training Board is not registering vacancies and passing them on to a company which is not registering the vacancies with us, then that would be breaking the law. How can we do that?

HON F VASQUEZ:

That is exactly what I am trying to get to the bottom of. I am grateful to the Minister. I am trying to find out what is happening, Mr Speaker. Let me ask the Minister whether the Employment and Training Board, as a matter of practice, advertise every vacancy that is referred to it? Does it act as a Job Centre? Is every vacancy that is referred to the Employment and Training Board put up in the board so that potential employees can go there and see exactly what jobs are on offer in Gibraltar at any given moment?

HON CHIEF MINISTER:

Mr Speaker, the hon Member is asking a supplementary about a question which says, "Has any disciplinary action been taken about information being passed onto a company?" and it now turns out that the name of the company is not that in the question on the Order Paper. Whether the Job Centre advertises the vacancies on a board or in the Chronicle or in the Piazza has nothing to do with the question. The position of the Government is that the Government cannot confirm that this is the case because the Government thinks this is a complete fabrication and therefore what we ask of the hon Member is to pass on the alleged miscarriage of justice so that in fact disciplinary action can be taken and will be taken if there is any truth in it. As far as the Government is concerned, the answer to the question is, whether it is Rockforce or Rock anybody else, nobody has complained to the Government that any information has been passed by the Board to anybody. Therefore there has been no question of any disciplinary action because we are not aware of any disciplinary offence. If the hon Member has been told that there is and he passes the information to the Government, the Government will investigate and let him know whether it is true or not.

MR SPEAKER:

Next question.

15.3.93

NO. 10 OF 1993

ORAL

THE HON LT-COL E M BRITTO

Mr Speaker, what arrangements exist in terms of a Labour Inspectorate and is Government satisfied that they have adequate resources and manpower to do the job properly?

ANSWER

THE HON MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Mr Speaker, the Employment & Training Board employs two full time inspectors to carry out inspections related to the Business Trades and Professions (Registration) Ordinance 1989, Gibraltar Development Ordinance 1990, Gibraltar Development Corporation (Employer's Insolvency) Regulation 1991. There are a further five persons from within the ETB authorised to carry out these inspections. Government is satisfied that the Inspectors have the adequate resources to fulfil their duties.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, is the Government satisfied at the rate of success of these inspectors in stopping illegal labour?

HON J L MOSS:

Yes, reasonably satisfied. It is difficult to have a yardstick, but the amount of inspections that have been carried out, the amount of illegal workers that have been caught by the Employment and Training Board, I think, certainly, is satisfactory from my point of view.

HON LT-COL E M BRITTO:

Mr Speaker, I think there is a very good yardstick, and that is, the action that was taken by the unions just before Christmas, when in a blitz type of operation lasting a couple of weeks, they managed to identify quite a large number, I understand, of illegalities which were subsequently corrected. So in that context I put the question, is the Government satisfied and could they improve on the arrangements which were obviously shown not to be so effective by the actions of the union?

HON J L MOSS:

Mr Speaker, the only information I have on the blitz screen actually has come from the press itself, so I personally would be very wary of discussing figures which I have only had third hand, shall we say from the press, but in my

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opinion, what is required is not a blitz screen but a continuing effort to not just stop illegal labour at a given point of time, but actually make it difficult for illegal labour to enter throughout and this will require a consistent and persistent effort. I do not think that short term solutions like surrounding a particular site and seeing if anybody is illegally employed in there will have any lasting effect on the situation of illegal labour because what simply happens is that once people have got over the shock of the storm trooper tactics they will simply try and revert as soon as possible to the old system. I think that one needs to be much more dedicated and consistent than that.

MR SPEAKER:

Next question.

15.3.93

NO. 11 OF 1993

ORAL

THE HON H CORBY

Mr Speaker, how has the Department of Labour and Social Security been restructured and which department or departments have taken over responsibility for the function of the DLSS?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as has already been mentioned in this House, following the restructuring of the DLSS, the Employment and Training Unit has taken over all matters dealing with vacancies and employment. Functions connected with social security have been transferred to the Accountant General's Department. Other minor tasks are now the responsibility of the Personnel Manager's Department. The staff that were previously engaged in those functions have been re-deployed departmentally but most continue to be physically in the same place performing the same functions.

SUPPLEMENTARY TO QUESTION NO. 11 OF 1993

HON H CORBY:

Mr Speaker, is the Minister saying that he now has less control over the department or has he got the same control or is the bulk of his work now undertaken in as far as housing is concerned. Has that taken a lot out of the control of his department?

HON R MOR:

Mr Speaker, as I have said, physically most of the staff are in the same place and performing the same functions and have more or less the same control. Where I have lost some of the control is on the labour side which is now being undertaken by the Employment and Training Board.

HON P R CARUANA:

Mr Speaker, could we just get this clear? Is what the Minister saying that he remains the Minister responsible for these things but in fact he has no ministry? In other words, he remains the Minister responsible for those aspects of his old department that have been transferred to the Employment and Training Board and he remains responsible for the social security aspects that have been transferred to the Accountant General's Office, but there is no department of Government as such or ministry of which he is the Minister that deals with these thing.

HON CHIEF MINISTER:

Mr Speaker, until the new Estimates of Expenditure for 1993/94 are tabled in the House, the position of the departmental budget and responsibilities continue to be as they were presented a year ago. The hon Member will see how the changes are reflected in departmental votes when the new Estimates are produced, which is, in fact, what I indicated would happen the last time the matter was raised.

HON P R CARUANA:

Mr Speaker, I accept that we shall find out what the position is as of the 31st March, but I think it is legitimate, Mr Speaker, you will agree, for this House to attempt to establish the extent to which political ministerial responsibility is now as we speak segregated from departmental administration and organisation. Certainly, I know as the Chief Minister has said, that when the Budget is tabled we shall know what the budgetary distribution is going to be like for the next financial year, but the question is designed to establish what the position is as of now.

HON CHIEF MINISTER:

Mr Speaker, the answer to that question must be that the hon Member may not realise that the political ministerial responsibility in the field of social security is very limited because 90% of the work done is making statutory payments. What we are doing at the moment is that whereas before the people in the Labour Department calculated entitlement, sent off the requirements for the payment of those entitlements to the Treasury the Treasury then checked the requirements and sent back the authorisation for the payment to the Haven and then the Haven made the payment to the recipient of that income, we now have taken the decision that really the people who are calculating the payment should be integrated into the department that actually authorises the cash payment. That happens to be probably 80% of the work of the DLSS that is not concerned with filling vacancies and registering them. The work of filling and registering the vacancies has now been fully transferred to the Employment and Training Unit. It had already been transferred, if the hon Member will recall, for EEC nationals and Gibraltarians as at the end of 1992. During the course of January and February, the non-EEC nationals were transferred. To that extent, until February there was a split as between the remaining responsibility in the Labour Department for non EEC nationals and the fact that EEC nationals were being looked after by the Employment and Training Unit. That split is no longer the case and

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therefore, the situation is that the workforce in the old Department of Labour and Social Security in the Haven, is now exclusively engaged in social security and doing what it was doing already which required very little political input to the extent that the staff in the Treasury now require a political decision on a particular case where they may not be very sure, they continue to come to the Minister for Social Security.

HON H CORBY:

If one wants a special thing or wants to talk to somebody there, who makes the decision now? In the case of a Minister we know that they go direct to the Minister. Who applies the law inasfar as this discentralisation of the DLSS is concerned?

HON CHIEF MINISTER:

The position is that matters concerning employment are dealt with by the Minister for Education in his capacity as Chairman of the Employment and Training Unit, which has now totally taken over the employment side. Matters concerning social security still go to the Minister for Social Security. Obviously, these things are only referred to the Minister if the civil servant believes that it is a grey area where a political decision is required. But, of course, if it is a question of a citizen having a grievance, as Opposition Members will know, it means all eight of us seeing everybody because that is the way it has always been done in Gibraltar. So they just go in turn through every Minister irrespective of whose ministerial responsibility it is.

MR SPEAKER:

Next question.

NO. 12 OF 1993

THE HON LT-COL E M BRITTO

Will Government say what was the level of unemployment at 31st December 1992 and at 28th February 1993 of Gibraltarians and non-Gibraltarians subdivided into under 25 and over 25 age groups.

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the information requested on the level of unemployment as at 31st December 1992, is as follows:

<u>Gibraltarians</u>		<u>Non-Gibraltarians</u>	
<u>Under 25</u>	<u>Over 25</u>	<u>Under 25</u>	<u>Over 25</u>
264	327	12	346

The Government will continue to provide these figures on a quarterly basis.

SUPPLEMENTARY TO QUESTION NO. 12 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, I was given a similar answer to Question 172 of 1992 which I did not press the Minister on, but, could the Minister say why it is not possible to give me figures except on a quarterly basis?

HON CHIEF MINISTER:

Mr Speaker, it is not impossible to do it. It just means that we would have to devote people to producing those statistics at regular intervals of more than a quarter. We have not done this since 1990 and we do not see the need to do it. So we are only prepared to provide them on a quarterly basis.

MR SPEAKER:

Next question.

15.3.93

NO. 13 OF 1993

ORAL

THE HON LT-COL E M BRITTO

What steps can Government take to give unemployed Gibraltarians priority access in practical terms to the labour market without infringing EC laws.

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, for the benefit of the hon Member, I will quote from EEC Regulation No.1612/68 which deals with the Freedom of Movement for Workers within the Community.

Article 1, paragraph 1 of this regulation reads: "Any national of a member State, shall, irrespective of his place of residence, have the right to take up an activity as an employed person, and to pursue such activity, within the territory of another member State in accordance with the provisions laid down by law, regulation or administrative action governing the employment of nationals of that State. He shall, in particular, have the right to take up available employment in the territory of another member State with the same priority as nationals of that State." Quoting from Article 3, paragraph 1, the EEC Regulation further states: "Under this Regulation, provisions laid down by law, regulation or administrative action or administrative practice of a member State shall not apply:

- where they limit applications for and offers of employment, or the right of foreign nationals to take up and pursue employment or subject these to conditions not applicable in respect of their own nationals; or
- where, though applicable irrespective of nationality, their exclusive or principal aim or effect is to keep nationals of other member States away from the employment offered."

As can be seen from these Regulations, it is not possible to have a scheme which is deliberately designed to give Gibraltarians priority. The only action that can be taken, is being taken and this is to require that vacancies be registered and that the opportunity is given to Gibraltarians to apply before the vacancy is filled.

15.3.93

NO. 14 OF 1993

ORAL

THE HON LT-COL E M BRITTO

Does Government intend to amend the Employment Ordinance to give legal protection to part time workers who work less than 21 hours per week.

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Government has not received representations from anybody and the only reference that has been made is a public statement by the leader of the Barclays Group Staff Union. If the hon.member is asking Government to look into the pertinent legislation to see if it complies with EC requirements, this will be investigated.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1993

HON LT-COL E M BRITTO:

That is exactly the thrust of the question, Mr Speaker. It would appear that we are different to UK legislation on the matter, so whether indeed it is different from the European legislation would obviously need to be investigated. Can I take it then that this will be the case?

HON R MOR:

Yes, Mr Speaker, this is precisely what I have said. We will look into it.

MR SPEAKER:

Next question.

NO. 15 OF 1993

THE HON H CORBY

Mr Speaker, what is the purpose of the Questionnaire sent recently without explanatory covering letter, to disabled persons?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the purpose of the questionnaire referred to is to update a previous exercise conducted by the Gibraltar Society for the Handicapped on the particular needs of individual disabled persons and their families.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1993

HON H CORBY:

Mr Speaker, would not an explanatory note have accompanied the questionnaire? Some of the articles here which have to be filled in, in particular cases, asks for the income of members of the family and people are very worried inasfar as disclosing their own personal annual salaries etc. This is based I believe on the fact that disabled single persons have a one off allowance of £14. There is a lot of worry in Gibraltar about this form being sent without any explanation whatsoever. Maybe it would be better for the Government, when they send these forms out, to include an explanatory note in order to appease the people who have to fill in these forms.

HON R MOR:

Yes, Mr Speaker. As I have said in the original answer, the questionnaire was related to information already supplied before in a previous exercise that was conducted by the Society for the Handicapped. I will, of course, take the point that the hon Member has made.

HON H CORBY:

Mr Speaker, are the benefits going to be improved inasfar as disabled people are concerned or is it just a routine sort of questionnaire? I see here "income of the family". Maybe the Government wants either to lower the benefits or otherwise.

HON R MOR:

Mr Speaker, they are for the purposes of studying what the real situation is and to take a view on that.

HON H CORBY:

Mr Speaker, it is the disabled people who want to be more independent financially and not be an added burden on the family who takes care of them. I know that in England benefits are given for people who have to be catered for during the night and all that. In Gibraltar we have a one off payment and this has to be taken much into account inasfar as disabled persons are concerned.

HON R MOR:

Mr Speaker, the idea of having the information is precisely to look at any particular cases which might need assistance but that is the whole purpose of the exercise.

HON LT-COL E M BRITTO:

Mr Speaker, in this study that the Minister has told us he is making, is any consideration being given to means testing allowances for the disabled?

HON R MOR:

Not at this stage, Mr Speaker. It is something which may obviously be considered in the future.

MR SPEAKER:

Next question.

15.3.93

NO. 16 OF 1993

ORAL

THE HON L H FRANCIS

Mr Speaker, when will the new St Bernadette's Occupational Therapy Centre be ready for occupation and use?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Occupational Therapy Centre building is now ready and exterior works are in the process of being undertaken.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1993

HON L H FRANCIS:

Mr Speaker, is the Minister in a position to say when it will actually open for use?

HON R MOR:

Mr Speaker, we are not absolutely sure but we are hoping that everything may be ready for the summer.

HON L H FRANCIS:

Can the Minister say whether all the staff has been recruited?

HON R MOR:

No, Mr Speaker.

HON L H FRANCIS:

Can the Minister say whether any equipment has been purchased for the home?

HON CHIEF MINISTER:

Mr Speaker, can I just clarify that we are not talking about a home. We are talking about the staff that is already in existence moving from one location to the other. The St Bernadette's Occupational Therapy Centre is being given a new building. In addition there is an extra floor over and above the original purpose of that building in order to create for the possibility of respite care. On that particular side of the building there is yet no decision because the building in itself we have now been told requires considerable extra money over what we have put in the budget - which at the time of last year's budget we were not told - to finish off the external side. We hope that the external side will be finished within the next two months but the money will be provided for in the new estimates.

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HON L H FRANCIS:

Mr Speaker, is there any indication of when the Government will be in a position to open the extra floor or provide for the staff and the equipment.

HON CHIEF MINISTER:

No. The question of the extra floor and what it involves is something that I am currently discussing with the Society for the Handicapped but I will make clear to them that the amount of money we can devote to this sector of our community is not unlimited. Therefore, what the Government will be doing in this budget, which it started doing in the last budget, is to identify all the money that we spend in support of handicap people in different heads of expenditure so that we can finish up establishing of the total money that the people of Gibraltar spend on different things, how much is it reasonable should go as the share of this particular group which are very deserving and which we feel a great deal of sympathy for but we still have to know what is the total amount of money that is available. At the end of that within that total budget, decisions will have to be taken if there are more demands than there is money as to what the priority should be. It has been made absolutely clear to the representatives of the Society, that there is not an infinite budget and that therefore the only way that we can commit ourselves is by saying that we have got so many hundreds of thousands of pounds a year and there are so many people.

MR SPEAKER:

Next question.

15.3.93

NO. 17 OF 1993

ORAL

THE HON M RAMAGGE

Mr Speaker, does the Government Housing Department have any mechanism whereby urgent social cases can be promptly identified and dealt with, thereby preventing applicants from taking desperate measures, and if so what is that mechanism?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, when a request for Housing on social grounds is made to the department, the matter is referred to the Social Advisory Committee in accordance with the Housing Allocation Scheme. When any possible recommendation is received cases are considered taking into account the urgency of other social cases. However, it has to be realised there is no unlimited number of vacant pre-war or temporary dwellings at any given time and consequently the solution to these cases is subject to the availability of such dwellings.

SUPPLEMENTARY TO QUESTION NO. 17 OF 1993

HON M RAMAGGE:

Mr Speaker, although the Opposition considers it intolerable and unacceptable that Ministers should be exposed to incidents of the sort recently suffered by both Mr Baldachino and Mr Mor, does Government accept that people are driven to such conduct by a sense of frustration and desperation and the feeling that the administration has no mechanism to relieve the acute housing and social problems?

HON R MOR:

No, Mr Speaker. Definitely not.

HON P R CARUANA:

What does the Minister think that they are driven to that by?

HON CHIEF MINISTER:

Mr Speaker, they are driven by the fact that some people arrive from the UK and within twelve months expect to be given priority over everybody else on the basis that if they are not, they take the law into their own hands. There are other people patiently waiting for twenty years for their turn in the waiting list. It is as much a reflection of the character of people in certain circumstances that is a reflection of the fact that we have not solved the

housing problem which we do not claim to have done. All that we can claim to do is to have made a major impact on it in five years and that we are as committed to resolving it as every other previous Government has been and as I am sure the Members of the Opposition are. But we cannot either give people the impression that if they create enough harassment of a Minister they will get priority in housing or suggest that such harassment is legitimate.

HON P CUMMING:

I certainly agree with what the Chief Minister has been saying. There cannot be a link between the amount of harassment you give to a Minister, to the speed in which you are going to be accommodated to your wishes. But there has been a couple of cases recently that have given rise to some doubt that there is any effective mechanism because if there is a problem family - a family looked after by social workers under the social security system - who for some reason are in acute difficulties and somebody goes to the Housing Department and says, "I must have help with this" and they say "You have an appointment in three months to see the Minister or the Housing Officer". That person then goes out maybe desperate to do something. Maybe they are people who cannot explain themselves very well. What we would like is some sort of a safety net that would pick out those people quickly and at least sit down and talk to them and explain to them so that they can be in a better position.

MR SPEAKER:

Could you put a question now?

HON P CUMMING:

Will the Government give consideration to establishing a safety net to try and pick out those few cases that really do need desperate attention quickly?

HON J L BALDACHINO:

Mr Speaker, I am sure that you will remember because when you were in the Opposition you told the AACR administration that the powers should be taken away from the Minister and passed on to a Committee. Therefore the new Housing Allocation Scheme was introduced in 1971 and it was then amended in 1987. Under the scheme, there are three categories. One is that the Housing Allocation Committee allocates only pointage. The second one is that there is a medical board which recommend people on medical grounds. It depends on that medical grounds category for somebody to get a post war flat. The third category is on social grounds. There is a Housing Advisory Committee

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which is composed of a Family Care Unit officer which carries out investigations. What the hon Member is asking the Government to consider is that if somebody appears in the Housing Department or in the Housing Allocation Section which is now at the Haven, and to say that he is homeless, we should then take that as bona fide without an investigation. Whenever there is an investigation, I can assure the hon Member that the Government, the Housing Allocation Committee or whatever Committee it is, acts as quickly as possible. What one cannot have is people harassing Ministers or calling at a department with a suitcase to say, "I am homeless and now allocate me somewhere". Well it does not work that way. Maybe there is margin for improvement in finding out if there is a genuine case. But one just cannot give a house to somebody who says is homeless. It is as simple as that. There must be a process whereby a certain amount of investigations must be carried out. Unfortunately, as there is such an abuse of the system which is in place, those who have genuine cases sometimes suffer. In the five years I have been responsible for that department and on the four years that I was responsible on the Opposition, I have regretted that that should be the case but unfortunately there are many, many more people who abuse the system than those who are genuine.

MR SPEAKER:

Next question.

15.3.93

NO. 18 OF 1993

ORAL

THE HON P CUMMING

Is the Minister satisfied with the resources available at St Bernard's Hospital for caring for infectious patients and patients who specially need protection from infection?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, yes. Standard barrier nursing procedures are implemented and all the necessary protective equipment is available in the Department and used as and when required. Should the need arise, patients are nursed in single rooms. The Health Authority also now has an infection control nurse and a committee on infection control has been in operation since 1989.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1993

HON P CUMMING:

Mr Speaker, is the Minister aware that years back Louis Stagnetto Ward was specifically intended and designed for infectious cases and a last minute decision decided that geriatric care was a more important priority. Nonetheless, the design and the preparation of that ward obviously indicated that at the time there was a movement towards an infectious care unit?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have answered the hon Member's question. What I am saying is that the Health Authority is satisfied that all procedures that are being implemented are satisfactory.

HON P CUMMING:

Mr Speaker, it just seems a little bit third worldish to have an orthopaedic case being nursed in the same ward very close to a patient who may have an infected wound. It really needs a physical separation. I would like to know, Mr Speaker, what these separate rooms are that are available for these cases.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I fail to understand the hon Member's allegation about an orthopaedic case in a geriatric ward or a medical ward. I cannot understand the hon Member's question, Mr Speaker.

HON P CUMMING:

Mr Speaker, it is very easy to explain. For example, Godley Ward caters for so many different specialities, that amongst them could be some patients with infections and also orthopaedic cases who needs specially clean environment because of the potential damage that infection can do to them. Therefore it is normal practice outside the third world to separate these cases especially the orthopaedic cases and to segregate those who have infections. The Minister has made reference to nursing in rooms separately and I would like to know what those rooms are.

HON MISS M I MONTEGRIFFO:

Mr Speaker, in answer to the hon Member's question, I have said that if there are cases that need to be isolated, those cases are being isolated in single rooms within the wards themselves. That is my answer, Mr Speaker.

HON P CUMMING:

But is it not true, Mr Speaker, that there is a heavy call for use of those rooms for patients who are severely ill and therefore need access to relatives more easily and who need to be separated from the others so that they have a little more peace? Usually these rooms are in continuous use and there is no availability for separating cases that need to be separated.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the hon Member is making an allegation that I am not aware of and I do not think the allegation is founded. He has made about three or four allegations at the same time. As far as I am concerned I have said in the original answer that the Health Authority is satisfied. Whenever there is an infectious disease, it is being taken care of by the Health Authority and they are satisfied with the procedures being implemented.

MR SPEAKER:

It is very important that hon Members do not sort of make a shot in the dark because that does not lead to any constructive answers from the Government. It is very important that when the question is put and then supplementaries are added to it, that the information that the hon Member is bringing along can be substantiated. Otherwise we are wasting a lot of time and getting nowhere.

HON P R CARUANA:

Mr Speaker, in fairness to my hon friend, I do not know whether Mr Speaker is referring to him....

MR SPEAKER:

I am saying it generally because we are getting a lot of that coming through at the moment. I think it is important that if statements are made in a question, the hon Member making the statement has got to be responsible for it and prove that it is accurate.

HON P R CARUANA:

Mr Speaker, I am not aware that the hon Opposition's spokesman for Health has made any allegations in his questions. What he has said is that it is standard practice to separate, for nursing purposes, orthopaedic patients from infectious patients. I would have thought that was a matter....

MR SPEAKER:

With due respect, the hon the Leader of the Opposition is referring to the first question. The last question was totally different. He was saying that there was no room for the family in the room and that sort of thing which is completely off the point in any case, but I allowed it. But we cannot waste time and when the Leader of the Opposition makes remarks like that he should be careful that he too is being accurate. Next question.

15.3.93

NO. 19 OF 1993

ORAL

THE HON P CUMMING

Has the Minister for Health Services any plans to decongest the waiting room at the Blood Department?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, this question is related to Question 177 of 1992 when I told the hon Member that the Health Authority is giving priority to refurbishment works related to patient care. The blood department is sometimes used by the relatives of patients who are undergoing surgery or have been admitted to the Intensive Care Unit because of its proximity to both areas. It is not congested as the hon Member suggests. Again as I said in answer to Question 177 of 1992, the Health Authority will be able to look at the question of waiting facilities for visitors once all the refurbishment works involving patients, have been completed.

SUPPLEMENTARY TO QUESTION NO. 19 OF 1993

HON P CUMMING:

Mr Speaker, I would like to know if the Minister has at all passed along that corridor any mid morning when one has to elbow his way through the large numbers of people overflowing into the corridors and making the corridors practically unpassable by people probably waiting for different things as she has said, not all of them waiting for the blood department. Does this not suggest, Mr Speaker, that there are so many calls on extra space in the hospital to raise the standards there that attention ought to be given to the need in the medium term for a new hospital?

HON MISS M I MONTEGRIFFO:

Mr Speaker, this is a completely different question from the original question that the hon Member has raised and the answer is still no. If the hon Member wants to know I do happen to go past the blood department every day and it is not congested as the hon Member suggests.

HON P CUMMING:

I would just like to establish the link between decongestion and the need for more space which is obviously not available in St Bernard's Hospital and therefore it seems to me that the link is very clear where there is congestion. The

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Minister seems to deny that there is congestion, obviously the public will make up its own mind when they go there and they see that it is congested every time.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the hon Member has made up his own mind and I would suggest that he takes note of the improvements in the hospital and the fact that if the Health Authority is able to look at the facilities available for waiting areas, it will do so once it has looked at those refurbishment works that are related to patient care.

MR SPEAKER:

Next question.

15.3.93

NO. 20 OF 1993

ORAL

THE HON P CUMMING

Mr Speaker, does the Minister for Health Services consider that there are sufficient geriatric beds available at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Yes, Mr Speaker. I am satisfied that the Health Authority is providing a good service for acute geriatric care and that the bed capacity for this purpose is sufficient.

SUPPLEMENTARY TO QUESTION NO. 20 OF 1993

HON P CUMMING:

Mr Speaker, I would like to know how long a bed in a geriatric ward remains unoccupied. I would like to suggest that it is something like 20 minutes.

HON MISS M I MONTEGRIFFO:

Mr Speaker, this is the allegation again made by the hon Member. I have said that as far as the Health Authority is concerned we are providing a good service for geriatric patients.

HON P CUMMING

Mr Speaker, why then in a recent case a gentleman was proposed to be just dumped in the streets out of the ward because there was no room for him in the geriatric ward and there was no room in Mount Alvernia? How come then on the one hand the Minister is satisfied with the beds available and yet cases like this turn up where acute pressure is put on families to take patients out of the hospital because geriatric beds are not available?

HON MISS M I MONTEGRIFFO:

Mr Speaker, this is completely incorrect. As far as the Health Authority is concerned never in its history and as long as I have been Minister for the Medical Services has a patient been told that they need to leave St Bernard's Hospital because the bed is required for other purposes. That is incorrect.

MR SPEAKER:

Could I make a suggestion. When hon Members are approached and they get this information, I think the normal practice

is to write to the Minister with that particular point and to have it established whether that is so or not. Subsequently, of course, it is right to put the question. But I think it is very important if the questions are going to be taken seriously, not just in this House, but outside this House, that the principle element in the question is accurate. I am not saying it is accurate or it is not accurate, but what I suggest is that it is the normal practice to write to the Ministers when there is a clear case like that and clear it. Then of course it is much better because one gets the right answer.

HON P R CARUANA:

Mr Speaker, with the greatest of respect, you say that you are not saying whether the question is accurate or it is not. But your intervention on those terms clearly indicates that you suggest that it is not. We do not accept the proposition, although of course we have to abide by your rulings, that we have to have forensic evidence in support of the facts in a statement before we can ask the political question. We accept responsibility for the fact that factual statements made by us we must take responsibility for. That is what Standing Orders says and that is what Standing Orders requires of me and we accept that obligation. We do not accept that before we put a question in this House, although of course Mr Speaker, may disqualify and disallow whatever questions he likes, that we have to be certain that the facts are 100% correct in the sense that they are incapable of being answered. We do not ask questions just because we know they cannot be answered. We ask questions based on facts, seeking clarification on many occasions. Therefore, Mr Speaker, with the greatest of respect to the Chair, there is an element of criticism in that the Chair's latest application, which I think, is excessive.

MR SPEAKER:

If that is the way the Leader of the Opposition has interpreted, I must tell him that that is not so. I am just referring to the normal procedure, certainly in the House of Commons, where there are clear cases like that. I am sure the Opposition is interested in putting those things right. That must be one of the reasons for putting the question. I am not saying that you should not ask the question. I am saying that if you are really interested in putting those matters right, the best practical way is to write to the Minister giving the case so that you get a written reply. Then when that is available, if you so wish or before - I am not saying you do not do it - you can really put the question and verify clearly that this is so. At the moment you can see time and again, the Minister saying that it is not so. We cannot assume that the Minister is trying to mislead the House. I do not think so. There might be some misunderstanding, but I think that

if the hon Members can write to the Minister - this is happening all the time in the House of Commons - then you will be able to have more accurate information and be able to act on that. I am not suggesting that you do not ask questions. That is not the reason why I brought out this point.

HON P R CARUANA:

Mr Speaker, we are grateful for your advice as to what you think is more effective or not more effective. Standing Orders distinguish between written questions and questions for oral answers and subject to Standing Orders as to what questions are disallowed by Mr Speaker, pursuant to his authority, we reserve the right to chose on what subject we ask questions. I do not accept that questions are not asked in the House of Commons until there has been a full exchange of correspondence between the Member asking the question and the Minister in question and that certainly is not the practice that the Opposition.....

MR SPEAKER:

I have not said that. I think the Leader of the Opposition gets it wrong. I am not saying that they cannot ask questions. I am just saying that in particular cases like the one that the hon Member has just brought up which the Minister says is not so, and if it is, she is not aware of, it is my view that it is much more effective to write. If that is what the hon Member is interested in putting that particular case right.

HON P CUMMING:

May I just clarify this point, Mr Speaker. The facts about a recent case, I agree with you, may have been clarified like that. The basic fact is that the geriatric wards are always full and I would like to ask the Minister, having said that she is satisfied with the number of geriatric beds, on what idea does she base that satisfaction on?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have said in my original answer, the Health Authority is satisfied that the number of geriatric wards are adequate. That is the answer that I gave. It is a matter of judgement whether the hon Member believes that there should be more or whether the Health Authority believes that the number is adequate. My answer has been very specific. The Health Authority believes that the number is adequate.

HON P CUMMING:

Mr Speaker, if I were to ask whether the Government is satisfied with the number of beds in John Ward, for example. Yes,

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because there is usually three or four beds empty. I would agree that that would be a sensible thing. Beds are always full and there is not even a waiting list because there is no chance of getting a bed except by sheer luck that there is a vacancy. It seems outrageous to me that the Minister should say that she is satisfied with the number of geriatric beds.

HON MISS M I MONTEGRIFFO:

It cannot be outrageous, Mr Speaker, if the information that I have been given by the Health Authority is that they are satisfied that the numbers are adequate. That is my answer.

MR SPEAKER:

Well we have come to the end now. The Minister is satisfied, the hon Member is not. I suggest that the hon Member should seek information perhaps by letter. Write to her and clear the matter.

HON P CUMMING:

Mr Speaker, this is not a question of establishing the facts, but the interpretation of the facts. She interprets the fact that the ward is full as being satisfactory. I interpret it as being completely unsatisfactory.

MR SPEAKER:

Next question.

15.3.93

NO. 21 OF 1993

ORAL

THE HON P CUMMING

Mr Speaker, does the Government consider that a separate Orthopaedic Ward at St Bernard's Hospital would be of great benefit?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES & SPORT

Mr Speaker, it is impractical to have a separate Orthopaedic Ward at St Bernard's Hospital as another ward would need to be built equipped and staffed. This exercise would entail a huge expense and in the opinion of the Health Authority such an exercise is not a priority.

SUPPLEMENTARY TO QUESTION NO. 21 OF 1993

HON P CUMMING:

Mr Speaker, I thank the Minister for that answer and while it may not be a priority, the Health Authority would agree that it would be a great benefit, as the question asks. My whole point, Mr Speaker, is to implant the doubt in the Minister's mind that the present structure of the Hospital can cater for raising its standards out of the third world, so that Orthopaedic cases do not need to be nursed beside other cases that put them at risk of infection. I would like the Minister to confirm....

HON MISS M I MONTEGRIFFO:

Mr Speaker, again I have the hon Member making allegations and asking a question which is tripartite. He keeps mentioning the fact about the hospital being of a third world standard. I take offence at this allegation, Mr Speaker, because I do not believe and I am sure the majority of the people in Gibraltar do not believe that the Health Authority and the hospital are considered to be of third world class conditions.

HON P CUMMING:

Mr Speaker, I would like to refer the Minister to any elementary text book that would clarify that matter for her. But it seems to me that we have to work towards a new hospital because we simply cannot cater for standards expected in Europe today with the structure of St Bernards. Would the Minister agree that it would be at least of great benefit if a separate ward was available? I would also like to ask when she last consulted the Health Authority on the desirability of, for example, extra geriatric beds or extra orthopaedic beds. When did she last consult the Authority?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we have here the hon Member saying that we need more geriatric beds, that now we need a new hospital, that now we need an orthopaedic ward, that we need more geriatric wards. Mr Speaker, as far as my Government is concerned, the improvements in the Health Authority have been second to none and anybody going into the hospitals can verify the fact for themselves.

HON P CUMMING:

Certainly, an uninformed person could, Mr Speaker, because a patient may look very comfortable. We do not actually see the transmission of cross infection. But if one goes to any hospital in England, one will not find an orthopaedic case beside a patient with an infected wound. It will just not be seen. I would like to repeat my question to the Minister, when did she last consult the Health Authority on the question of extra geriatric beds or separate orthopaedic wards?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I thought we had already done away with the geriatric wards. Mr Speaker, I am in constant touch with the Health Authority. I live there practically and the decisions that are taken there, are taken by the professionals who the hon Member at the time when we came to the elections said that the Minister was interfering with. No, Mr Speaker, this Government takes advice from professionals within the service and I am telling the hon Member, as I said in my original question, that the exercise that he is suggesting, would be of such a tremendous expense that they do not consider it to be a priority at the moment.

MR SPEAKER:

Next question.

15.3.93

NO. 22 OF 1993

ORAL

THE HON P CUMMING

Mr Speaker, will the Minister for Health Services give a progress report on the refurbishment programme at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, I will be dealing with this question during the Estimates for 1993/94 when as in previous years I will give details of the refurbishment works that have been carried out during the current financial year and the proposals for the following.

15.3.93

NO. 23 OF 1993

ORAL

THE HON P CUMMING

Mr Speaker, has a decision been made on the re-siting and enlargement of the Health Centre and when will the project commence?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Health Centre is going to be retained in its present location and during the course of the estimates debate I will give an explanation as to the refurbishment works and enlargement that will take place once the relevant floor is vacated by the Environmental Health Department.

SUPPLEMENTARY TO QUESTION NO. 23 OF L993

HON P CUMMING:

Mr Speaker, I must ask the Minister if she is satisfied that there is enough room to work at a satisfactory professional level at the Health Centre. Does she believe that the Health Centre is congested?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I am telling the hon Member is that if the top floor is taken over by the Health Authority, there will be more than ample space.

HON P CUMMING:

Is there any projected date, Mr Speaker, for this move to vacate the top floor?

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, I have already said in my answer that I will be giving an explanation during the course of the estimates debate.

HON H CORBY:

Mr Speaker, one supplementary to that one. Will the Minister tell me if for the enlargement of the Health Centre and everything to do with the enlargement of the works on the medical side of it, the professionals will be consulted.

HON MISS M I MONTEGRIFFO:

Mr Speaker, we will not be gagging anybody.

MR SPEAKER:

Next question.

15.3.93

NO. 24 OF 1993

ORAL

THE HON P CUMMING

When will the School of Nursing take in new students?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the school of nursing is engaged in in-service training, 2 courses of YTS Students, and there are still nurses completing adaptation courses leading to UKCC registration. There are also plans for Post Registration Educational Programmes, in order that our nurses meet UKCC re-registration requirements. Any decision to take in new students will depend on what is the long-term requirement, taking into account the numbers of qualified staff needed and the rate of wastage in the grade.

SUPPLEMENTARY TO QUESTION NO. 24 OF 1993

HON P CUMMING:

Mr Speaker, is the Minister aware of professional advice given many years ago when the private hospital was first mooted by the Department of Health in UK that the establishment of a private hospital in Gibraltar would drain the Government service of great numbers of qualified nurses and therefore there would be a move from having too many trained nurses to having far too few. Therefore the role of the School of Nursing was vital in ensuring that we would have enough local trained nurses in the event of the establishment of a private hospital.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I can give a commitment to the House that the Health Authority will ensure that there will be enough trained nurses but the hon Member is making another allegation as far as the private hospital is concerned because as far as we are concerned there are no news in that area.

HON P CUMMING:

Mr Speaker, it has been mooted locally on and off that a private hospital will be established.

HON MISS M I MONTEGRIFFO:

Mooted locally but like everything else....

HON P CUMMING:

But, Mr Speaker, one just cannot suddenly prepare thirty trained nurses. This is a long process.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have given a commitment to the House and if the hon Member has listened to my answer, he will know that I said that any decision to take in new students will depend on what is the long-term requirement taking into account the numbers of qualified staff needed and the rate of wastage in the grade. What more commitment than that, Mr Speaker?

HON P CUMMING:

Mr Speaker, it seems to me that the Minister is making glib commitments because she does not know what is involved in carrying out that commitment. If the private hospital goes ahead, we will then have a situation immediately whereby the hospital is drained of trained nurses. Also, Mr Speaker, I should like to ask the Minister whether this enormously beneficial opportunity for training that could be recognised in the UK is going to be denied to people in Gibraltar by having stopped the on-going training programme. All the programmes that the Minister has outlined have been going on in the past continuously together with the ongoing basic three-year training course for student nurses. The fact is that student nurses training has been stopped now for three years and there is no indication of when it may continue to carry out its true purpose.

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, I have said more than that. In my answer to the hon Member's question, I have said that we need to look at the long-term requirements and if the hon Member is suggesting that there is going to be a private hospital, when that private hospital is realised, Mr Speaker, then the Government will review the situation. I have given a commitment.

HON P CUMMING:

So, in other words, Mr Speaker, can the Minister clarify that what she is saying is to all practical extents and purposes the School of Nursing is closed down; same as the training centre was closed in GSL and this opportunity is denied to Gibraltarian students.

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, if the hon Member would have listened to my answer, he will know that the School of Nursing is very

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occupied and we have a lot of programmes that are planned. As far as the Health Authority is concerned we have a pricked programme that the hon Member will know about, so definitely it is not closed.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 25 OF 1993

THE HON P CUMMING

For what purpose was the sum of £2,282 allocated to the Nurses Registration Board in the year ended 31st March, 1991?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the expenses are in connection with the first visit from members of the Sheffield and North Trent College of Nursing and Midwifery. Further visits from the college which came about as a result of their recommendations and related to adaption courses for automatic UK registration, form a proper charge to the training vote and all subsequent expenses have been met from that subhead.

15.3.93

ORAL

NO. 26 OF 1993

THE HON P CUMMING

Does the Minister for Medical Services continue to maintain that issuing of medical reports for use in Court cases is completely outside of her responsibilities in spite of the needs of two patients who have now been waiting two years for these reports to be issued?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as I explained in answer to Question No. 187 of 1992, the issuing of medical reports continues to be outside the responsibility of the Health Authority because a report is considered to be a private arrangement between the doctor and the patient and therefore does not form part of the provision of health care. However, the doctor in question has informed the administration that the reports have now been produced.

15.3.93

ORAL

NO. 27 OF 1993

THE HON P CUMMING

Does the forthcoming closure of the Naval Hospital have any implications for the Health Authority?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, it is not possible to quantify what the implications would be following the closure of the RNH which at this stage is planned for the middle of 1994, but the matter is under discussion between the MOD and the GHA.

SUPPLEMENTARY TO QUESTION NO. 27 OF 1993

HON P CUMMING:

Mr Speaker, is there any opportunity that the Health Authority may turn this into an opportunity to actually make money?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I do not think that is the case.

HON P CUMMING:

Would the Minister tell us why because it seems a pity if the Services will need hospital services that can be supplied for a fee?

HON MISS M I MONTEGRIFFO:

But I doubt the MOD would want to hand out money to the Gibraltar Health Authority.

HON P CUMMING:

They have got to hand it out in UK plus the fare of going across.

HON MISS M I MONTEGRIFFO:

As I said in my answer, this is a matter for the negotiations that are currently taking place between the MOD and the GHA.

15.3.93

ORAL

NO. 28 OF 1993

THE HON L H FRANCIS

Does Government have any plans to privatise or contractuarise the Victoria Stadium, its management or administration or any of its facilities?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 28 OF 1993

HON P R CARUANA:

Would the Minister say what role the company VS Investments Ltd plays in relation to the public asset which is the Victoria Stadium?

HON MISS M I MONTEGRIFFO:

None at all.

15.3.93

ORAL

NO. 29 OF 1993

THE HON L H FRANCIS

Will Government say whether Gibraltar's ability to stage the Island Games in 1995 depends upon the availability of an adequate swimming pool?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, yes.

SUPPLEMENTARY TO QUESTION NO. 29 OF 1993

HON L H FRANCIS:

Mr Speaker, why has work on the pool not yet commenced since the Minister stated some time ago in the press that work would begin in March 1992 and would be completed in July 1993?

HON MISS M I MONTEGRIFFO:

I said in the last House of Assembly meeting in November 1992 that there were still pending matters that needed to be clarified between Gibraltar Homes and GASA.

HON L H FRANCIS:

Is the Minister in a position to say when these matters will be clarified?

HON MISS M I MONTEGRIFFO:

No. I am not in a position to say when but I can say that we expect that we will be able to be in a position shortly to give a statement on the matter.

HON L H FRANCIS:

Are there any other facilities which are not yet ready which are essential to the staging of the games?

HON MISS M I MONTEGRIFFO:

Not to my knowledge. I know that at present the Island Games Association are having discussions with the MOD as far as the rifle and the pistol and the clay pigeon shooting are concerned but that is a matter that I feel they are confident that they will be able to resolve.

HON L H FRANCIS:

Mr Speaker, I am sure the Government is aware of the damage that will be done to Gibraltar's image internationally if we have to cancel the hosting of these games and I would like to ask the Minister to make every effort to make sure that the pool is forthcoming if not ready in time so that the international committee will not have to reconsider the decision to give the games to Gibraltar.

HON MISS M I MONTEGRIFFO:

I agree, Mr Speaker. We are speaking about games in Gibraltar that the whole of Gibraltar will benefit from and therefore I think it is a question that everybody concerned will want to see these games go ahead and every effort is being made so that this happens.

15.3.93

ORAL

NO. 30 OF 1993

THE HON LT-COL E M BRITTO

Will Government give details of the nature of the roadworks in Waterport Road, say how long the westbound lane has been closed or obstructed and say when these works are expected to be completed?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Sir, Government is unable to give specific details of the works referred to by the hon Member since they are not being carried out by the Government or for the Government.

These works are being carried out by the Shell Company and commenced in September. The works should have been completed by the end of February. They are now due to be completed at the end of March.

SUPPLEMENTARY TO QUESTION NO. 30 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, surely the Minister cannot shrug off responsibility for what is public highway irrespective of.....

HON J C PEREZ:

I am not, Mr Speaker. I have told the hon. Member that the works started in September; they were due to be completed at the end of February. That is the time they had allotted. They have asked for an extension and the works are now to be completed by the end of March. They are extensive works resulting out of the leak of fuel in the North Mole. They have to go very deeply; it is a very difficult area and, regrettably, for the works to be carried out, the road needs to be closed and different traffic arrangements need to be made. It is essential that the works be carried out and they are being carried out as speedily as the company can possibly do them. We are satisfied that there is no undue delays because the company is dragging its feet; it is just that the works that need to be carried out are different. What I cannot give is specific details because they are not works being carried out by us. We have given the permission for them to be done and the company is doing everything in its power to do them as quickly as possible.

15.3.93

ORAL

NO. 31 OF 1993

THE HON LT-COL E M BRITTO

Will Government say why a large rusty pipe has blocked for a considerable period of time the road access to Varyl Begg Estate from the reclaimed land in the area of Europort?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Sir, the road referred to by the hon Member has been blocked to regular traffic because further works need to be carried out in the area before it can be opened. The road also needs to be declared public highway.

SUPPLEMENTARY TO QUESTION NO. 31 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, the Minister is saying that the road is blocked. Traffic actually uses the road; the pipe has been moved in such a way that cars can go backwards and forwards.

HON J C PEREZ:

I am not saying that the road is blocked. The hon Member is saying in his question that the road is blocked by a rusty pipe and I am confirming that the rusty pipe is there blocking the highway. If people can go round the rusty pipe and get through, fine. They should not be doing it. I have sent my people down there to put an appropriate notice to block the road.

HON P CUMMING:

What is the purpose of blocking that road?

HON J C PEREZ:

I have already told the hon. Member the purpose.

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HON P CUMMING:

Mr Speaker, there is no apparent purpose whatsoever. The road is ready and people are using the road by passing round the obstacle. Is the Minister aware that this is a total eyesore? It gives the impression of total neglect. It only obstructs the traffic really at night because people are used to the idea that it is semi-closed and they park right across the middle of the road; but during the day the pipe has been moved across parallel to the side of the road and people are driving both sides during the day. If the Government for some real reason wants to close the road it should be closed in a more normal civilised way; some notice or traffic sign. The pavements are there. Everything is in place.

HON J C PEREZ:

Mr Speaker, if it gives the impression of neglect it only follows the third world atmosphere that the hon Member wants to create of the Gibraltar we love so much, so he should be pleased. In any case, there are a lot of things that need to be put right there. The works in the area; the road, the footpath, the plant areas have not been finished. I will express to the people concerned with the development and the people involved in the roadworks the concern of the hon Member and it might be that they block the road in a different manner to the satisfaction of the hon Member.

15.3.93

ORAL

NO. 32 OF 1993

THE HON L H FRANCIS

Do the plans for a garage complex at Moorish Castle involve breaching or in any way damaging any historic wall or monument?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Yes, Sir, the plans submitted to the Development and Planning Commission for the construction of a car park and access road do envisage a breach in the historic wall referred to by the hon. Member.

Full account of the views of the Gibraltar Heritage Trust was taken into account at the time of the deliberations of the Commission but it was felt that the acute traffic and parking problems in the area override any other consideration on this matter. The representative of the Trust was present at that meeting.

SUPPLEMENTARY TO QUESTION NO. 32 OF 1993

HON L H FRANCIS:

Presumably the Heritage Trust advised against the breaching?

HON J C PEREZ:

Yes, the Heritage Trust has advised against and is against it but they have a voice in the Commission, not right of veto.

15.3.93

ORAL

NO. 33 OF 1993

THE HON F VASQUEZ

How much water and electricity has been fed into the local water supply or electricity grid as a result of the operation of the new refuse incinerator?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES(

Mr Speaker, since the incinerator commenced operations, 4,226,400 units of electricity and 80,489 cubic metres of water have been received by the Generating Station and Lyonnaise des Eaux (Gibraltar) Limited respectively.

SUPPLEMENTARY TO QUESTION NO. 33 OF 1993

HON F VASQUEZ:

Can the Minister confirm that in fact there have been problems with the electricity supply; there was a delay in the connection of the electricity supply?

HON J C PEREZ:

There has not been a delay in the connection of the electricity supply; there have been operational problems with both the water and the electricity. The amount that needed to be supplied has not been supplied because the operators of the incinerator have had difficulties in meeting their contractual obligations.

HON F VASQUEZ:

Can the Minister explain, now that we have this additional source of electrical power, why we are still getting power cuts? I remember the Minister saying that we should never have to suffer power cuts again.

HON J C PEREZ:

I am not sure that the latest power cuts have anything to do with that but I know that some of the power cuts that we have been having had had to do precisely with the non-continuous nature of the supply. That is to say, that once the power comes into the grid, if the power, because the

heat in the incinerator, goes down and the power supply falls to a level that it cannot sustain the level that it should then there is an automatic power cut and that has been the bone of contention between the generating station and the operators and owners of the incinerator. We have now come to a situation where they are being able to have a continuous supply and the situation has been improved tremendously. This is one of the sources of the problem concerned. They were not maintaining the same calorific value and the same level of power that was necessary for us to take the electricity as contained in the contract between the Gibraltar Government and In Town Developments Ltd.

HON F VASQUEZ:

For the benefit of the layman, can the Minister please indicate what proportion of the local generation of power is from the power generated from the incinerator and is the Minister satisfied that we are not going to have any recurrence of these problems that create such difficulties for the consumer?

HON J C PEREZ:

No, Mr Speaker, I am not satisfied that we are not going to have the same problems. Indeed I did not confirm that this was the only source of problems of power cuts. We are having power cuts for a number of reasons. We can have an engine breaking in Waterport Power Station and the capacity of the engine is pulled out of the grid and therefore there are power cuts because there is insufficient capacity to meet the demand. This is a minimal part of the capacity. This only supplies at any given time 2 megawatts of electricity and the daytime level is near the 18 megawatts to sustain the whole of Gibraltar. Any shortcomings in any of the supply points could affect different areas at different times. I am saying that although this has been part of the problem, it seems that they have resolved this particular problem now and we are having a continuous supply from the incinerator. The minor power cuts that have taken place are of a different nature from faults in the generating station itself given that No. 3 engine is out of commission as a result of the big burst that it suffered some months ago and is under repairs at present. There are also infrastructural cables being put in to take in supply from OESCO Power Station through more than one route.

HON F VASQUEZ:

Mr Speaker, it comes as some surprise to the Opposition that there are various problems that have been causing the power cuts that Gibraltar has been experiencing intermittently over the last few months. We all recall in

the years of the previous administration we had a constant series of power cuts and at least what could be said to the previous administration is that one always knew what the problem was. It was unfortunate that the problem was so common but one was always told at least - engine No. 12 at the generating station has broken down or whatever. Will the Minister undertake in future to at least keep the consumer informed as to what is going on and why he is suffering these intermittent power cuts?

HON J C PEREZ:

Mr Speaker, the hon. Member is certainly a layman in more than one thing on this one. The consumer cannot be informed unless one is planning a power cut but if all.....

HON F VASQUEZ:

Mr Speaker, the Minister has misunderstood the question.....

HON J C PEREZ:

Mr Speaker, I am speaking now. The hon. Member can wait his turn. The other thing is that the information that the hon. Member has sought is the amount of electricity and water from the incinerator. If he wants a full explanation of the problems of the power cuts in the generating station he can ask at the time of the budget or he can write to me and I will get the City Electrical Engineer to explain it to the layman that he is and he will get the technical explanation which he can then verify with his technical expert and then come back and raise it in the House. I am not prepared to get into a debate on the reliability of power in Gibraltar over a question on how much power and water we are getting from the incinerator. This, Mr Speaker, is I presume what you pointed out earlier in the debate was the incorrect procedure of the Opposition in dealing with questions in this House.

MR SPEAKER:

Right, we have drifted away from the question. I will allow the hon. Member one last question but we must not drift away. We are concerned with how much water and electricity has been fed into the local water supply and the electricity grid as a result of the operation of the new refuse incinerator. We have wandered away from there and I have allowed it because I think it is a matter of public interest but there is a limit to how far we can go.

HON F VASQUEZ:

I am very grateful, Mr Speaker. I just want to clarify the supplementary that I put to the Minister because he seems to have taken as that I am asking him to tell me before the breakdown why the breakdown has occurred. The question is very simple. I think, Mr Speaker, and most reasonable people think that he as Minister responsible for the generation of electricity in Gibraltar owes it to the consumer to explain to them what is going wrong with the supply of the electricity. And I mean.....

MR SPEAKER:

Would you put a question now?

HON F VASQUEZ:

Yes. The point is this. Will the Minister in future have the decency of telling the consumer why the supply has broken down when it does so?

HON J C PEREZ:

Mr Speaker, I conduct my affairs decently all the time. There is no need for the hon. Member to refer to that aspect of the situation. Let me say that the hon. Member shall get a full explanation of the minor problems that have been affecting the electricity supply in the last few months at the time of the budget and if he had put a relevant question he would have got an answer at this House but the question was not relevant. I will get the information for him and give an explanation at the time of the budget with comparisons with what the electricity supply was like for the last fifteen years and what it is like today.

15.3.93

ORAL

NO. 34 OF 1993

THE HON F VASQUEZ

Can Government confirm that Gibraltar is producing insufficient rubbish to maintain the new refuse incinerator and that the operators of the incinerator are having to import fuel to keep the incinerator burning?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Yes, Sir, although Government is not answerable for the company that owns and runs the incinerator, Government is aware of the situation as defined in the question of the hon Member.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1993

HON F VASQUEZ:

The question is asked for informational purposes, Mr Speaker. Does this importation of material for the burning of the incinerator in any way impact on Government in what they have to pay for the electricity generated or water produced? Is there any consequential expense to Government?

HON J C PEREZ:

Mr Speaker, the importation of the fuel was envisaged at the time the contracts were made and therefore were taken into account in the price quoted to the Government at the time. There has been no change from that situation.

15.3.93

ORAL

NO. 35 OF 1993

THE HON P R CARUANA

Mr Speaker, what financial provision does Government intend to make for GBC in the forthcoming financial year and has Government imposed any deadline on GBC to come up with a restructuring plan acceptable to Government?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

As stated during the debate in the House recently, the subvention for GBC for the coming year will not exceed the sum of £570,000. Government has not imposed any deadline on any party but is still awaiting proposals from those that have shown an interest in putting these forward for consideration.

SUPPLEMENTARY TO QUESTION NO. 35 OF 1993

HON P R CARUANA:

Mr Speaker, will the Minister say on what basis GBC is currently meeting its expenses on a month to month basis?

HON J C PEREZ:

On the basis of extra cash having been made available over the £570,000 for the year 1992/93 and as I said in the previous meeting of the House, over £200,000 on top of the £570,000 had already been allocated to that figure.

HON P R CARUANA:

Does the Minister agree or accept that it is unsatisfactory that GBC should be dependent for Government finances on such an immediate hand to hand basis as opposed to being in the hands of this House for an annual subvention which is what the position used to be? We have moved from that position to one where in effect the Government is feeding GBC with the money that it needs to continue almost on a month to month basis. Will the Minister agree that that is not satisfactory?

HON J C PEREZ:

Mr Speaker, I do not agree under the present circumstances given that the previous Financial and Development Secretary was a member of the board at his own will, wanted to scrutinise the expenditure of GBC in a way which made them more accountable for the money that they were getting. Therefore the way the subvention has passed on to GBC has been such as to reflect the wishes of the Financial and Development Secretary.

HON P R CARUANA:

Mr Speaker, I do not treat GBC as a Government department but during the debate that this House recently had on GBC, the Minister did. He said GBC was not going to be different from any other Government department on the question of finances. Does the Minister not agree that there is no Government department that is expected to continue to provide the same service, keep the same cost overhead structure yet continue to do all of that on annually decreasing budgeted revenue and that that is in effect what the Government expects of GBC?

HON J C PEREZ:

No, Mr Speaker, I do not agree with the hon Member as publicly stated positions in the debate we recently had. He has an opinion and I have another one on the matter. I do not agree that Government departments are immune to that scenario. I do not agree that I have said that GBC should be run like a Government department. What I have said is that GBC is no different in terms of financial scrutiny and keeping to a budget. There are Government departments that need to keep to a budget and GBC is expected to keep to the budget. The Government have not asked GBC to keep maintaining the same service; what I have asked GBC to do is to keep the cost of the operation down to a financial level. Whether they decide to do that by decreasing the service or by raising revenue in the private sector is up to them but I have not asked them to provide the same service for the same money.

HON F VASQUEZ:

Mr Speaker, we have heard from the Minister that the Government have supplemented last year's subvention; can the Minister clarify whether that supplementary subvention last year is in any way on account of this year's subvention or is this year's subvention something completely separate?

HON J C PEREZ:

This year's subvention is something completely separate.

15.3.93

ORAL

NO. 36 OF 1993

THE HON H CORBY

Is Government now in a position to say when Calpe House will open and what has been the total cost of the refurbishment?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Sir, the trustees of Calpe House have recently informed the Government that they now expect the building in London to be opened and fully operational in May.

During the different stages of construction, the surveyor of the Westminster Council has insisted that a variety of works related to new building regulations in the United Kingdom be carried out. This has dramatically increased the amount of works and the cost of the repairs.

As far as the cash of the refurbishment is concerned, we have been informed that some £200,000 has already been spent. The Calpe House Trust will shortly have ready audited accounts which, I am sure, they will make available to Members of the Opposition as indeed to any other member of the public that would want to inspect them.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1993

HON P R CARUANA:

Mr Speaker, would the Minister say how much Government funds, excluding donations from members of the public, have been invested in Calpe House to date?

HON J C PEREZ:

The same as was the case when we brought it to the House at the time the payment was made. There has not been any extra cash given to Calpe House other than £650,000 approved by this House. To insinuate otherwise is ridiculous. The hon. Member could have seen it in the Estimates.

HON P R CARUANA:

There was a time when the hon. Member could have seen it in the Estimates, Mr Speaker, but given the use that is now made of companies and special funds in particular, I would not have necessarily seen it in the Estimates. Public funds do not come only from the Consolidated Fund.....

HON J C PEREZ:

That is a shortcoming of the hon. Member, Mr Speaker.

HON P R CARUANA:

The intervention is irrelevant. The fact of the matter is that to the extent that the Minister attempts to cause this House to believe that if the Government had paid additional public funds into Calpe House, I would necessarily have seen it in the Estimates and therefore if I am asking the question it is either because I have not looked at the Estimates or do not know how to read the Estimates, that he is misleading the House; because not all public funds are now to be found in the Estimates of Revenue and Expenditure. Therefore my question remains legitimate and is not calculated to suggest that they are paying public funds without accounting for it; simply that they might be paying it from a different source to that from which the original funds came. Does the Government expect to have to assist the Trust financially with the annual costs of running Calpe House or is the original plan that it would be run from the Trust's own income still the target?

HON J C PEREZ:

As far as I know there has been no changes to the original plan. The trustees have not made any comments on that.

15.3.93

ORAL

NO. 37 OF 1993

THE HON LT-COL E M BRITTO

Will the Minister for Government Services make a statement regarding his visit to the General Assembly of the World Teleport Association held in Seville from 7th to 10th February, 1993?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Sir, the visit to the General Assembly of the World Teleport Association was made in my capacity as Chairman of Gibtel and I am therefore unable to disclose the details of the many commercial contacts and meetings that were held in the forty-eight hours that I was in Seville.

15.3.93

ORAL

NO. 38 OF 1993

THE HON L H FRANCIS

Has Government identified a use for the old St Joseph's Schools buildings in Scud Hill and Witham's Road?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1993

HON L H FRANCIS:

Mr Speaker, have any proposals been received and is it envisaged that the properties will go out to tender when a decision is made?

HON M A FEETHAM:

No decision has been taken, Mr Speaker.

INTERRUPTION

HON M A FEETHAM:

No, Sir.

HON P R CARUANA:

The supplementary was whether any proposals had been received and whether the properties would go out to tender. Can we understand then that the amended answer which is now "No, Sir" applies to both parts of the supplementary?

HON M A FEETHAM:

Yes, Sir.

15.3.93

ORAL

NO. 39 OF 1993

THE HON LT-COL E M BRITTO

What are Government's intentions regarding development and use of the site of the former Gibraltar Regiment Officers' Mess on Buena Vista Road?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, no decision has yet been made.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, have any proposals been received?

HON M A FEETHAM:

Yes, Sir.

HON LT-COL E M BRITTO:

Mr Speaker, would the Minister give us, in broad outline if he cannot do it in detail, some sort of indication of what is being considered?

HON M A FEETHAM:

No consideration has been given at this stage.

HON LT-COL E M BRITTO:

Is there an intention of putting out any projects to tender?

HON M A FEETHAM:

I have already said that no decision has yet been made because we have not given it any consideration to proceed down that particular course.

15.3.93

ORAL

NO. 40 OF 1993

THE HON LT-COL E M BRITTO

What are Government's intentions regarding development and use of the site of the old Refuse Destructor on Devil's Tower Road?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the area is to be used for the re-siting of the lorries at present parked at the reclamation area off Eastern Beach.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1993

HON P R CARUANA:

Is it still the Government's plan to deindustrialise Devil's Tower Road?

HON M A FEETHAM:

It has been a declared policy in accordance with my development plans which I published in 1990. How long it will take is a matter of opinion.

15.3.93

ORAL

NO. 41 OF 1993

THE HON L H FRANCIS

To what use has the old Technical College in Queensway been allocated?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the building in question belongs to the Ministry of Defence.

15.3.93

ORAL

NO. 42 OF 1993

THE HON F VASQUEZ

How much accommodation has the Government of Gibraltar, or any department thereof, rented in Europort and what is the cost of such accommodation?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, there is no change to the answer given to Question No. 71 of 1992.

The rental agreement for accommodation agreed to is as was made clear at the time that the announcement was made. The cost is a commercial matter.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1993

HON F VASQUEZ:

Mr Speaker, in 1988 the Chief Minister, then the Leader of the Opposition, made an attack on the previous administration because they rented certain commercial accommodation at Seclane House and Leon House for Government Departments. We now see this administration doing exactly the same. What is the difference between the AACR taking offices at Seclane House and Leon House and the GSLP Government taking offices in Europort?

HON CHIEF MINISTER:

Mr Speaker, the difference is that we were much better at being in Opposition than they are and we are much better at being in Government than the AACR was.

HON F VASQUEZ:

Mr Speaker, what sort of an answer is that? I see no difference, the GSLP criticised the AACR Government for taking offices commercially and now they are doing exactly the same. Can the Chief Minister or the Minister for Trade and Industry please explain how the change of philosophy has come about?

HON M A FEETHAM:

Yes, Mr Speaker, I will do very clearly. Seclane House is a freehold property which was built by the landlord for offices. In Europort, as a result of the deal done by the Government, the investment group paid the Government round about £11 million for the land upon which the Europort is built apart from the fact that it brought to Gibraltar the biggest investment in the history of Gibraltar or in the history of Denmark which cannot be taken away from Gibraltar. It is as a result of that that, as part of the agreement, we should take 'X' square metres which is negligible in terms of what we are paying for the office to the huge investment that has been done here. And what we got out of it paid for the entire reclamation; I would say that we are doing a better job than the AACR did when they came to rent Seclane House.

HON F VASQUEZ:

The fact is, Mr Speaker, that the taxpayer in Gibraltar is having to pay enormous sums of money to have Government Departments in private developments when there is ample accommodation available rent free to the Gibraltar Government. So where is the logic in that and what is the savings to the taxpayer?

HON M A FEETHAM:

The logic of that was that it was a token gesture on the part of the Government as part of the agreement reached with the investors group at the time we negotiated the bringing of the Europort to Gibraltar and for the disposal of the land which incidentally is to the benefit of the taxpayer of Gibraltar because it paid the entire reclamation. So therefore I would say that that is a very good deal which I am very proud to be associated with, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, is it Government policy to rent accommodation in order to help private developers at the expense of the taxpayer?

HON M A FEETHAM:

No, Sir; unless of course there is another major investor that wants to put in another £140 million into Gibraltar out of which the Government is going to make another £11 million for disposal of land. I may give it further consideration. At the moment it does not appear to be like that.

15.3.93

ORAL

NO. 43 OF 1993

THE HON F VASQUEZ

Does the Government of Gibraltar or any department thereof intend to rent any area of the New Harbours Development? If so, how much, for what purpose and at what cost?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 43 OF 1993

HON F VASQUEZ:

Thank goodness for that, Mr Speaker.

15.3.93

ORAL

NO. 44 OF 1993

THE HON H CORBY

Following his answer to Question Nos. 82 and 223 of 1992, will the Minister for Trade and Industry say what steps he has taken to publicise the existence of the Consumer Protection Unit at Waterport under the Collector of Customs and when does he intend to relocate the unit to a central point in town?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, I expect to be in a position to report progress on this matter when the Estimates of Expenditure for 1993/94 are presented later in this meeting.

SUPPLEMENTARY TO QUESTION NO. 44 OF 1993

HON H CORBY:

Mr Speaker, in as far as the publicity of this unit; it does not take the Estimates to publicise the telephone number and where people can now go and put in their claims. It is not to do with the Estimates but the publicity of it which has taken quite an amount of time, and which was promised by the Minister, but has never materialised.

HON M A FEETHAM:

Mr Speaker, it is clear that as far as Gibraltar is concerned most people know by the number of times that this matter has been aired where the consumer protection unit is housed. There is no doubt about that. But, as I said, when I present the Estimates, the whole future of the housing of the long-term consumer protection unit is going to be announced and what will be done in terms of signposting etc; on a more permanent basis.

15.3.93

ORAL

NO. 45 OF 1993

THE HON F VASQUEZ

What steps does Government intend to take to relieve the continuing chaos at the Companies Registry?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Opposition Member put the same question three months ago. The answer remains broadly as stated then. Furthermore, the whole question of the Companies Registry continues to be under active consideration on an on-going basis.

Whether chaos has or exists continues to be a value judgement.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1993

HON F VASQUEZ:

Mr Speaker, the Minister says the same question was put but there is a significant change in the question and that is the reference to continuing chaos because three months ago we were told that the matter was under review and three months later the matter is exactly as it always was and the chaos continues to reign at the Companies Registry.

HON M A FEETHAM:

It is a value judgement.

HON F VASQUEZ:

That might be a value judgement. It is certainly the experience of anyone who has any professional contact with that registry. The fact is that the Companies Registry, as presently operated, makes a mockery of our claims of having a well ordered, professional finance centre. We are faced time and time again with individuals and institutions from overseas who instruct professionals locally to carry out searches of companies in Gibraltar and we have to report back that it is impossible to conduct a search of that particular company at the Companies Registry because the Companies Registry does not have the staff available to make that file available for a search.

2.

It makes a mockery of the whole working of the Companies Registry. It is a matter which is screamingly urgent now. It is discrediting the whole jurisdiction and I want to know what the Minister is doing about this in concrete terms to stop this at once and make sure the Registry works as it should?

HON M A FEETHAM:

Mr Speaker, we have put into the Companies Registry precisely what the Registrar has asked us to do in terms of staffing. My colleague went into long details in response to the question by the hon. Member three months ago. What I have said is that since then I have continued to look at this closely. I am already in the process of making some decisions in the light of the review that I am doing and I am greatly helped by the views that have been expressed by the hon Member in terms of the urgency required and he will see that the decision I will make in due course will benefit what he is saying. I still say that I think he is using extra strong language but of course it is the prerogative of the Opposition to do that.

15.3.93

ORAL

NO. 46 OF 1993

THE HON P R CARUANA

Does the Government consider that the Gibraltar National Airline which it intends to establish, will be commercially viable and what steps has the Government taken to ensure that the Airline will have adequate technical and safety resources available to it?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the viability of the route from Gibraltar to Lisbon cannot be ascertained unless it has been established and according to the experience of other airlines operating new routes it is extremely rare for such operations to become viable as soon as established. Air Gibraltar has been created to carry the commercial risk and promote new air links to enhance the wider economic and political objectives of developing Gibraltar.

The technical operational side is ensured by the use of an existing EC licensed air carrier which would have an automatic right to fly to Gibraltar if our airport had not been excluded from the 1992 Regulations which exclusion we are challenging in the European Court of Justice. The position as far as the Government can ascertain is that the main deterrent to new flights is not the failure to apply the EC Regulations to Gibraltar but the commercial risk. It is this commercial risk which Air Gibraltar is assuming to promote greater use of the Gibraltar airport.

The service would be using an aircraft leased from the Falkland Islands Government Air Service by the Portuguese carrier and which is fully within the parameters of the 1983 Regional Air Services Directive which both UK and the Commission maintain still applies in the case of the Gibraltar airport.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1993

HON P R CARUANA:

Mr Speaker, would the Minister say whether it is the Government's intention to continue to nominate Ministers to represent the Government's interests in that company and will he say, just for peace of mind, if the commercial arrangement related to the deal with operators squarely

2.

places on Government's partners in this venture responsibility for those aspects of operating an airline which may be beyond the scope of the Government of Gibraltar in terms of technical resources, safety, aircraft maintenance and things of that kind?

HON M A FEETHAM:

Mr Speaker, it continues to be the policy of the Government to appoint Ministers to companies which in the judgement of the Government should have ministerial representation. I can say that as far as the carrier is concerned, the advice that I am given is that the carrier will be required to maintain the aircraft in an operational condition and in accordance with any requirements of the Civil Aviation Authority or the Department of Transport. The carrier will be required to obtain a comprehensive insurance cover with an insurance office of repute approved by the CAA covering all usual public and private risks associated with an airline operation and the carrier will have - and is already being approved by the relevant authorities - adequate technical and safety resources available to it.

HON P R CARUANA:

From the answer I assume that when the Minister says carrier he is referring to the partner?

HON M A FEETHAM:

That is right.

15.3.93

ORAL

NO. 47 OF 1993

THE HON F VASQUEZ

Can the Government explain the nature of the investment from China it is attempting to attract to Gibraltar and the type and number of jobs it is expected that this will create in the local economy?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the basis of the Memorandum of Understanding reached with the Chinese delegation has already been made public.

It would be premature to anticipate results at this stage, even more so to start forecasting job creation.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1993

HON F VASQUEZ:

Perhaps then the Minister can try and explain to this House what exactly it is that he has been marketing to China and what it is that we have to offer the Chinese? What sorts of things are the Chinese looking to Gibraltar to provide?

HON M A FEETHAM:

Mr Speaker, that has already been made public in a very adequate manner. Copies of the Memorandum of Understanding in relation to the trade fair etc has been circulated to the press. It has been circulated to businessmen in Gibraltar through the GIDP. It is public knowledge so I do not really need to repeat it again in the House.

HON F VASQUEZ:

We had similar laudatory sort of reports of previous ministerial contacts and visits to South Africa, Thailand, Vietnam, Latvia, the Falklands, etc. I am not aware personally of a single job that has been created in Gibraltar as a result of any of those visits. I do not see any Latvian, South African, Thai, Vietnamese or Falkland companies established in Gibraltar. Are we to expect then that this latest venture with China is going to be any more successful than those previous ones?

HON M A FEETHAM:

It is a very simple answer, Mr Speaker. If one does not try one does not achieve anything. As far as we are concerned, what we want to do is to attempt to bring into Gibraltar international business from areas where we feel business can be created; where Gibraltar can provide services and if one does not go out one never achieves anything. The attitude the hon. Member takes of course is that he is quite happy to sit in his legal office up to 5 o'clock, get on his bike and go off to Sotogrande.....

MR SPEAKER:

Order, order. Let us not become personal on these matters. We are discussing now what advantages really are we going to have from China. I think we can say we are not going to export rice to China. One more question and that is it.

HON F VASQUEZ:

I certainly would not, when I become Minister for Trade and Industry in Gibraltar, stay until 5 o'clock and then go to Sotogrande. No Member of the Opposition owns a property in Sotogrande, I wonder if the same is true of the Members of the Government, Mr Speaker. I will deal with that in due course. The fact is this. Time and again this House is subjected to those crone reports of these fantastic contracts of business opportunities that have arisen and how marvellous all these trips being paid for by the taxpayer to these foreign countries, are. At the end of the day the bacon is not brought home. Are we to expect.....

MR SPEAKER:

I think the Minister has given you the answer already. He does not know but he is trying. We cannot go on round the same buoy. That is it. That is the answer and I will not take any more questions except this one from the Leader of the Opposition.

HON P R CARUANA:

It is related to this issue but of course it is of general application. I concur with the view expressed by the Hon. Mr Vasquez. I think it is becoming increasingly dangerous for Government Members to continue to make ironical references to Sotogrande. The time will come when the irony will come home to roost. Can the Minister accept from me that the Opposition is not disqualified from asking

questions about a matter of public interest in the House simply because there have been reports about it in the press, because he cannot at one and the same time criticise us for relying on press reports as the basis for our questions and then say he cannot understand why we are asking the questions because the matter has already been widely reported. Either the press is or the press is not a valid basis upon which the Members of this House can ask questions.

MR SPEAKER:

Let us put that right. It is not a matter of not asking a question on something that has appeared in the press. What is not allowed is to ask Government to say whether that was accurate or not unless the statement has come from the Government itself or from a Minister. But certainly no one can stop Members asking questions from something that has appeared in the press.

HON P R CARUANA:

Mr Speaker, I am very glad. My comments do not refer to any ruling that you have made but in answering the question of my hon. friend Mr Vasquez, the Minister started with the general introductory words that this matter has already been widely publicised.

HON M A FEETHAM:

Mr Speaker, it is more than that. I circulated officially a statement. Therefore a statement has been made publicly by the Government. I even went on a television interview explaining the purpose. The whole memorandum was published. So therefore if the memorandum is published because it is circulated by the Government Department to the press and is there it must be because it has come from us. So therefore the information has been adequately covered in the press. If the hon. Member wants to know the areas once again.

(UNIDENTIFIED)

No.

HON M A FEETHAM:

Then do not ask the question.

HON P R CARUANA:

No, no but, Mr Speaker, this raises the point. If one reads a story in the press of all the wonderful things that the Government is supposed to be doing, we do not know whether it is based on journalistic licence; whether it is based on journalistic speculation or whether it is based on a statement issued by the Minister. Unless the press says that everything that follows from now on has been said because the Hon. Michael Feetham has issued a statement, we do not know whether it is just a speculative press report. Therefore it cannot be had both ways. Either the press is a public record for the purposes of the rules of this House or it is not. We cannot have it thrown in our face, I would ask the Minister to accept, we cannot be criticised for relying on the press one moment and then criticised for not relying on it the next.

MR SPEAKER:

In that you are referring to the Government?

HON P R CARUANA:

Yes.

MR SPEAKER:

As far as the Chair is concerned, the Opposition is entitled to ask questions as to the veracity of any statement that may appear in the press. But they cannot compel the Government to say whether that is correct or incorrect because it is not their business. Now as regards the Minister; if the Minister is interested in the Opposition knowing exactly and does not feel that there is any need to repeat perhaps he can send them a statement.

HON CHIEF MINISTER:

Mr Speaker, let me put the position of the Government so that we can get to the bottom of this once and for all because that will be the policy that we adopt irrespective of the nature of the area. As far as we are concerned, we answer questions in this House to provide information; that is what question time is for. The Standing Orders of the House say that if the information is public, we do not have to answer questions in the House because the Opposition Members can obtain the information for themselves from something that is public.

MR SPEAKER:

It has got to be accessible documents.

HON CHIEF MINISTER:

Absolutely, that the Memorandum of Understanding reached with the Chinese delegation has been made public is the answer given. What the Minister has said is that he is not going to repeat in this House what there is in the Memorandum of Understanding. If what the Opposition want is us to speculate as to whether as a result of that Memorandum of Understanding we will be successful in attracting new investments and new jobs, then the answer is that that requires a crystal ball which do not possess and therefore we do not know whether our efforts to attract investment and create jobs will succeed 100 percent, five percent or not at all. What we do know is that a year ago, in January 1992, we made clear in our election manifesto that the primary thrust of the policy of the Government would be to spend a lot of effort and time and money promoting Gibraltar in order to attract investment. Therefore we asked for a mandate to do that; we got it and we are trying to do it. The hon. Member can say we are failing to achieve the results we would all like. Well maybe we are. Maybe it is because we are not doing enough and we need to do more but it seems to me that the criticism is that we are doing too much. That is a matter which can be debated by bringing a substantive motion any time they want on that; on the houses in Sotogrande or on any other thing they care to bring out. We are ready.

HON P CUMMING:

Mr Speaker, can I ask a supplementary?

MR SPEAKER:

Yes.

HON P CUMMING:

Is it not true, Mr Speaker, that China is a communist country and therefore there are no private rich businessmen to invest in Gibraltar? If the Chinese Government does not decide to invest there will be no investment?

MR SPEAKER:

We cannot drift away now as to the policy of the Chinese Government. We have no authority in this House to look into that. Next question.

15.3.93

ORAL

NO. 48 OF 1993

THE HON P R CARUANA

Has the Government accepted Baltica's invitation to discuss a plan for Baltica and Gibraltar Government to lobby the Danish EC Presidency jointly?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, no such invitation has been put to the Government.

SUPPLEMENTARY TO QUESTION NO. 48 OF 1993

HON P R CARUANA:

Is the Minister not aware that the invitation is an open and public invitation communicated to him in that great accessible public record called the Gibraltar Chronicle?

HON M A FEETHAM:

No, Mr Speaker.

HON P R CARUANA:

Can I recommend that the Minister reads it? Interesting invitations are often communicated through its pages. On a more serious view, if the Minister will accept just for the time being that it has been publicly reported that that offer has been made, will he agree that it is potentially interesting; deserves consideration to be taken up given that the presidency of the EC is always an institution worth lobbying?

HON M A FEETHAM:

Mr Speaker, we know that it has not been made.

15.3.93

ORAL

NO. 49 OF 1993

THE HON F VASQUEZ

Is Government aware of any proposals that may result in the termination of building components manufacturing in Gibraltar with a consequent loss of jobs in the local employment market?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government is aware of the efforts being made to keep continuity in the production of building components. Whether the company is successful remains to be seen.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1993

HON F VASQUEZ:

Can the Minister say how many people are employed in that factory?

HON M A FEETHAM:

I would say, at the moment, about eighteen.

HON F VASQUEZ:

If, God forbid, that manufacturing industry finishes in Gibraltar in the not too distant future, is the Minister aware of any.....

MR SPEAKER:

That is a hypothetical question and we cannot accept hypothetical questions.

15.3.93

ORAL

NO. 50 OF 1993

THE HON F VASQUEZ

Does the Government have any plans for the future marketing of Gibraltar with the Gibraltar International Business Development Board and what role does the Minister for Trade and Industry intend to play in that body?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the hon Member was present when the future of the Gibraltar International Business Development was recently discussed.

Until that is decided it would be premature to discuss future plans.

SUPPLEMENTARY TO QUESTION NO. 50 OF 1993

HON F VASQUEZ:

Can the Minister confirm that it is his intention to take over the running of that board and absorb that board into his department; the Department of Trade and Industry?

HON M A FEETHAM:

Mr Speaker, the question relates to "Does the Government have any plans for the future marketing of Gibraltar jointly with the Gibraltar International Business Development Board....."

HON F VASQUEZ:

"Jointly" does not appear in the words.

HON M A FEETHAM:

In mine, I am sorry, it says "jointly". As far as we are concerned, the hon Member is fully aware of what I said very publicly - in front of about thirty-four businessmen - in Gibraltar about how I felt about the situation. We all went away to reflect on the situation and then we would have another meeting to discuss it. I do not think we ought to be publicly debating this issue.

HON F VASQUEZ:

Mr Speaker, I wonder whether that is the correct..... The fact is the Minister has publicly expressed a view as to Government policy in this respect and I want the opportunity of questioning the Minister as to that in this House. So the question remains what role does the Minister intend to reserve for himself in that body for the marketing of Gibraltar? Could he please explain that to the House? Obviously he has a policy whether the Board has agreed to implement it or not is another thing.

HON M A FEETHAM:

Therefore, I cannot really determine what role I am going to play unless some people decide whether they feel they can go along with what I have expressed to them. Until I have got that feedback I really cannot sit down and say that this is the way forward. But they know how I think. They know what my policies are and if they are prepared to support them; fine. If they are not prepared to support them we will go it alone. That is the simple message.

15.3.93

ORAL

NO. 51 OF 1993

THE HON M RAMAGGE

What alteration has there been in the last three months in the 50/50 scheme as it applies to the Brympton project?

ANSWER

THE HON THE MINISTER FOR HOUSING

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1993

HON P CUMMING:

Mr Speaker, is it not true that the granting of the 50/50 has become increasingly arbitrary and therefore left to the personal decision of the Minister without reference.....

MR SPEAKER:

We are drifting completely from the question which asked "What alteration has there been in the last three months in the 50/50 scheme as it applies to the Brympton project?" First of all it has got to relate to the Brympton project and to the 50/50 scheme.

HON P CUMMING:

Mr Speaker, in the Brympton project, has not the granting of the 50/50 become increasingly arbitrary and therefore the personal gift of the Minister without regard to a public policy?

HON J L BALDACHINO:

No, Sir.

15.3.93

ORAL

NO. 52 OF 1993

THE HON M RAMAGGE

Mr Speaker, what progress has Government made in remedying the water penetration and condensation and other problems at the Queensway temporary housing units?

ANSWER

THE HON THE MINISTER FOR HOUSING

Mr Speaker, three blocks out of four have been completed. The remaining block is estimated to be completed by the end of the month.

The information that I have through the PTO responsible for the Queensway temporary units is that the tenants are satisfied with the works that have been carried out in relation to the problem of condensation.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1993

HON LT-COL E M BRITTO:

Is it the intention of the Government to decant the residents of these temporary housing units into Gib 5?

HON J L BALDACHINO:

Mr Speaker, I have already given an answer. There is another question following this one which I intend to answer and therefore I will answer when we come to Question No. 53 of 1993.

15.3.93

ORAL

NO. 53 OF 1993

THE HON M RAMAGGE

Will Government confirm that Gib 5 will be allocated on a rental basis?

ANSWER

THE HON THE MINISTER FOR HOUSING

Mr Speaker, the position is still as stated by my hon colleague, the Minister for Trade and Industry, in answer to Question No. 213 of 1992.

SUPPLEMENTARY TO QUESTION NO. 53 OF 1993

HON P R CARUANA:

Mr Speaker, will the Minister accept or otherwise confirm that I am misreading their 1988 manifesto pledge, that Gib 5 would be provided on a rental basis? That is how we and others are interpreting that reference in that document.

HON J L BALDACHINO:

I think there is a confusion in the manifesto of each party. The one that had a mention to rental accommodation was the hon. Member's manifesto even though Paddy Ashdown is not here to defend them.

HON P R CARUANA:

Mr Speaker, does the Minister accept that their 1992 election manifesto contained a commitment to build 500 units for those of lower income and that it has been surpassed in the number of units currently under construction which presumably referred to Gib 5 since they were the only 500 units then under construction for those of lower income. "In the next four years we will build however many units are required to meet the needs of those of low incomes who cannot afford to buy".

HON J L BALDACHINO:

Mr Speaker, if the hon. member refers to "low income" he must also refer to how the housing allocation scheme works. Under housing allocation scheme low income is not a requirement and anybody can be in the list. I have never

said they were for rental; what I have said is that the Government would be using its own money to build 500 houses. It does not necessarily follow that the units have to be for rental even though it is hypothetical according to the answer that I have given. They might or might not be for rental. So long as we meet the aspirations of the people in the housing waiting list in that income bracket. Let me make it clear that I have never said they are for rental. They may be for self-repairing leases or they may be sold; I have never mentioned the word "rental" in any way.

HON P R CARUANA:

Mr Speaker, does the Minister accept that he sounds as if he is preparing public opinion for the fact that Gib 5 may not be for rental and given that he has said that they will be for people who cannot afford to buy, then it seems that the Government only has two ways of allocating them? Either they can give them away as a present or they can rent them.

HON J L BALDACHINO:

Mr Speaker, or we might use another way or different criteria whatsoever. I have given the answer that the Government at this stage is not in a position to say because we have not made a decision. Therefore the hon Member is just making hypothetical questions.

HON P R CARUANA:

To bring a temporary end to this matter; will the Minister say, given that Gib 5 is reaching completion, when the Government thinks that this lengthy process of consideration to find a formula for back-tracking from their election pledge will be concluded so that we can all know on what basis these houses will be allocated?

HON J L BALDACHINO:

Mr Speaker, the Government never back-tracks on anything. It is the hon. Member.....

INTERRUPTION

MR SPEAKER:

Order, order.

HON J L BALDACHINO:

It depends on who is the leader of the GSD and that was the policy when the Hon Lt-Col Britto was an AACR member of the Opposition. He had a great conflict on the motion that he brought on home ownership with the then leader of the GSD, Mr Peter Montegriffo, because he was saying "for rental" and Mr Montegriffo, who was the founder of the GSD, was not in agreement that there should be anything for rental. I accept that in the hon Members' manifesto in 1992 they had some element of accommodation for rental. Yet again it is obvious that when there is a party that knows that it is not going to win the elections it can put whatever it likes in the manifesto. As far as we are concerned we have fulfilled 95 to 98 percent of the 1988 manifesto and we intend to fulfil the 1992 manifesto.

15.3.93

ORAL

NO. 54 OF 1993

THE HON F VASQUEZ

Can the Minister for Tourism state whether he expects that the Gulf War will continue to have a depressive effect on Gibraltar's tourist industry in 1993?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, Gibraltar has sufficient problems of its own without the need to take on the added task of monitoring events in the Middle East for the benefit of hon Members.

If the Opposition have any serious and relevant questions about tourism I would be only too happy to give this House a reply, given appropriate notice of the question.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1993

HON F VASQUEZ:

Well, I think what the Minister will appreciate from reading between the lines - if he is intelligent enough to do so - that what the Opposition wants to know is what sort of tourist season does the Minister expect Gibraltar will have in 1993? Does he expect that it will be a successful one or in the autumn of this year are we going to hear from the Minister again that unfortunately because Saddam Hussein invaded Kuwait in 1990 we are still suffering the effects in Gibraltar in our tourism industry? What sort of year are we going to have in tourism in Gibraltar this year?

HON J E PILCHER:

Mr Speaker, because the Minister for Tourism is intelligent enough he did read between the lines and that is why he answered the question in that way. If the hon. Member wanted to know that information he should have asked that question and he would have got the information today. Because he did not he will get no information today.

15.3.93

ORAL

NO. 55 OF 1993

THE HON F VASQUEZ

Can Government state whether Hyatt still intend to open an hotel in Gibraltar and if so, when?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, as has been made public, the opening of the Hyatt has been postponed.

SUPPLEMENTARY TO QUESTION NO. 55 OF 1993

HON F VASQUEZ:

In the Chronicle, I presume.

HON J E PILCHER:

Mr Speaker, it has been made public in the Chronicle, that is correct but in the Chronicle there was a statement made by the Danish consortium of Hyatt and Baltica as well. There have been statements made by these two entities.

HON P R CARUANA:

There was a similar statement attributed in relation to the invitation to take part in joint lobbying. So this illustrates my point that we cannot at one moment rely on the press and at another moment.....

HON J E PILCHER:

Mr Speaker, no, because in the answer I made I am not referring to the Chronicle or anything. The question was put because of the notice in the House, before the public statement was made. When I was asked by GBC and the Chronicle to make a statement I said, "No, I will make it in the House" but as it happens the Danish consortium and Baltica made the statement to this effect, I believe on Friday of last week. I am not saying I am not going to answer any more supplementaries; what I am saying is that a public statement has been made. If there are any questions that I can answer perhaps I will.

HON F VASQUEZ:

Mr Speaker, can I ask my supplementary now? Does the Minister consider that the decision by Hyatt to pull out its hotel from Gibraltar is in any way a reflection on the Government's tourism policy?

HON J E PILCHER:

No, Sir.

HON F VASQUEZ:

Does the Minister still not accept that tourism needs particularised and professional marketing and that Government's failure to provide a proper, concerted policy and an approach to the advertising of Gibraltar as a tourism destination has effectively caused the destruction of the Gibraltar tourist industry?

HON J E PILCHER:

I think there were four - Yes, Sir; No, Sir; No, Sir; No, Sir.

MR SPEAKER:

We are drifting away from the original question and we cannot have a debate now on tourism policy of the Government. Next question.

15.3.93

ORAL

NO. 56 OF 1993

THE HON L H FRANCIS

What plans exist for the dismantling of the existing Piazza structure?

ANSWER

THE HON THE MINISTER FOR TOURISM

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 56 OF 1993

HON L H FRANCIS:

Mr Speaker, it was widely reported in the press - which we are taking for granted tells us what is going on in Government circles these days.

HON J E PILCHER:

Mr Speaker, the hon. Member should not believe everything he reads in the press.

HON L H FRANCIS:

We take note of the comments but we will continue to ask regardless of what comes out in the press.

HON J E PILCHER:

Mr Speaker, to be serious; I think the question was wrongly phrased by saying the dismantling of the Piazza. Taking account of what exists at the moment; it will be my intention to look at ways of beautifying the existing structure and I will have information for that during the budget session.

HON L H FRANCIS:

As yet there is no definite information on what is going to go on?

HON J E PILCHER:

No, Mr Speaker.

15.3.93

ORAL

NO. 57 OF 1993

THE HON L H FRANCIS

Will the Government explain the continuing and unsightly state of disrepair of the boulevard between Zoca Flank and King's Bastion?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, the beautification proposals are contained within this year's budget and when the estimates are discussed, explanations will be given.

15.3.93

ORAL

NO. 58 OF 1993

THE HON F VASQUEZ

Is it Government's intention to close off access to the Upper Rock at night?

ANSWER

THE HON THE MINISTER FOR TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1993

HON F VASQUEZ:

Can the Minister please indicate what sort of timescale is envisaged for the implementation of this measure?

HON J E PILCHER:

We hope that the system will be implemented at the same time as we open the second phase of the Nature Reserve which is programmed for early April of this year.

HON F VASQUEZ:

Is the idea that access will be closed off to vehicular and pedestrian traffic or are the pedestrians going to be allowed to go up to the Upper Rock?

HON J E PILCHER:

Mr Speaker, the overall system has not totally been worked out. It is envisaged that the system that will be used will be a similar system to the one already in use at the Alameda Gardens where they are closed at dusk and opened at dawn. Because the Upper Rock includes residents - who we have already written to and with whom we have discussed the possibility of closing down the area - this will have to be taken into account. The idea would then be to provide an entry and exit from the Nature Reserve at night. Access will be allowed to residents and bona fide visitors to these residents and any other bona fide user of the Upper Rock at night so it is not a total closure like at the Alameda Gardens. It will be a controlled closure where there will be a security man or night watchman who would allow bona fide people visiting the area to do so at night.

HON LT-COL E M BRITTO:

Mr Speaker, is it the intention that entry and exist from the Upper Rock will be through the same point? In other words, the road is going to become two way?

HON J E PILCHER:

Yes, we have noted the volume of traffic at night taking into account the number of residents of the area and there are very few residents in the middle area of the Upper Rock and therefore we believe that the best system would be to close the southern side of the Upper Rock by Jews Gate and open it up via the Moorish Castle area. That would give direct access to the residents of Poca Roca and would give a two way system at night for the rest of the Nature Reserve which, as I say, are no more than 10 families.

HON H CORBY:

Mr Speaker, will the Minister tell us whether on closing the Upper Rock there will be patrolling of policemen around the Rock because entry points are very difficult to concentrate on? If we have two through systems and the other is closed. Is there a patrolling area which will be covered?

HON J E PILCHER:

Yes, there will be a system of wardens put in place once the second phase of the Nature Reserve is opened. That will contain the same enforcement as today, ie the Royal Gibraltar Police will continue to monitor the area; the Gibraltar Services Police will continue also. On top of that there will also be a warden structure implemented to monitor that bona fide visitors coming into the Nature Reserve who have reported that they are going, for example, to a specific residence then do not utilise that bona fide reason to go somewhere else. There will also be rules which will be gazetted which will make it an offence to say one is going to location 'A' and then one goes to location 'B'. This will be implemented at the beginning of April for a six months trial period. The reasons why we need to do this are evident and I hope the trial will work and the vandalism in that area will be deterred.

15.3.93

ORAL

NO. 59 OF 1993

THE HON F VASQUEZ

What arrangements are currently in force to ensure the good care and health of the apes of Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, the care and health of the monkeys of Gibraltar was passed to the Gibraltar Tourism Agency Limited by the Ministry of Defence on 1st April 1992. During the initial period, the Gibraltar Tourism Agency endeavoured to take the necessary action in order to identify the problems related to the breaking up of the two historical packs. Once this was done, the most important aspects of the care and health of these monkeys was to ensure adequate feeding and providing the necessary water supply, cleanliness and some form of shade in the new areas in question.

On the 1st June 1992, under the overall contract of managing the Nature Reserve and other tourist areas, Sights Management Limited was tasked with ensuring the good care and health of the monkeys. In the performance of these contractual obligations, Sights Management have contracted veterinary support from the local RSPCA vet and are also working very closely with the Gibraltar Ornithological and Natural History Society whose contacts and expertise in this field are highly valued. They have also established contacts with the World Conservation Monitoring Centre who have also through their expertise advised Sights Management and the Gibraltar Tourism Agency on what is the best way forward to ensure the continued good care and health of our 'Apes'.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1993

HON F VASQUEZ:

Mr Speaker, can the Minister confirm or deny that there is a veterinary expert in monkeys who comes out to Gibraltar on an irregular basis to examine the apes and to give them the once over?

HON J E PILCHER:

I think the hon Member is probably getting confused; what there used to be under the MOD system was that the MOD used to send from time to time veterinary experts to look at the health of the apes. What has been put in place now

through the World Conservation Monitoring Centre is help from this international centre for the conservation of many species, in particular our apes and are now regularly visiting Gibraltar in order to advise Sights Management and the Gibraltar Tourism Agency on the type of programme and system that have to be put in place to safeguard the interests of these animals.

HON F VASQUEZ:

Is that a service which is provided on a charitable basis by this organisation or is it a service that is provided on a fee basis?

HON J E PILCHER:

It is a bit of both. The World Conservation Monitoring Centre is not a charitable institution; it is an institution that has the protection of nature at the top of its priorities. However they will not charge for the advice but obviously will not pay for the person to come out here so if we take the visit by Graham Drackter who is one of the members that visited us two or three weeks ago, the payment for his airline tickets and accommodation in Gibraltar was paid for by the Agency whereas the work that he did here was something that was paid for through the overall contract that he has with the World Conservation Monitoring Centre.

HON F VASQUEZ:

Does the Minister for Tourism not accept that it is ironic that we should have to rely on this international agency who are supposed to be experts on the apes to come and monitor the ape packs in this way when we had at our disposal the services of a local company with a local expert who is reckoned to be one of the World's authorities on monkeys and apes and the Barbary ape in particular and whose contract of employment was discontinued by the Gibraltar Tourism Agency about a year ago?

HON J E PILCHER:

It is not ironic. It is rather unfortunate.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister give us an indication of the number of apes currently in the two packs?

HON J E PILCHER:

Mr Speaker, I am not totally aware of what the numbers are. In my initial reply I mentioned the fact that the major problem that we have with our apes - I call them apes although technically they are monkeys - is a built up on numbers and because of the way in which these packs are actually created we have moved from two to five packs. As regards numbers, I am not absolutely sure; I am not trying to mislead the hon Member. I think we are talking of about 80 animals at the moment.

HON LT-COL E M BRITTO:

Is the Minister aware of a study carried out in the late 1970's, I think, by an American expert in the field; a Dr Francis Burton, who predicted precisely what he has just said; that if the numbers increased beyond - I speak from memory - the 50 mark the packs would split into small packs as is obviously happening with the consequent difficulty of maintaining the apes controlled on the Upper Rock?

HON J E PILCHER:

No, Mr Speaker. To be honest I am not aware of that particular report but I am aware of various other reports that have been done; the last one by this expert that came, who in fact, pointed out that we might require an ape cull. We have got to a situation now where the packs will continue to break up because they are dealt with within their society by a dominant male and therefore when there are two dominant males, they automatically split up. Some take some females, some take others. I am not trying to lecture here.

HON LT-COL E M BRITTO:

One final point, Mr Speaker; is the Minister aware that, in fact, culling would not be the first time that it would be done? It is not common practice; certainly the practice under the MOD management to cull the number of apes: one when apes were in some way hurt or maimed or affected and on at least two occasions in order to keep the numbers down.

HON J E PILCHER:

No, Mr Speaker, I was not aware of that. We do not look lightly at culling. I will not bore the House with the whole of the report but I am prepared to give a synopsis to the Opposition with the seven or eight points which the expert has advised us on to deal with this situation before we get to the point where we have to cull. If we continue to have break-ups of packs, and if we continue to have what happened last summer which may well happen this summer which is our inability to feed all those packs and some drifted down to town; we may be faced with taking that policy decision.

15.3.93

ORAL

NO. 60 OF 1993

THE HON F VASQUEZ

Can Government state whether it has recently renegotiated the contract for the placing of advertisements on public hoardings, and if so to whom such contract was granted?

ANSWER

THE HON THE MINISTER FOR TOURISM

No, Mr Speaker, the Government has not renegotiated the contract for the placing of advertisements on public hoardings.

SUPPLEMENTARY TO QUESTION NO. 60 OF 1993

HON F VASQUEZ:

Mr Speaker, will the Minister please state whether there is a contract currently in place then with any particular person or organisation for the advertising on all the various Government-owned sites and public barriers on footpaths etc?

HON J E PILCHER:

No, Mr Speaker, there was a contract in place which was issued by the previous administration which we have terminated.

HON F VASQUEZ:

Is it intended, following that termination, to award a similar contract?

HON J E PILCHER:

No, Mr Speaker. This is a matter that is under study at the moment but there is no way that a similar contract to the one I was referring before would ever be awarded by this Government.

HON F VASQUEZ:

I am heartened to hear that. Is the objection to the old contract the rather unsightly manner in which advertisements were placed all over Gibraltar in a manner which, in my view, denigrated the appearance of the whole community? Is that what he is referring to?

HON J E PILCHER:

Yes, that is precisely what I am referring to.

15.3.93

ORAL

NO. 61 OF 1993

THE HON M RAMAGGE

By what criteria have or will Humphreys Bungalows be awarded on tender and how many tenders have been received?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, as is already known, Government tenders do not commit the Government to accept the highest or any offer. All tenders are on this basis.

The successful tender is based on how vacant MOD properties can best be used to help the housing problem and create income.

As regards Humphreys Bungalows, 110 tenders were received and no final decision has yet been taken.

SUPPLEMENTARY TO QUESTION NO. 61 OF 1993

HON P CUMMING:

Mr Speaker, can I ask what criterion will be given more weight; will it be the amount of accommodation left vacant for people on the waiting list or the one who is ready to pay more?

HON J E PILCHER:

It is the intention of the Government to look primarily at the value of the property and to the cash element of the offer but obviously I made my answer wider so that I could give the hon members all the ways in which the tenders will be viewed.

HON P R CARUANA:

Mr Speaker, does the Minister accept that it is implicit in his answer that if cash is going to be the criteria then there is no rational reason for not accepting the highest amount of cash. The only rational reason for not accepting the highest amount of cash would be that there is a second criteria, for example, the amount of housing being freed for other uses. It follows that the successful tenderer cannot be somebody who has neither vacated houses nor bid the highest cash sum?

HON J E PILCHER:

Not necessarily, Mr Speaker.

HON P R CARUANA:

That, of course, is a matter of analysis. Can the Minister explain in what circumstances a house might be awarded to somebody who does not offer the highest amount of money and does not vacate property for Government?

HON J E PILCHER:

No, Mr Speaker. I cannot because there are many elements which are looked at by the Tender Board. It would not be abnormal for the decision to be taken in either of the two ways that the hon Member said. But they are not necessarily only the two ways. If we are talking about Humphreys Bungalows when we finally allocate them, we hope that it will be done in a way that meets that criteria.

HON P R CARUANA:

Given then that there are more criterion than just cash or the vacation of houses for Government waiting list use, will the Minister give any examples of what other criteria will be relevant? Any: just one other.

HON J E PILCHER:

Mr Speaker, there could be many criteria, for example, there could be criteria on the family composition of a specific family. That is not something that the Tender Board will necessarily be looking at. I said to the hon Member that in the generality of things, the two options that he mentioned might be the two possible alternatives. But I cannot say that they are the only two possible alternatives. The reason why we have not decided is because the 110 tenders are all different tenders with different elements which we have to look at.

HON H CORBY:

I went to see the Humphreys Bungalows not because I wanted to tender for one but because we are accused sometimes of not doing our homework - which I do. I wanted to see what the properties were like and I saw them in a state of great disrepair; they had been vandalised. Some of them would have to be knocked down and built again. Were those given to the Gibraltar Government in that state and if that is so, can preventive measures be taken either through MOD or through the Government itself to have these properties handed over in a fit state of habitation?

HON J E PILCHER:

Mr Speaker, unfortunately, the mechanism which I have just explained is a mechanism which has now been put finally in place and we hope that we can precipitate matters so that there is a correlation between the handing over of the property and the putting out to tender. The Humphreys Bungalows have not been with us that long and therefore part of the vandalism was actually there by the time we took them over. However it is an impossibility because it would cost a tremendous amount of money to try and maintain security patrols in these areas and then we might not be able to get back, once we have tendered it, the amount of money we spent on security. The question refers to Humphreys Bungalows but let me say, although I did not really want to add a new subject to it, that, following what the Leader of the Opposition said, the other two properties were allocated at the same time as these were put out to tender and both went to the highest cash offers.

15.3.93

ORAL

NO. 62 OF 1993

THE HON LT-COL E M BRITTO

Will Government say what proportion of the total revenue in 1992/93 derived from the GPMS portion of social insurance contributions will be used to meet the running costs of the Health Centre; what proportion for other purposes and what will these other purposes be?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions Nos. 63 and 65 of 1993.

15.3.93

ORAL

NO. 63 OF 1993

THE HON LT-COL E M BRITTO

Will Government estimate the total revenue in 1992/93 and 1993/94 to be derived from the GPMS portion of the Social Insurance contributions by employers and employees?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions Nos. 62 and 65 of 1993.

15.3.93

ORAL

NO. 64 OF 1993

THE HON P CUMMING

What arrangements have been made for the payment of Social Security old age pensions after the present Social Insurance Fund is wound up?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker the position is as stated in answer to Question No. 105 of 1992 and Question No. 273 of 1992.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1993

HON P CUMMING:

Mr Speaker, and that is that we will be informed when the times comes?

HON CHIEF MINISTER:

The position is that the House and the public will be informed when a decision is taken as to what is going to happen and the decision has not yet been taken because there is not yet an agreement. What I said at the time was that when there was an agreement it would be announced.

HON P CUMMING:

Is this not a major problem facing Gibraltar; looming on the horizon nearby which we just cannot sweep under the carpet and pretend it is not there? This is a major problem affecting us all that should be high on the political agenda and be discussed openly.

HON CHIEF MINISTER:

No, Mr Speaker, first of all the hon. Member has not asked a question, he has made a statement of views and whether the problem is looming or not looming, it is irrelevant. The hon. Member is asking a question seeking information which I cannot give him. All I have told him now and in Questions Nos. 105 and 273 of 1992 is that when the information he wants is available, I will give it. I cannot give it until then.

HON P CUMMING:

The position is that within a short time there will be no further pension and no arrangements made for new pensions?

HON CHIEF MINISTER:

No, Mr Speaker, that is not the position and it is scandalous that the hon. Member should be constantly bringing the matter up in this House as if the pensioners were at risk; because the only pensions that can stop in January are the pensions of the Spanish workers which we do not pay. Our fund can pay the pensions for the next 200 years so what is he talking about?

HON P CUMMING:

Well, Mr Speaker, if the Chief Minister had given us the information when we asked him there would not be scope for misunderstandings or misinterpretations.

HON CHIEF MINISTER:

No, Mr Speaker, the information that I have given him has been the information that I have given on every single occasion previously. I said to him that the problem does not arise and I have said that publicly even before he arrived in this House. It is a matter of public record that I have said consistently that the problem is that the amount provided by the UK runs out in December. The amount that runs out in December does not pay the pensions of our people. So the amount we have does not run out.

HON P CUMMING:

Is it not true that unless the fund is wound up and declared bankrupt, the Spanish problem issue is still on the table and will continue into the future?

HON CHIEF MINISTER:

Not for us; we do not have a problem now; we did not have a problem since we got elected in 1988 and we will not have a problem for as long as the GSLP is in Government.

HON P CUMMING:

The Chief Minister in that case is going to pretend that there is no problem.

HON CHIEF MINISTER:

No, Mr Speaker, I am not going to pretend there is no problem. I am saying problems do not exist because the imagination of the hon. Member chooses to create them where they do not exist. The pensioners of Gibraltar can rest assured that as long as we are in office to look after their interests; they can sleep at night however much the hon Member may be trying to worry them.

HON P R CARUANA:

So that I can understand some of the more cryptic parts of the Chief Minister's answer to the previous three questions that he answered together, will he just say on a yes or no basis whether the answer that he has given the Hon. Mr Cumming to this question is connected to the answer that he gave the Hon. Lt-Col Britto in relation to the previous three questions that he answered together?

HON CHIEF MINISTER:

Mr Speaker, the answer that I have given the Opposition Member is connected with my previous answer only to the extent that we have taken action a very long time to protect our people and that I have explained that action at the time that I took it outside this House because the hon Members that were then in this House understood the sensitivity and the importance of that area. Therefore I explained at the time the action that we were taking and this is why when we brought amending legislation to the House, in fact the amending legislation was carried unanimously.

NO. 65 OF 1993THE HON LT-COL E M BRITTO

Will Government confirm that as from January 1993 the personal tax of every working person has increased by £1.70 per week and the tax burden of every employer by £98.80 per year for every person in its employment and that these increases have been brought into effect, without public explanation, by changes in the weekly social insurance stamps?

ANSWERTHE HON THE CHIEF MINISTER

No, Sir. Personal tax has not been increased as from January 1993. Social security contributions were increased in January 1993 as they have been increased in every previous January. These contributions do not suddenly become transformed into personal tax this year because the hon Member chooses to describe them this way.

The distribution of contributions to the financing of the Health Service is not broken down into how much goes to pay for the Health Centre and how much goes to pay for other services as the hon Member knows full well from the accounts of previous years which are in his possession.

It is not possible to produce reliable estimates of how much the yield will be from contributions until the accounts are closed and audited. Obviously two important factors affecting the revenue are the size of the workforce covered by the scheme and the time it takes employers to pay in the sums involved.

The restructuring of social security contributions as between different services was something which took place in 1988 following the agreement as a result of which UK undertook the payment of Spanish pensions. At the time I gave a confidential briefing explaining in detail the changes involved to which the hon Member had access.

If he has forgotten the explanation and is seeking the information again I am prepared to give it to him on the same confidential basis. If he wants me to repeat the information in public then the position is that the Government considers it contrary to the public interest to do so for a variety of reasons which he knows, and if he does not, I am, again in confidence, willing to explain to him.

SUPPLEMENTARY TO QUESTION NOS. 62, 63 AND 65 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, does the Chief Minister accept that the implication of what he is saying is that not the full value of revenue derived from the GPMS contributions goes towards running the Health Centre?

HON CHIEF MINISTER:

That is correct, Mr Speaker.

HON LT-COL E M BRITTO:

Then by implication some of it must go for other purposes and that is, will the Chief Minister accept, the reason why we have called it a personal tax - because it is being used for purposes other than for which the GPMS contributions were originally started within the social insurance stamp?

HON CHIEF MINISTER:

The GPMS contributions today are used for something different from what they were set up originally when the system was started. That was brought about as a result of amending legislation in November 1988 which the hon. Member voted in favour of.

15.3.93

ORAL

NO. 66 OF 1993

THE HON P R CARUANA

Will the Chief Minister make a statement on his recent visit to the Falkland Islands and in particular on the political and economic benefits that might accrue to Gibraltar from his visit and from contacts with the Islands?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I visited the Falkland Islands as the guest of the Government following an invitation to do so on 24 November, 1992. During my visit I was asked to attend meetings of the Executive Council and the Legislative Council, the equivalent of the Gibraltar Council and House of Assembly in our Constitution. I also held meetings with various other entities including the Falkland Islands Development Corporation and the Falkland Islands Government's Air Service, which is the state owned airline.

The discussions I held with politicians, senior civil servants, business and Trade Union leaders proved extremely useful because of the many parallels in ways the public and private sectors of the Falklands economy resemble those of Gibraltar in structure.

It is not possible to produce a list of political and economic benefits which can be quantified but it is the view of both Governments that a close working relationship between us will be of benefit to both our communities and we are both committed to strengthening and developing these links. The obvious point of departure for our relation is the fact that we are the only two British colonies whose rights to self determination has been questioned at the UN by neighbouring independent States. There can be no doubt that the States concerned support each other's claim, that is Argentina supports the Spanish claim to take us over and Spain supports the Argentinian's claim to take over the Falklands. All of us were aware in a very stark way as to who was on whose side during the Falkland Liberation War, which was overwhelmingly supported by all sections of our people.

The House may be interested in knowing that the UK provided over £30 million in development aid to set up the Falkland Islands Development Corporation and used it to subsidise the creation of joint venture companies following the ending of the war. This was intended to assist the restructuring

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of the Falkland Islands economy which prior to the war had depended almost entirely on wool exporting. Given the relative size of our two populations it would have been the equivalent of Gibraltar being provided with £450 million. Notwithstanding that we have not had any aid and we do not ourselves possess this kind of income. In some respects we have been more successful in some areas than they have and this experience gained by us is being shared with them.

Equally we have been provided with detailed financial information in a number of areas where they have been successful and which we hope will be of assistance to us. Obviously these exchanges of detailed information in the structure of public finance are of interest to our two governments.

We have also looked at political cooperation in the area of constitutional development. The Falkland Islands Constitution was last amended in 1985 but Councillors feel that further amendment is necessary. In the case of the Falkland Islands, unlike Gibraltar, the UK Government does not question the right of self determination and indeed even independence. There is no equivalent to the Treaty of Utrecht. However, the military threat from Argentina is a very real deterrent to the exercise of self determination. It is interesting however that the elected Government, on paper, enjoys a higher level of self government than we do.

We have agreed to look at our offices in London to see to what extent we can make economies of scale by cooperating in the role of the offices. We have also agreed to study the possibility of getting the supply vessels that go from UK to call at Gibraltar to see whether some of their external trade can be channelled through us.

Obviously, Mr Speaker, this is not an exhaustive list of the opportunities for political and economic links which we have established.

15.3.93

ORAL

NO. 67 OF 1993

THE HON L H FRANCIS

Following his answer to Question No. 264 of 1992, is the Government now able, given that the Ministry of the Environment is now functioning as such, to give a definitive list of the functions and responsibilities of that Ministry?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position at present is as stated in answer to Question No. 264 of 1992.

SUPPLEMENTARY TO QUESTION NO. 67 OF 1993

HON L H FRANCIS:

Mr Speaker, has another restructure not taken place of those ministries since it was first launched and has its functions not been severely scaled down from its originally intended area of responsibilities?

HON CHIEF MINISTER:

No ministry has been launched. What I am saying is that, as I stated in answer to Question No. 264 of 1992, the distribution of responsibilities and any changes that took place would be reflected in the Estimates for the financial year 1993/94. In the financial year 1992/93, whatever one minister may be doing assisting another minister has not meant that a new ministry has been created because if it had, it would have had to have been gazetted in order to comply with the Constitution and that has not happened.

HON L H FRANCIS:

I accept the Chief Minister's reply but however when anybody rings up the number that used to be the DTI we get the answer "The Ministry of the Environment". Therefore there must be a ministry there.....

HON M A FEETHAM:

..... it is true.

HON P R CARUANA:

The Chief Minister may also be discovering that although he may not think that he has launched a new ministry, I personally have received letters on the letterheaded paper of something called the Ministry of the Environment. So either there is a ministry called the Ministry of the Environment or somebody is writing bogus letters in the name of a non-existing Government ministry.

HON CHIEF MINISTER:

Manifestly, Mr Speaker, there is not because there is a procedure laid down in the Constitution and therefore what I said at the time in answer to the previous question was that we were looking at different ways of combining the responsibilities of ministers which has to be an on-going process as far as I am concerned since I have to re-distribute responsibilities. The Minister is no longer responsible for GSL because GSL no longer employs anybody, no longer has a budget, no longer has any function so therefore in looking at how the public sector changes from one year to the next, we regroup the responsibilities during the course of the year since we are not going to be doing this by formally removing responsibilities from one to the other all the time. In answer to previous questions, when we had questions on labour, some of which were answered by my hon Colleague, Mr Mor, he was in fact giving the House information which had been passed to him by Mr Moss because, technically, although we have now moved the function to the Employment and Training Unit, we have not gazetted a change in the ministerial responsibility. That will happen when the Estimates are presented.

HON P R CARUANA:

Perhaps the Chief Minister would accept that we would have continued to live with the answer to the previous question. This question was prompted by the fact that we thought that the review had been completed and implemented because Ministry of the Environment letterheaded paper was being used and telephonists were saying, "Good morning, Ministry of the Environment" which, I think, the Chief Minister will admit, give a reasonably sharp observer scope for believing that that ministry in fact has been launched. What the Chief Minister is saying is that precipitative action has been taken prematurely. We are quite happy to accept that.

HON CHIEF MINISTER:

What I am saying is that the policy decision on the title has been taken but no decision has yet been taken as to which functions it will have and which it will not have. It has not been finalised.

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HON L H FRANCIS:

Therefore I can take it that after the Estimates we can look forward to some more permanent form being taken by this Ministry?

HON CHIEF MINISTER:

We would expect the distribution that is reflected in the Estimates for 1993/94 to last a fairly long time. We have not changed this for five years.

15.3.93

ORAL

NO. 68 OF 1993

THE HON L H FRANCIS

Given the comment of the Chairman of the Heritage Trust that the Heritage Trust Ordinance is "a worthless piece of legislation" what steps does Government intend to take to meet the Trust's requirements, to give them adequate financial resources and to improve the legislation?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there will be no financial resources provided by the Government to the Heritage Trust. Any proposals for improving the legislation which makes sense and do not place a burden on public funds, will be considered by the Government.

SUPPLEMENTARY TO QUESTION NO. 68 OF 1993

HON L H FRANCIS:

I take it therefore that the Government agrees that there is a need for the Heritage Trust and its functions.

HON CHIEF MINISTER:

No, Mr Speaker, I agree that the Chairman, according to what he put in his newsletter, thinks it is a worthless piece of legislation. What I am saying is that in order to make it a worthwhile piece of legislation it is going to cost money, it will stay worthless.

HON L H FRANCIS:

I understand that the Heritage Trust has been given a seat in the DPC; do they have a vote on the DPC or are they merely consulted or what goes on?

HON J E PILCHER:

The Heritage Trust has a seat on the DPC, their role, as I understand it, is one of an advisory nature.

HON L H FRANCIS:

Therefore, if the Heritage Trust oppose a scheme coming up to the DPC, as has already happened in the case of the garage complex at Moorish Castle, it will be rejected if others on the DPC see fit?

HON J E PILCHER:

Mr Speaker, I did not want to get myself involved in that question because it was a matter of traffic and I did not. I have said publicly that the question of the licences under which the Heritage Trust Ordinance has to work is always subject to what is in the best interests of Gibraltar's economic future. Therefore if the Heritage Trust feel that something is untoward from a heritage point of view, they could then have to convince DPC of the structure of it and then they would have to convince the Government of the fact that we should not do (a), (b) or (c) because it is in the best interests of the heritage movement in Gibraltar. I said this publicly when I said the question of the North Gate is not a question that it would not have happened, it would have happened because I would have defended it in the best interests of Gibraltar's economy.

HON P R CARUANA:

Do Ministers accept that the Heritage Trust Ordinance has not been said to be a worthless piece of paper simply because they do not have money? I understand that the Chief Minister says it in terms of pounds, shillings and pence, and if it is not capable of being evaluated in that currency then it is not worth evaluating at all, but that is not actually the beginning and end of the objections of the Heritage Trust. One of the defects would not cost any money to repair and that is that there is no system of listed buildings. The Heritage Trust Ordinance is nothing more than a very loosely knit lobby group created by statute but there is no statutory prevention of the demolition of certain buildings. There is no prohibition from demolition of certain buildings. The Minister has said it himself, that there appears to be no building in Gibraltar which if the DPC thought in the interests of Gibraltar to demolish, could not be demolished notwithstanding its heritage value. That is not the system that operates in the United Kingdom. In the United Kingdom, there is legislation to protect the heritage; there are categories of buildings - Grade 1 Listed as we have all now discovered through out cost at Calpe House - and in certain categories it is not up to the whim or to the judgemental value of the politicians of the day as to what is worth preserving and what is not worth preserving. Some such structured approach; does the Minister accept could

be put into effect which would make the Ordinance a little bit more valuable than it is and would not require the Chief Minister to lose sleep over the amount of money he would have to subsidise?

HON CHIEF MINISTER:

Mr Speaker, in my original answer I said, "Any proposals for improving the legislation which makes sense and do not place a burden on public funds will be considered by the Government". Therefore it is up to the Heritage Trust to make the necessary representations but let me just say that of course one of the differences between us and the United Kingdom is that in this area as in many other areas there is central government legislation which local statutory bodies and other people have to comply with and which can be appealed against and where the final decision rests with the Minister of State. When we had a situation precisely with Calpe House, where the Westminster Council refused permission for Calpe House to be used for the purpose we wanted, on heritage grounds or whatever, they were overruled by the Minister for the Environment. What is not normal is that a Government should pass legislation which prevents the Government from governing and therefore where there is legislation ultimately if a decision has got to be taken, it is taken by the Government.

HON P R CARUANA:

Mr Speaker, I accept the point the Chief Minister has made but of course if he will accept in return this important distinction and that is that in Gibraltar the same Minister who would make that political judgement is also involved in the planning decision of the DPC; whereas in England, the Secretary of State for the Environment - that is the ultimate arbiter of whether a listed building should be demolished - has no role in the development planning process? His views therefore and his judgement are not coloured by whether or not a building is worth putting up or not. I accept that ministers in the UK have executive powers to overrule heritage decisions but on the other hand there is a separation of that decision from the planning process which does not take place in Gibraltar.

HON CHIEF MINISTER:

I agree with the Leader of the Opposition that that is the case. I think that is part of the consequence of the 1969 Constitution that amalgamated municipal matters and government matters and we have got a peculiar Constitution in that sense in that in almost every other place the municipalities have got certain responsibilities and the central government is at one removed. Here it is the same people taking the decisions and therefore I accept that both sides of that argument are equally valid.

HON L H FRANCIS:

I therefore take it from the Chief Minister's answer that if the Heritage Trust does come up with some sensible, constructive and cheap or economic suggestions he will take them into serious consideration.

HON CHIEF MINISTER:

Not cheap and economic but free.

HON F VASQUEZ:

As a parting sort of question, I would like to ask the Government this question. The Chief Minister has said frequently and consistently in the past that all planning decisions ultimately although the heritage angle is taken into account, the decision is taken on economic terms. What I would like to know is is it possible in those terms to quantify the benefit of the community's architectural heritage in economic terms at all. I would suggest that it is not and that being the case the fact is that piece by piece on that criteria the heritage will be dismantled. All I am saying.....

INTERRUPTION

MR SPEAKER:

Order, order.

HON F VASQUEZ:

..... with the law as it stands at present and the law being applied, under the criteria which the Government Members have indicated, with the passage of time, piece by piece, it will all disappear. The loss to the community will be immeasurable and irreplaceable. So given that fact, does the Minister not accept that, in fact, the Chairman of the Heritage Trust is correct in saying that the law as it stands is worthless because it provides no protection at all for Gibraltar's architectural heritage?

HON CHIEF MINISTER:

Mr Speaker, it is not for me to judge whether the Chairman of the Heritage Trust is right or wrong in his assessment of whether the legislation is worthless or not. It all depends on what he wants to use the legislation for. What I can tell the hon Member is that if the Government had

not engaged in a reclamation programme and in providing alternative land on which new buildings could have been put, the pressure on historic buildings would have been monumental. However much destruction of the heritage, at the end of the day, the Government has got to decide between people being unemployed - which Opposition Members want to do something about - or a hole being put in a wall which has got 30,000 holes from 150 sieges - but one hole cannot be put in to put a pipe because then the whole architectural history goes down tubes. If one has to make that kind of decision, it is our responsibility to make that decision. Hon Members can criticise it but we have got the responsibility of taking the decision. What we have tried to do is to minimise the instances where that conflict of interest arises. We may not always get it right but we are trying to keep that to the minimum.

15.3.93

ORAL

NO. 69 OF 1993

THE HON P R CARUANA

Following the recent visit of a group of British MP's, what plans does Government have to invite further groups of MP's to Gibraltar and to continue to lobby MP's in UK and the European Parliament?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government considers that inviting members of the UK and European Parliaments to visit Gibraltar is the most cost effective way to win adherents to Gibraltar's cause.

The Estimates of Expenditure to be tabled soon in respect of the 1993/94 financial year will reflect this commitment. At present there are plans to bring a group of MP's to be led by David Young MP. Other visits taking place in the year will be coordinated as to timing and participation with Gibraltar supporters in both Houses of Parliaments.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1993

HON P R CARUANA:

The Chief Minister would accept that he has the full support of the Opposition for the view that visits by UK and European MP's is a cost effective and generally effective way and would be, subject to financial constraints, an attempt to make that a regular feature of the forthcoming years in our political fortunes.

HON CHIEF MINISTER:

Yes, Mr Speaker. What I am saying is that we are increasing the amount we are budgeting for this purpose this year notwithstanding the fact that the budget as a whole has to come down. This particular element will be going up so as a percentage of total Government expenditure it will be increasing.

15.3.93

ORAL

NO. 70 OF 1993

THE HON F VASQUEZ

Will the Government state how many joint venture companies or locally registered companies in which the Government of Gibraltar has an interest are in existence and identify these companies?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 71 of 1993.

15.3.93

ORAL

NO. 71 OF 1993

THE HON F VASQUEZ

Will the Government set out by name all the companies of which Government Ministers are directors in their ministerial capacity and specify which Ministers are directors of which companies?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NOS. 70 AND 71 OF 1993

HON F VASQUEZ:

Mr Speaker, this begs the question as to why not? The fact is, as the whole community is aware, that this Government has set up a virtually parallel system of Government involving an enormously involved and inter-linked network of Government owned and controlled companies by Ministers, in their ministerial capacities because they cannot be acting in any other way. One assumes they are not acting in a personal capacity. They are conducting activities on the part of the Gibraltar taxpayer in a way which they are answerable to nobody. They reply to nobody. They report to nobody. They certainly do not report to their shareholders: the taxpayers of Gibraltar. They carry out Government policy in an underhand and secretive way; in a way in which this community is fast becoming exceedingly fed up with them. I would ask the Chief Minister to consider whether he does not think that this community will one day call this Government to account through the next general election as to what exactly is going on with the taxpayers' assets through the medium of this inter-linked network of private companies.

HON CHIEF MINISTER:

Mr Speaker, after that long speech by the hon Member which is very similar to the speech he made in 1992 when he contested the election on that basis, I have to say to him that, as I have already said at the opening of this meeting of the House, there have been no new companies set up since he has been a Member of this House and therefore the position today is the same.....

HON F VASQUEZ:

That is not true.

HON CHIEF MINISTER:

Well, Mr Speaker, the hon Member is calling me a liar. If he is saying that what I have just said is not true, is he calling me a liar? I will give way to him.

HON F VASQUEZ:

Mr Speaker, the Chief Minister conceded yesterday that further companies had been created..... at least one.....

HON CHIEF MINISTER:

Mr Speaker, this is what I am saying. As I said, there have been no new companies other than the one that I mentioned.....

HON F VASQUEZ:

(Interruption)

HON CHIEF MINISTER:

Mr Speaker, does the hon Member want an answer to his question having made a long speech? Does he want to continue making remarks in which case I will sit down and let him finish his remarks? The position is as stated from April 1988 to January 1992 whenever the matter has been raised in this House, defended by the Government in a general election and if the hon Member says that everybody in Gibraltar knows that there is all this structure of all these companies which exist in the imagination of him and his colleagues but which everybody knows about then I do not see why he should be so worried that I should have to give information which there is no need to give because everybody knows about it.

MR SPEAKER:

I must point out that if the Government blocks questions, these questions cannot be asked and therefore I think the policy of the Opposition now should be to bring a motion to the House if they feel strongly about it. I must say this; it is a ruling. This is the ruling in the House of Commons. If the Government blocks questions then those questions are no longer admissible. I cannot admit any

more questions on that and I will allow the Leader of the Opposition to make one final supplementary but as I say this is a matter of Government policy the same as the Government policy in England might be nationalisation of companies; privatisation of companies. It is a matter that has to be treated as a matter of policy.

HON P R CARUANA:

Mr Speaker, does the Chief Minister seek to mislead the House by suggesting, as I understand, as he has just done in answer to my hon Friend that the existence of this network of Government companies is a figment of his imagination? Is the Chief Minister saying to this House that there is no such network of companies because if that is what he is saying, I shall publish a sketch and a corporate tree of them in tomorrow's newspaper?

HON CHIEF MINISTER:

If he knows then why is he asking?

MR SPEAKER:

Order, order.

HON P R CARUANA:

Of such of the companies of which I am aware. What I want to know is if I am aware of all of them. Does the Chief Minister accept that given that this is not commercially sensitive information, that the existence of a company as a fact that a Minister is a director of them, cannot be inherently sensitive information commercially and that people will be justified in coming to the conclusion that the only possible explanation why a Government might not wish to give this innocuous information is that there is something to hide? Why else would they not wish to give it?

HON CHIEF MINISTER:

Mr Speaker, I do not know what conclusions people come to or do not come to but we do not give answers to questions here on the basis of the conclusions that people might or might not come to, no doubt encouraged, aided and abetted to do so by the Opposition Members who have been arguing this in the election campaign and since the election campaign and in the New Year Message of the Leader of the Opposition. They are constantly promoting this view and therefore if there are people that believe them, it must

be the twenty per cent that support them which is where all the ideas emanate from. So as far as we are concerned, the policy of the Government today is the same as the policy of the Government since it got elected in 1988. Whether there is a network of companies which controls vast areas of the economy as the Opposition believes is a matter for them to judge or not to judge. We are not prepared to give information on the companies in the House of Assembly. We have said this since April 1988 and it continues to be the policy. They can ask as many questions as they like between now and 1996 and they will get the same reply. If the Leader of the Opposition says that he can tomorrow publish a chart, he is free to do so but therefore it means that he should not even be asking the questions in this House because standing orders make clear that questions are to obtain information which is not available otherwise. If it is available otherwise, he does not need to do it.

HON P R CARUANA:

That is not what standing orders say. Standing orders say that I may not ask questions the answer to which is available in a reasonably accessible document. That is not the position and that is not what the Chief Minister has said.

HON CHIEF MINISTER:

When the chaos in the Companies Registry is corrected, it will be reasonably accessible.

HON P R CARUANA:

After twenty-one years in the House, Mr Speaker, one would expect the Chief Minister at least to be able to quote standing orders accurately.

HON CHIEF MINISTER:

The answer to the question is that we are not providing that information and that therefore if more questions are put about companies in the future, the answer will again be that we will not provide the information and if the hon Member does not like it, I am afraid the hon Member will lump it.

15.3.93

ORAL

NO. 72 OF 1993

THE HON F VASQUEZ

Is Government satisfied that the financial interests of the Government of Gibraltar in the form of its investment in Gibraltar Shiprepair Ltd and Gun Wharf Ltd are being properly safeguarded by the management of those companies?

ANSWER

THE HON THE CHIEF MINISTER

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1993

HON F VASQUEZ:

One is obviously reassured to hear that. The fact is that these companies have ceased trading and the public has never had explained to it what on earth has happened to the assets of those companies and various articles of plant and machinery which were supposed to form part of the assets of these companies. Could I ask the Chief Minister whether he is aware whether any export licences have been granted for the export of machinery previously the property of these companies?

HON CHIEF MINISTER:

Mr Speaker, I do not know what the hon Member is talking about. First of all if the company wishes to export something it presumably will export it and that is the end of it. As far as the two companies are concerned, I am astonished that the hon Member at this point in the history of the saga of GSL actually thinks that the company had any net assets. The company has lost vast amounts of money and that is why they ceased trading.

HON P R CARUANA:

The company may or may not have had net assets in an accountancy sense. It certainly had assets in the form of bits of equipment - oxyacetylene plants and all sorts of equipment which I could enumerate. Is the Government saying to the House that it will not answer the question whether or not the equipment that was left in GSL and in Gun Wharf has been exported from Gibraltar? Is that the position of the Government that they will simply not tell us?

HON CHIEF MINISTER:

I am not saying the Government will or will not say. The question is whether we are satisfied that the financial interests of the Government in the form of its investment have been safeguarded by the management of these companies. If the Opposition Members have reason to believe that the management of the company have stolen any of the equipment, if they give us the information we will pass it to the Royal Gibraltar Police.

NO. 73 OF 1993

THE HON F VASQUEZ

Does the Government of Gibraltar have any interest in Gibnam Limited or any other company registered in Gibraltar or elsewhere trading in Vietnam?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position continues to be as stated in answer to Questions Nos. 111 and 261 of 1992.

SUPPLEMENTARY TO QUESTION NO. 73 OF 1993

HON F VASQUEZ:

Can the Chief Minister then confirm that there is no Gibraltar Government interest either, direct or indirect, in any furniture factory in Vietnam?

HON CHIEF MINISTER:

Mr Speaker, the position continues to be as stated in answer to Question No. 111 of 1992.

HON P R CARUANA:

Will the Government say whether any taxpayers' money has been lost in speculative investments in Vietnam?

HON CHIEF MINISTER:

Mr Speaker, the position continues to be as given in answer to Question No. 111 of 1992. If the hon Member reads Question No. 111 of 1992, he will find that there has never been any money invested. How can money be lost?

HON F VASQUEZ:

When Ministers fly to Vietnam are they flying on private business or on public business?

HON CHIEF MINISTER:

Mr Speaker, the Government does not fly to Vietnam any more than the Government flies anywhere. When a Minister carries out a function then he does it either in his capacity as Minister or in his capacity on behalf of a company. It depends on what the nature of business is. When I have gone to Vietnam, I have gone at public expense as the Chief Minister of Gibraltar.

15.3.93

ORAL

NO. 74 OF 1993

THE HON LT-COL E M BRITTO

Does Government support the principle of parity of pensions and redundancy payments for Gibraltarians affected by MOD establishment closures and, if so, will it say what action it has taken to influence the British Government to accept and implement this principle?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, it is public knowledge that the Government has consistently supported the position of the PSA workforce in demanding parity of pensions and redundancy payments with UK PSA. In case the hon Member does not know, I was responsible for leading the negotiating team on behalf of all the unions and staff associations which introduced UK pensions and redundancy payments into the UK department's conditions of service in 1980.

The arguments in support of this case was spelt out by me in a letter addressed to the UK Government dated 10 October 1991 which reads as follows:-

"Redundancy terms: The redundancy terms on offer in Gibraltar are those provided in the UKDPS. This scheme was introduced in 1980 following the establishment of parity of pay and conditions in the public sector with comparable UK grades in 1978.

The history of the scheme is that in 1972 when the concept of established staff and non-establishment was replaced in UK by PCSPS, the scheme was also terminated in Gibraltar but not applied universally as in UK.

Therefore, Gibraltar continued to have in pensionable employment in the UK departments those local employees who were already established in 1972.

After several years of negotiations a scheme, virtually identical to the UK, was introduced and made compulsory for all new entrants with back service credit granted to those in post. I in fact led the negotiating team for a joint body made up of all the local unions and staff associations and am therefore very familiar with the background.

Although the staff side was not seeking to include redundancy terms, since this was prior to the 1981 White Paper on defence and there was no reason to suspect that there could be collective redundancies in defence establishments in Gibraltar, the employers side of the negotiating team insisted on incorporating these to the local pension scheme on identical terms to UK.

It appears that since 1980 there have been periodic improvements to the UK terms, none of which have been incorporated into the terms available in Gibraltar.

The situation today is that there is now a substantial difference in the compensation available for the same length of service, age and grade as between those employed on the current UK terms and those still covered by the scheme introduced in 1980.

This seems totally indefensible morally and hits particularly the longer serving and older employees who will have more difficulty in coping with restructuring and finding alternative employment in Gibraltar. The terms discriminate between the local employee who belongs to PSCPS and those who do not and equally between what is available to UK and the Gibraltar staff of PSA.

Clearly there is absolutely no justification why this difference in the terms of employment should exist and the Government feels very strongly that this is a matter which should be addressed and put right as a priority".

The Baroness Blatch replied as follows:

"I note what you say about the redundancy terms on offer in Gibraltar under the United Kingdom Departments Gibraltar Pensions Scheme (UKDGPS) and how they compare with the benefits available under the Principal Civil Service Pensions Scheme (PCSPS). The UKDGPS was modelled on but is not analogous to the PCSPS. It is true that the PCSPS has subsequently been amended in a number of aspects but these amendments were relevant to the particular circumstances and needs of the UK Civil Service. They were not appropriate to the circumstances of locally engaged staff in Gibraltar who, of course, have conditions of service which are very different from their UK-based colleagues. I am afraid we cannot accept that amendments to the PCSPS set an automatic precedent for the UKDGPS. Any proposals you wished to put forward for amending the UKDGPS would need to be based on local factors and evidence drawn from the Gibraltar economy."

So basically they rejected all the arguments without really addressing them.

Since 1991 I have repeated to the UK the same argument at every opportunity.

After November 1992, the TGWU agreed to take part in an exercise together with the Command Secretary to conduct a study of the local pension scheme. The Union stated in February this year that the exercise which was still going on so far indicated that it would show that the UK scheme was inferior in some aspects to the majority of pension schemes locally. The Union said in the statement that if the comparison was to be local then it should not be constrained by the Principal Civil Service Pension Scheme.

The position of the Gibraltar Government is that it continues to urge upon the UK Government the position substantiated in my letter of 10 October 1991.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1993

HON LT-COL E M BRITTO:

Does the Chief Minister have any hope of succeeding?

HON CHIEF MINISTER:

All I can say is that I do not think it is possible to put a more cogently argued case than I have put and I am in a position to put it because I know the precise details of how the scheme was agreed. As I have said, I have even pointed out to them that the terms in the Gibraltar scheme were not introduced by the Union side in the negotiations but by the employers side. The employers made it a condition of the scheme that we had to have UK redundancy terms which is what they now deny. But the hon Member will see that in fact the reply that I have had from the British Government simply ignores all the arguments and says that Gibraltar is different and therefore it is up to us to demonstrate that there is a case based on local conditions. We have not shifted our argument from the original one. The Union now seems to be saying that on local conditions, they can demonstrate that the UK scheme is inferior. I do not know whether they can or they cannot but certainly it would seem to me that the argument put by the Union in the statements they issued in February this year which was that the UK Government could not on the one hand argue we cannot have what they have got in the UK - because we are different - and we cannot have what we have got in Gibraltar if what we have in Gibraltar is more than UK. So what the Union is saying is that if we are going to go by local conditions, then the UK has to meet local

conditions even if that is higher than the UK. It seems to me an argument that cannot be denied but that does not make it that it will not be denied. It will not be the first time that the British Government simply says, "I will not do it" and that is the end of the story.

HON P CUMMING:

Mr Speaker, has the Government attempted to obtain the support of the Gibraltar Lobby in Westminster on this issue?

HON CHIEF MINISTER:

No, Mr Speaker, because the Government is giving its support to the trade union movement and the trade union movement has got a lobby of its own in Westminster of trade union sponsored MP's which is bigger than the MP's in the Gibraltar Group.

HON LT-COL E M BRITTO:

Mr Speaker, there is one point I would like the Chief Minister to clarify. If the local scheme set up in 1978 was supposed to be comparable to UK and since 1980 we are told that there have been periodic improvements in the UK system, was it an error at the time of the negotiations that the necessary provisions were not included to have parallel periodic improvements in Gibraltar or was it included and has not been complied with? My understanding is that both were virtually identical in 1978. Why are they so apart?

HON CHIEF MINISTER:

One of the things that happened was that I ceased to be the Branch Officer in 1988. The scheme did not come in 1978; the scheme was negotiated in 1980; when we got parity of wages in 1978 the Union put in a claim which was not on behalf of the TGWU but of every single employee including the Gibraltar Services Police and a special forum was created to go back to what had happened in 1972. In order to understand the situation in 1972 the UK had a scheme which was the same in Gibraltar and the UK. Either one was an established and permanent and pensionable or not established and one had nothing except the gratuity. In the UK, they removed the difference between established and non-established people and everybody automatically went into the Principal Civil Service Pension Scheme. In Gibraltar only those who were established became pensionable and the rest got nothing. We argued in 1980 that this was unfair treatment and we succeeded in getting the terms

backdated to 1972. There was only one difference really because what we did was we claimed 100% of the UK system and the UK would not accept that because they said that would require amending the Civil Service Pensions Acts in the UK and making everybody in Gibraltar a UK pensioner which was the case with people who became established. The people who became established did not have a pension scheme in Gibraltar. They were Civil Service pensioners from the UK covered by the UK Act. So in order to not incorporate everybody into the UK system which they did not want to do, they finally settled for one difference, which was the minimum length of service which I think was 5 years in the UK and 7 years in Gibraltar. The redundancy terms were not put in by the staff side. The position of the staff side was that if and when there was a redundancy situation, we would negotiate terms at that time. This was not acceptable to the official side and the official side said they would not sign the pension scheme without an agreement on redundancy. So what happened subsequent to that was that since the policy of the Union had never been to have a negotiated standard redundancy system, the changes in the redundancy that came up in the UK were never claimed by the Union in Gibraltar until this occasion because the redundancy terms had not been a Union claim in the first instance; it had been a management condition in the first instance. That explains why there was no attempt to change the redundancy terms. On this occasion the policy of the Union has been to actually argue for changing the redundancy terms but if one looks at what happened in 1985, the Union position then was, "we want to negotiate something that addresses the redundancy situation today in the circumstances that we have got today with the composition of labour that we have today and the age structure of the labour that we have today rather than having a standard one like the one in UK".

15.3.93

ORAL

NO. 75 OF 1993

THE HON P R CARUANA

What legal advice has the Government or the Minister for Trade and Industry received in respect of the article which appeared recently in the Danish Newspaper Boersen in relation to Baltica and is the Government or the Minister intending to take legal action against that Newspaper?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the legal advice I have received is that the article in question constitutes a libel and the position of the Government is as stated in the press release issued on 4 February 1993.

SUPPLEMENTARY TO QUESTION NO. 75 OF 1993

HON P R CARUANA:

Mr Speaker, does the Chief Minister accept that in that press release he intimated a preference on the part of the Government not to pursue legal proceedings or at least expressed the view that legal proceedings were not the best way to proceed? Can the Chief Minister accept from me that unsubstantiated allegations that Ministers in this or any government are involved in frauds and in swindles, that they are involved in setting up funds in offshore centres, that they are co-shareholders in a company in which the Police are interested, that they have somehow been tainted by the fraud and that their political career is in jeopardy and that the Minister has been brought to the limelight of the fraud; that that allegation made in a reputable newspaper - I am prepared to accept that one has to see who is making the allegation - brings cause for disrepute upon the reputation of the Minister himself and of the Government and therefore ultimately of Gibraltar? People expect that persons who are subjected, especially when they are representatives of the public interest, to that sort of treatment at the hands of the press will either sue to clear their names or resign. Will the Chief Minister accept that the personal interests of the hon Member in question, that the interests of the Government of which he is a member and the interests of the community of which this is the Government, require that those defamatory allegations are so clear-cut that people will not understand why they are not the subject matter of an immediate legal process to exonerate the Minister's name?

HON CHIEF MINISTER:

Mr Speaker, the element of course that the hon Member forgot to mention in his resume of the article is that it said "according to sources in Gibraltar".

HON P R CARUANA:

In respect of what article?

HON CHIEF MINISTER:

In respect of the article to which he is referring.

HON P R CARUANA:

No, in respect of one allegation only. I wanted to avoid getting involved in a debate on what the article said.

HON CHIEF MINISTER:

The whole allegation is defamatory. We have come across, as we mentioned in the press release, other allegations in other newspapers which when enquiries have been made informally so that they cannot be seen to coming from the Government of Gibraltar, we get to the response that the source of such stories is in Gibraltar and therefore if there are stories emanating from Gibraltar and being reproduced in the newspapers abroad, in the judgement of the Government of Gibraltar if we were to enter into litigation, which we would probably win, it would continue to maintain the controversy in those newspapers. One only has to realise that it was a matter of judgement whether the Prime Minister of the UK should sue somebody or not sue somebody about an allegation involving his cook. But what is clear is that it appears on Sky Television because he said he was going to sue and not otherwise. Therefore in the judgement of the Government of Gibraltar, although the Minister is entitled to expect that the Government would sue Boersen on his behalf, the Government considers that that is not what is best for Gibraltar in terms of its marketing and in terms of its image in Denmark or anywhere else. We have gone into this in quite a lot of detail with our partners, Baltica who also feel as we do. We are perfectly entitled to go on this route and will certainly do against anybody in Gibraltar if we have got the slightest evidence of who is manufacturing these stories. We will go for his head in Gibraltar. Certainly as a matter of policy we are not going to do it every time a story appears whether it is in the Financial Times, in Boersen or anywhere else. It is a matter of political judgement of what is in Gibraltar's interest. That is what we consider to be best in Gibraltar's interest and that is the policy of the Government.

HON P R CARUANA:

Mr Speaker, without wishing to elevate the political judgement of the Prime Minister of the UK into a status of gospel, given that the Prime Minister of the UK thought that it was in his best political interests to sue over an allegation that he was having some sort of affair with his caterer, does the Chief Minister not think that by that yardstick, allegations of personal involvement in misfeasance all the more require that same action as the Prime Minister of the United Kingdom took? Does the Chief Minister not accept that the allegations of misfeasance on the part of the Minister in question are so frequent in Denmark; these articles appear regularly in Denmark that no further damage can be done in that market by taking the obvious and usual step of suing to clear one's name? Finally, does he accept that the efforts of the Minister for Trade and Industry, having as he does responsibility for the marketing of Gibraltar's finance centre, will be severely prejudiced by the fact that these outstanding charges are made against him and that he has not taken the simple precaution of commencing legal proceedings which I would expect he would win with no difficulty if everything that the Chief Minister is telling me is true?

MR SPEAKER:

Would you ask a question?

HON P R CARUANA:

There are three questions in all of that, Mr Speaker.

HON CHIEF MINISTER:

I am not sure what the three questions are but the answer is that he has not convinced me to change the policy of the Government.

15.3.93

ORAL

NO. 76 OF 1993

THE HON F VASQUEZ

Mr Speaker, in the light of the reassurances given by the Government when the relevant regulations were passed in the autumn of 1990, is Government satisfied that the information submitted to the Employment and Training Board by employers concerning their employees is maintained as strictly confidential and is the Government aware of any instances of such information being passed on to third parties?

ANSWER

THE HON THE CHIEF MINISTER

I have received a complaint from the Chamber of Commerce on one occasion since 1990 based on a letter written by the Branch Officer of the Transport and General Workers Union, Mr Jaime Netto, to employees and managers of companies in the finance industry urging them to become members of his Union. The complaint from the Chamber was based on the view that Mr Netto could only have found out the names and addresses of the employees from the Employment and Training Board.

I have raised the matter with Mr Netto who assures me that this information was not given to him from the Employment and Training Board confidential records.

As far as I am aware no other information as to pay etc is alleged to have fallen into the wrong hands by the Chamber.

I would point out that in some industries in the private sector there are agreements which require employers to provide the TGWU with information as to their employees to assist them in recruiting and to monitor observance of agreed pay and conditions.

The complaint from the Chamber was also raised by me with the Employment and Training Board. Whilst it is true that most of the employees are members of the Union, it is also true that most of them are civil servants.

2.

Equally information as to the names and addresses of legally employed persons are held in a number of Government departments which are also staffed by civil servants subject to confidentiality rules who in many instances are also union members.

I am satisfied that this one single instance is not enough to suggest that the information provided to the Employment and Training Board by employers is being passed on to other persons but I have nonetheless asked that special care should be taken in processing the information to ensure it does not come into the possession of persons outside the Board by accident.

15.3.93

ORAL

NO. 77 OF 1993

THE HON LT-COL E M BRITTO

Will Government say why it has been unwilling to implement recent TGWU proposals aimed at reducing unemployment?

ANSWER

THE HON THE CHIEF MINISTER

The proposal put to me by the Branch Officer of TGWU, Mr J Netto, at meetings held in December and February and to which the Branch Officer referred in a letter to the Gibraltar Chronicle dated 19 February are, I assume, the proposals which the Opposition Member said he would not give details about in his interview on GBC of 23 February when he stated he was aware of the proposals, and I quote, "Under the proposals that the Union have made, and I will not go into them in detail, but in general terms the Union has offered to use its infrastructure to help Government to stop this illegal labour. And without doubt this would work in containing this illegal labour and will also work in ensuring that money deducted in PAYE and in social insurance finds its way faster into Government's funds".

I propose now to go into these proposals in detail so that the House and the people can judge where the Opposition stands on this.

The TGWU Branch Officer claimed that when he saw me that the campaign the Union carried out in November of the construction industry had shown that there was widespread incidence amongst employers in using non-Gibraltarian labour which had not been registered with the Employment and Training Board and who were not having income tax and social insurance contributions deducted from their pay. TGWU further argued that inspectors from within the civil service were unlikely to catch out such employers and proposed that the Government should pay for shop stewards of the TGWU to be known as liaison officers, to be engaged in making raids on private sector employers and to be given the legal powers to investigate the books of such companies and cross-examine their managers and directors to establish if there was evidence of unregistered labour. The Union argues that this would reduce unemployment by permitting Gibraltarians to take those jobs occupied by the alleged unregistered labour.

The Government has rejected these proposals on two counts. The present pattern in filling vacancies with registered legal labour shows that the number of jobs being taken by non-Gibraltarians is such that if the private sector

employers chose to employ more Gibraltarians the level of unemployment existing at the moment would be reduced within six months to the norm set by the Government as a target which was the level that existed until 1991. This area therefore is one that the Employment and Training Unit has been charged with pursuing and investigating in order to find out why there appears to be a resistance on the part of local companies to employing Gibraltar labour. Discovering that there are a number of EEC nationals employed without being registered as the Union claims is happening will not enable the Government to require an employer to take a Gibraltar in his place, this would happen only with the cases of unregistered non-EEC labour, and even then an employer could substitute any EEC national instead of a Gibraltar in such cases. The declared aim of the proposed Union inspectorate, publicly funded, would not in the Government's view necessarily reduce unemployment levels.

The granting of wide powers of inspection to enter into businesses and examine records to persons elected by the TGWU from its body of shop stewards who would by definition have access to information in firms in competition with firms which they themselves are employed in, raises some very serious issues which, in the Government's view, would be strongly resisted by the business community generally which has already made representations to me as I have made clear in answer to Question No. 76 of 1993 over one incident of limited information being in the hands of the Branch Officer. I would draw the attention of the House to the fact that the proposals put to me by the Branch Officer and the complaint put to me by the Chamber both took place last December and both referred to events in November when the Union was approaching employees in the private sector.

I pointed out in my last meeting to the Branch Officer in February that the Opposition had in fact voted against the amendment to the Employment Ordinance that would allow the Government to employ as inspectors persons who are not necessarily civil servants, on the grounds that only civil servants should be given wide powers of inspection. I also told the Branch Officer that he could well imagine that if the permanent employees of the Employment Board, who in the main are seconded civil servants, were considered questionable as to their reliability and confidentiality by the Opposition, TGWU's proposal was likely to produce an even more negative reaction as it would be seen as consisting of a hit squad of shop stewards descending on the private sector businesses. I must say I was therefore astounded to hear the hon. Member who put the arguments against the bill in the House, subsequently publicly supporting the TGWU proposal which, as I have said, are the only ones put to me. I can only suppose that it is the reptilian qualities of the hon. and gallant Member which allows him to argue against a policy in this House and then meet the Branch Officer of the TGWU and promise him support for those same policies.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, there are a number of points that have to be clarified for the sake of the record. Will the Chief Minister accept that there are certain implications and inaccuracies in what he has said and implying about my actions in this case? Will the Chief Minister accept that I was indeed referring to those proposals in that interview on GBC? Will he also accept that I was not aware of the minor detail of the proposals which he has now explained. I was only aware of a very broad outline of those proposals, Mr Speaker. Will he also accept that in terms of what he has called a hit squad of shop stewards paid from public money to act as labour inspectors was something that I was totally unaware? In fact my information had been that the Union had asked for labour inspectors who are civil servants to be seconded to the Union to work with the Union carrying out the job of a labour inspectorate. That was my understanding of the proposals.

HON CHIEF MINISTER:

Mr Speaker, the only thing that I can say to the hon Member is that if he goes on GBC and criticises me for not accepting the proposals and says that he would not go into them in detail, I am assuming that he does not want to go into them in detail in public but that he is aware of the details. Certainly there would be no question of civil servants being seconded to the Union and acting on the instructions of the Union. I do not know how one would go on about that. It is certainly not the proposal I have had and I am astonished that the Opposition Member could lend support to such a proposal if that is what he believes the proposals. Civil servants are not normally members of the TGWU. They are members of the GGCA and I do not think that the GGCA would take very kindly to their members being told, as civil servants, that they have to take orders from people in Transport House. The proposal from the Union was that union elected representatives would be full time and would be given a warrant to carry out an inspectorate and that we would finance the exercise on the basis that their ability to drop in unexpectedly and catch somebody in the act had been demonstrated by their campaign in November. Therefore, demonstrably they were more capable of doing this than the civil service which would tend to be much more gentle about these things in their approach. The hon. Member may recall what he had to say in supplementaries to a previous question addressed to my hon colleague Mr Moss, when he was saying about the effectiveness of the campaign. It was on the basis of the alleged effectiveness of the campaign which we only got reports about the Union. We have asked the Union to give us details of the firms they claim were caught

with illegal labour and of the numbers and the names of the people so that we can actually check whether these people have been subsequently legalised or not. All that we get was a sort of broad figures saying that they had found 100, 200 or 300. We know that the number of people registered in the construction industry, for example, is very, very close to the figure the hon Member will see in the Employment Survey that has been tabled in this House. We are not saying it is 100%, it is not. I do not think any country in the world can have a 100% foolproof system. If there were hundreds of people amiss then either the construction industry would have to be much bigger than the Employment Survey shows (which is not consistent with all the other statistics on the economy) or else, there are not hundreds amiss because the numbers registered come fairly close. So we tend to monitor those things with the statistics but of course we welcome working closely together with the Union in this area because we are committed to removing illegal labour as much as they are. We think it is something that needs to be done but what we cannot do, I am afraid, is give them the resources and the money and the authority to carry out the Government's job. It is the Government's responsibility and it is up to the Government to do it.

MR SPEAKER:

Next question. One more because the Chief Minister has already answered. You asked "Why is the Government willing to?" The Chief Minister has given you a very, very full answer which any other Speaker would have called the Chief Minister to order because he should not give such long answers.

HON LT-COL E M BRITTO:

I am obliged, Mr Speaker. I just wanted the Chief Minister to accept from me that the basis of the criticism of the Government in that interview and in the press release that was put out prior to that interview was one of criticising the Government. I quote from the press release, Mr Speaker, "It is incredible that the GSLP refuses to give priority to establishing and developing a process of consultation and cooperation with the trade union movement on a matter of such mutual concern as finding ways of reducing unemployment". In other words, the criticism was aimed as much as to the turning down of the proposals from the Union as to the refusal to negotiate on those proposals or to discuss them further to try to produce some workable system. Will the Chief Minister accept, Mr Speaker, that in line with the detailed explanation that he has given, I appreciate that some of these proposals were not probably as workable as I had been given to understand?

HON CHIEF MINISTER:

Mr Speaker, can I just make it clear. The Opposition Member comes out with a press release criticising the Government for refusing to cooperate with the Union. There is a distinction between cooperating with the Union and doing what the Union would like us to do which I might have wanted another Government to do as a Union but which Governments have to balance. I have got the Chamber of Commerce and the Union. One is complaining that we are giving the Union information which enables them to go into businesses and the Union is complaining that they want more information and more power and more authority. The Government has got the responsibility then to take stock and even though we are close to the Union, if we think that what they are proposing is not a workable proposition we have to say no to them. That does not mean that we do not want to cooperate with them. Of course we do but cooperating with somebody does not mean that you have to say yes all the time. Sometimes you have to say no to your friends and on this occasion we frankly thought that their proposals would create enormous conflict between the Union and the business community and not necessarily produce the result which was, theoretically, the purpose of the exercise which was to get more Gibraltarians into employment. I can assure the Opposition Member that certainly it is the wish of the Government to work closely with the Union in this and in every other area but not on the basis that when they ask us to do something which we think it is not in the public interest, we have to say yes. If we have to part ways because we have to say no, we have to say no.

MR SPEAKER:

Next question.

15.3.93

ORAL

NO. 78 OF 1993

THE HON P CUMMING

What is the Government's policy in relation to answering questions from the press on matters which the Government wish not to publicise at the time that such questions are put by the press?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, in such circumstances the policy is no comment.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1993

HON P CUMMING:

When the Hon Juan Carlos Perez was on television talking about the lottery he was asked, "How come you deny that all this was happening when we last asked you?" and he said, "The reason is because information is given when I give it not when the press gives it". In other words, accepting that he had been untruthful before as a matter of policy in controlling information. I would like to know how the Chief Minister can dare to suggest reptilian qualities in the GSD when his own favourite Minister is openly using untruth as a method of controlling information.

HON CHIEF MINISTER:

First of all let me correct the hon Member. It is not that the Hon Juan Carlos Perez is my favourite Minister, it is that the Hon Mr Cumming is my favourite Opposition Member. For the sake of accuracy the position is that the Minister was not asked on television whether he had denied something and did not say, "Yes, I have denied it and therefore I lied". What he was actually asked was, "Is it true that you sent us barking up the wrong tree?" and the Minister said, "Yes, because I announce things when they are ready and when I want to announce them and not when GBC think they ought it to". That is the correct policy for any government because what the Government has to do is to announce things when it considers that it is right; which is the question the hon Member has asked. The hon Member has accepted that it is for the Government when it wishes to publicise or not. That is already implicit in the question he has tabled. He is not saying whether

it is right for the Government to decide when they wish to publicise something. He is accepting that we have got the right to do that and he is asking us what is our policy in such circumstances. Well our policy in such circumstances is not to comment. I am asked, as I am asked constantly, to speak on something because somebody thinks that there is going to be an announcement in the offing. We were asked about the airline service yesterday and I said to the media, "No, our policy is that we do not want to make an announcement because it is a mistake in our judgement". That is our view after many years in the House of Assembly. If one announces that something is going to happen and then it does not, one finishes up with people losing all credibility in the reliability of what is said is happening. Even though we do not claim that we are going to get big investments coming in, the Opposition still try to twist it round and say that it proves that we are making a big song and dance about an investment that is not happening. So we do not. We announce that it is happening when we have got everything signed and we know that, unless there is a last minute hitch, it will take place. The fact that when negotiations are taking place, newspapermen try to get a scoop and get the information confirmed before we are ready to make an announcement, is a perfectly legitimate thing for journalists to do. But it is equally legitimate for a government not to take the bait.

HON P CUMMING:

Mr Speaker, the Chief Minister is attempting here to defend the indefensible. In UK this would have resulted in the sacking of a minister. This is the level of behaviour in which the third world..... Here they are proud of it. Just to correct the Minister, the transcript shows that the Press said, "You have sent us barking up the wrong tree. You said there was nothing in it". And the Minister said, "Right, I control the information not you". Therefore it is a blatant admission that he was using untruth and deception in order to control information.

MR SPEAKER:

Order, order. You must withdraw that.

HON P CUMMING:

Mr Speaker, what is it that I must withdraw?

MR SPEAKER:

What you have just said.

HON P CUMMING:

Mr Speaker, this is a transcript of what was said on television.

MR SPEAKER:

No, no, what you said commenting on that.

HON P CUMMING:

I withdraw what I said. Nonetheless it says in the transcript that the Minister was asked, "You said there was nothing in it", and he said, "Right, that is in the transcript". So the deduction from that is that the policy on these matters that the Chief Minister has now outlined is to say, "No comment". So did he not say, "No comment"? The reason we can only deduce is that that was an automatic response which shows the amount of credibility that the people of Gibraltar can put in this Minister's statements. In this case why was not the declared policy of the Government, in saying "no comment" put into practice instead of trying to mislead everybody?

MR SPEAKER:

You must withdraw that statement - "trying to mislead".

HON P CUMMING:

I withdraw that, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, the hon Member, frankly, is not well. The song and dance that he is making out of this! He is making a circus out of this House of Assembly. The people of Gibraltar are all what; going round in ashes and sack cloth lamenting the third world standard of the Government of Gibraltar because the Minister in a television interview when an interviewer says to him, "But you got me barking up the wrong tree. You said to me there was nothing in it"? It means not that the Minister was interviewed on television and asked, "Is there something in it?" and he said, "There is nothing in it". It means, as happens all the time, that we get approaches informally from the media and they say to us, "Look, we understand an important announcement is going to be made tomorrow. Let me say something". When I spoke to the Leader of the Opposition at the farewell reception we had for His Excellency, he

said to me, "The media seem to think there is something dramatic going to happen because the House of Assembly is at 2.30 pm on Monday", and I said to him, "No, there is nothing in it. It is a lot of nonsense. Nothing dramatic is going to happen on Monday". Now obviously if something dramatic was going to happen on Monday I was not going to tell him on Friday. I would have told him on Monday. I do not know how the Opposition Member behaves or would expect to behave if he was in government but that is not lying, deception, misleading or third world. A journalist tries to put one into a situation where one actually lets go of information which one should not let go until the appropriate time comes to do it. If they are clever enough to do it, they do it. Obviously, Mr Neish is not clever enough to do it to my hon Colleague.

15.3.93

ORAL

NO. 79 OF 1993

THE HON P R CARUANA

Mr Speaker, has the UK Government acceded to the Government's call for an independent study of the Gibraltar economy?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1993

HON P R CARUANA:

Will the Chief Minister say what aspect of the Gibraltar economy he considers would benefit from an independent study?

HON CHIEF MINISTER:

All of it, Mr Speaker.

HON P R CARUANA:

Will the Chief Minister say whether his requirement for an independent study suggests lack of confidence on his part in the strategy that he has pursued for the Gibraltar economy or the manner in which he seeks to implement it?

HON CHIEF MINISTER:

The moment I lose confidence in my ability to manage the Gibraltar economy I will resign. It will not depend on whether the British Government agrees to pay for it or not. But I took the question to be that we had the support of the Opposition for the independent study and that they were critical of the British Government for turning it down not that they were critical of the Government for asking for it.

HON P R CARUANA:

What the Opposition wants to know is why the Chief Minister wants an independent study of the economy.

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HON CHIEF MINISTER:

Then whether the British Government agrees to it or does not agree to it, which is the subject of the question, has nothing to do with why we want it. The British Government has not said that they will not give us the money because they do not agree that we should have a study. The British Government has said that they will not give us the money because they do not see why they should pay for it.

HON P R CARUANA:

What the Chief Minister must accept, and try not to get too upset about, is that having spent himself seventeen years in the House of Assembly using the technique of supplementary questions, now think that a line is going to be drawn under the technique of supplementary questions simply because they are now addressed at him. The suggestion that the supplementary should be the same as the original question of course is.....

MR SPEAKER:

A supplementary should not be the same as the original question but should not go off at a tangent altogether.

HON P R CARUANA:

Nor do I accept that it does, Mr Speaker. It is entirely on the same subject matter.

MR SPEAKER:

In your question, with all respects, you are saying that the UK acceded to the Government call for an independent study. That is the question. The rest is superfluous. I have allowed it because of general interest but not because you are entitled to it. Next question.

HON P R CARUANA:

Mr Speaker, with the.....

MR SPEAKER:

Next question. Order, order.

HON P R CARUANA:

Mr Speaker, on a point of order¹⁶⁴.

MR SPEAKER:

If you want to be Speaker then you have got to try and get the job. For the time being you are Leader of the Opposition and I am calling you to order and that is it. Next question.

HON P R CARUANA:

Would you allow me to raise a point of order?

MR SPEAKER:

Yes, a point of order.

HON P R CARUANA:

Very kind of you, Mr Speaker. I think it is time Mr Speaker made a ruling on this because it is quite clear that the Government Members have taken your initial words at the start of this sitting to heart. The fact is that.....

MR SPEAKER:

Would you substantiate what you have just said?

HON P R CARUANA:

Mr Speaker at the opening of this sitting delivered a statement on what were the proper subject matters of questions and that supplementary questions should relate to them. All of a sudden during this question time we have Government Members practically on every question pointing out that that is not what the original question asked. So clearly the Government Members have listened carefully.....

MR SPEAKER:

I disagree with you entirely. If you look at Hansard, that has been said many times before. This is not the first time. Perhaps if you were to total them up you may find that it was said fewer times this time than any other time. I suggest to the Leader of the Opposition that before he stands up and makes allegations of that nature he has the facts in front of him.

INTERRUPTION

MR SPEAKER:

Order, order. If you have a point of order; down to the point of order no speeches.

HON P R CARUANA:

Mr Speaker, the point of order which I have to make is firstly that I do not accept that I have made an allegation; another word that is becoming a favourite word to band across the floor of this House. I have not made any allegation since I stood up to make this point of order. What I have said is that Mr Speaker made a statement to the House which the Government Members had listened to carefully. I do not see where there is an allegation.....

MR SPEAKER:

But you have. You have said that because I made that point of order, the Government have now been using that to influence me. This is what you are saying. That is implicit in what you are saying.

HON P R CARUANA:

Well, Mr Speaker.....

MR SPEAKER:

Look, let us come to the point of order and let us not argue backwards and forwards. What is the point of order?

HON P R CARUANA:

The point of order, Mr Speaker, is that I would like you to rule on the rules about supplementaries. The fact of the matter is that a supplementary to be legitimate it must be in relation to the same subject matter as the original question and it must flow from the original question and seek clarification of facts that flow from the original question. The original question therefore is whether the UK Government have acceded for a call for an independent study. If Mr Speaker wishes to rule that my supplementary question is irrelevant then of course I must bow to Mr Speaker's ruling; but I cannot see how the question, "Why was the request that has not been acceded to made in the first place?" does not flow from the question as to whether the request has been acceded to.

MR SPEAKER:

It is when you start referring to the Government's policy that you seem to go wrong. Your question is clear, "Has the UK Government acceded to the Government's call for an independent study of the Gibraltar economy?" That is the question and if you wanted me to be strict I would never have allowed you to ask the supplementaries that you did because you are asking as to whether the Government would do it themselves. This has nothing to do with that. But I allowed it. If I were to go strictly by the rules there would be hardly any supplementaries put in this House. First of all the supplementary is intended to clarify a matter of fact in the answer given. So it is a matter of fact that you have to pick out of that answer and then try and get it clarified. It cannot be used as a pretext for a debate so if you can imagine then if I were strict, the supplementary would hardly ever be allowed. It is so complex that it is better when you put your question to come and see the Clerk who is the first person to see the questions. We shall be as liberal as possible because, as I say, I do not want to inhibit hon Members from asking questions. That is the last thing I want to do, but on the other hand, there is a time when it has to be stopped and the rule of the game is that you have got to play to the whistle of the referee otherwise there cannot be any intelligent debating in this House. Next question.

15.3.93

ORAL

NO. 80 OF 1993

THE HON H CORBY

Is the Government involved in any initiative to end the Moroccan workers demonstration outside No. 6 Convent Place?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 80 OF 1993

HON H CORBY:

Will then the Chief Minister explain when he said, "If I am harassed, I will not try any more" what is the trying factor in this Moroccan issue?

HON CHIEF MINISTER:

Mr Speaker, what I am saying is that whether it is the Moroccan Workers' Association, the Members of the Opposition or any other group, we do not take policy decisions on the basis of harassment. We take policy decisions on the basis of evaluating what we consider in our judgement to be the correct policies in Gibraltar's interest. The facts are that because we have relaxed the application of the law, we have people demonstrating who otherwise would not have been there because in 1988 they would not have been allowed to stay in Gibraltar. When we came in in 1988 the Moroccan Workers' Association asked us to let people carry on in Gibraltar and we said, "Why not, the economy is growing?" Two thousand new jobs were created between 1988 and 1992 so why should not the unemployed Moroccans be given the opportunity and instead of it being six months, why not eight or nine months or one year or whatever. So in practice we simply, administratively, relaxed the rule. The result of relaxing the rule is that the people who are benefiting from relaxation now use that relaxation as an argument to say that they have to be given all the benefits of being Gibraltarians and that is what they are asking for in the case they have taken to Court. They are asking for all the rights of citizenship which I said in the Official Opening of the House, Gibraltar could not afford whether we wanted to or we did not want to. We could not do it, so either the UK has to pay for it or the

Moroccans have to go because at the end of the day it will bankrupt us. That is the position and therefore there is no question of a new initiative being taken because they are parked outside the office or they get parked on my doorstep. The answer will be the same.

HON H CORBY:

Will the Chief Minister state if there have been any talks with the British Government in as far as the payment is concerned or is he talking to the UK on this question? My other supplementary is that if there are continual meetings with the leaders of the Moroccan Workers' Association in as far as that is concerned?

HON CHIEF MINISTER:

The first supplementary is that we have talked to the UK and the UK view on this occasion is that it is the responsibility of the Government of Gibraltar notwithstanding the fact that the Constitution of Gibraltar is explicitly clear. If we look at the list of Defined Domestic Matters, the hon Member will find that actually says that labour from abroad is reserved as a matter for the British Government. If the hon Member looks at the responsibility for Social Security in the ministerial duties of the Minister, he will find when it is gazetted that it says, "Social Security for labour from within Gibraltar". So we think that the letter of the Constitution is absolutely clear. The British Government's position is that by custom and practice the responsibility has become ours over the last twenty-five years. It seems that when it suits them it is by custom and practice and when it does not suit them it is the letter of the law. We told the British Government also of the case that is going to come up in Court, since the case is really asking the Court to rule, making a declaration or an order that a whole range of things need to be done which the Moroccan Workers' Association claim flows from the EEC/Morocco Cooperation Agreement of 1977 which the British Government signed but which the British Government did nothing to see implemented in Gibraltar between 1977 and 1992. If the British Government is responsible for the external affairs it would seem to me that they have a responsibility in this area and have done nothing about it. The second thing is that if the British Government is arguing in the European Court of Justice that the Government of Gibraltar has no locus standi, we do not see how they can argue in the case of the Gibraltar Court that we have local standi and that we are responsible for implementing the EEC/Morocco Agreement but we are not responsible for implementing EEC regulations on air liberalisation. The answer to the hon Member's question is that the talks that we have had with

the British Government are totally sterile because the British Government seems to use an argument as and when it suits them which will no doubt make it third world in the opinion of the Hon Mr Cumming. I do not know whether that qualifies it a deception or not because it is the British Government that does it. On the second aspect I am not having any further meetings with the leaders of the Moroccan Workers' Association first of all because as there is a Court case then, as I said in the Official Opening of the House, if the matter is going to go into Court, we are certainly not going to have meetings with anybody to give away the arguments that are going to be used in Court. That would be a very stupid thing to do. The second thing, frankly, is that when I had the visit from Bob Perkins of the TGWU recently I was astonished that he produced a long list of all the grievances when only three or four weeks before I had a meeting with Mohammed Sarsri who told me how happy he was at the progress we had made in addressing some of these areas and in bringing up improvements. So I mean, if I have one meeting with the Moroccan Workers' Association and I get a feedback and then when they meet somebody else they go with a different version, I think I am wasting my time and, frankly, I have got too much to do to waste my time in those sort of games. So the answer is it is now in the Courts and the Courts will rule and at the end of the day our position has to be that we now have to act to protect Gibraltar's interests because ultimately although we bear no ill will to the Moroccans, what they are asking for is impossible.

15.3.93

ORAL

NO. 81 OF 1993

THE HON P R CARUANA

Has the Chief Minister put to Apymel the conditions under which he is prepared to accept joint use of the Gibraltar airport?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1993

HON P R CARUANA:

Mr Speaker, will the Chief Minister state the terms on which he is prepared to accept some form of airport agreement and will he state what he said to Apymel in a letter which he is reported - only in the press - to have sent to Apymel on the subject?

HON CHIEF MINISTER:

It is not my practice to publish letters whether to Apymel, the Union or anybody else. If other people choose to do it that is a matter for them; I do not. When people write to me, I answer them and I think it is up to them if they choose to make their letters public or not. I can tell the hon Member that basically the reply I have given them is to a statement that they gave me which contained nine points. I do not know whether he wants me to go through the nine points and the nine replies I have given but he can take it from me that the nine replies I have given to the nine points are entirely consistent with my opposition to the 1977 agreement as it has been from the day it was signed.

15.3.93

ORAL

NO. 82 OF 1993

THE HON P R CARUANA

Will the Chief Minister make a statement to the House concerning his recent meeting with the Secretary of State for Defence and in particular did the Chief Minister receive any assurances in relation to the future of the airport?

ANSWER

THE HON THE CHIEF MINISTER

At the meeting I held with the Secretary of State for Defence on 25 February 1993 I stressed the difficulties being faced by Gibraltar in implementing a structural adjustment programme to re-orientate its economy away from a dependence on military expenditure.

I pointed out that when the Defence White Paper of 1981 had first raised the issue of dockyard closures, the United Kingdom had financed a study of the possible impact on the Gibraltar economy conducted by PEIDA and that subsequent reductions had not been accompanied by similar impact studies financed by the UK.

I informed the Secretary of State that Gibraltar lacked both the financial and technical resources to conduct such a study. I also pointed out that since a study was necessary to identify areas of possible job creation to compensate for the loss of MOD jobs and that this was required in order to identify the new skills necessary and the technical programmes for re-training. I pointed out that the MOD had the physical resources in terms of equipment, workshops and specialists to be able to assist in providing training but that a political decision had to be taken to permit utilisation of MOD resources for this purpose.

I reminded the Secretary of State that previous MOD cuts had taken place at a time when the UK was providing development aid which had ended with the ending of the support and sustain policy on the opening of the frontier with Spain in 1985.

Gibraltar had not requested a resumption of the development aid programme. However it had asked for technical support in a number of areas and had received a totally unsympathetic response from the UK.

I also drew to the attention of the Secretary of State that in addition to the problems created by MOD cuts and lack of support from the UK, the labour market in Gibraltar was being seriously affected by the UK recession.

This was creating a steady flow of Gibraltarians returning after settling in the UK for many years because of the unemployment situation there. Also a substantial migration of unemployed UK workers was taking place who were coming to Gibraltar to seek employment here.

I therefore highlighted that as well as not meeting its obligations to ensure the financial stability of the territory by assisting Gibraltar to adjust to the changes brought about by MOD cuts, the UK was in fact aggravating our problems through exporting its unemployed to us.

Whilst the Secretary of State listened sympathetically to what I had to say and took note of all the points, he made clear that the difficulties the United Kingdom itself was facing, with higher rates of unemployment and worse budget deficits than we had in Gibraltar, was a factor.

It was made clear to me that the constraints placed on the MOD budget meant that the policy of test marketing of services which is being conducted within the United Kingdom in order to reduce the cost of providing services required by MOD will also be followed in Gibraltar.

In this context the Secretary of State assured me that the test marketing of the services provided by the Gibraltar airport with a view to civilianising them was all that was envisaged at present and that there were currently no plans for a reduction of the MOD presence other than on these grounds.

As regards these assurances for the future of the airport I have to say therefore that the fact that there are no plans, at present, for the MOD to stop meeting the costs of the facilities is no guarantee that such plans will not materialise at some future unknown date.

In 1981 when the Defence White Paper dealing with the future of the Royal Dockyard was published the then Chief Minister received assurances as to the MOD plans for Gibraltar. He appeared on television and told the people of Gibraltar that as long as there was a frigate left in the Royal Navy the Gibraltar Naval Dockyard would remain open. By December 1984 the Gibraltar Naval Dockyard was closed.

The Opposition Members can draw their own conclusions as to the value of such assurances from the experience of the past.

SUPPLEMENTARY TO QUESTION NO. 82 OF 1993

HON P R CARUANA:

I am obliged to the Chief Minister for that comprehensive report on his meeting with the Secretary of State and notwithstanding the Chief Minister's scepticism as to the value of assurances from HM Government and I invite him to accept that whatever their ultimate durability it is better to have them than not to have them at all. Given that the Secretary of State has recognised - if he will accept in my meeting with him - that the airport is vital to Gibraltar and that any future decision or plan would certainly have to take into account that it is vital to Gibraltar, would the Chief Minister not consider it of some value - notwithstanding what he has just said - to press that statement by the Secretary of State and try to convert it into some sort of assurance that the UK Government will not seek to deal with the Gibraltar airport in any defence review and simply on a defence basis and will take into account the ability of the Government of Gibraltar to take over the running of it before withdrawing their own financial obligation or commitment to doing so?

HON CHIEF MINISTER:

That has been there throughout. What the position is is that when the matter was raised with us initially before the Secretary of State visited Gibraltar on the basis that they were interested in discussing transferring it to us, we said no. We are not in a position to take responsibility for something unless we know we have the resources to keep it open. So if they transfer it to us we are telling them now that that means we have to close it; we cannot afford it. That is the position at the moment and will be the position in 1996 or 1997 if they come back again with that idea. At the moment they are committed to financing the contract if and when they decide that contract should be granted. At the moment what they are doing is inviting proposals; test marketing. Once they have done the test marketing they will evaluate whether they will actually save money by using the contractor rather than keeping the RAF. In my judgement I do not think they will. I think they are better off keeping it run by the RAF because whoever gets the contract for this highly technical specialist tasks will presumably have to bring in expatriates anyway. It is a matter for them because we are not paying it but certainly we are not in a position now or in the foreseeable future to be able to step in and assume responsibility for that contract. That is clear to them and what we have is a commitment that that will not simply happen overnight. We will not wake up one morning and find the RAF have gone. Any decision will be on the basis of prior consultation with us. Prior consultation does not mean that they will do what we would like them to do.

15.3.93

ORAL

NO. 83 OF 1993

THE HON P R CARUANA

Mr Speaker, what steps has the Government taken to correct the damaging misconception on the part of the European Commission (contained in a briefing document issued in December 1992 by the EC in relation to all territories linked to the EC other than the 12 member States themselves) in which there is a reference to the 1984 Brussels Agreement as the basis upon which the free movement of persons, vehicles and goods between Gibraltar and Spain is allowed?

The question, admittedly, Mr Speaker, assumes and presumes that the Chief Minister has had sight of that document. I supposed that he had.

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the statement to which this question refers was issued by the UK office of the Commission. The Government wrote to the Commission's London office in December asking them to correct the statement.

In the letter to the Commission, the Government pointed out that the restrictions had been imposed by Spain and were removed unilaterally. That is to say that no restrictions had ever existed on the Gibraltar side and therefore none needed to be removed.

The letter also drew to their attention that the status of Gibraltar in the EC had nothing to do with the Brussels Agreement but was derived from the provision of the Treaty of Rome since Gibraltar's accession in 1973.

I regret to say that nothing appears to have been done in the London office of the Commission following our representations.

As to whether the statement which says that movement across the frontier flows from the Brussels Agreement rather than from EC law is a misconception - this is not something Government can say - though it agrees that it is damaging.

This was one of the objections which at the time was raised by me, as Leader of the Opposition. I pointed out then that Spain would argue that it was restoring communications in exchange for talks on sovereignty and not because of its accession to the EC.

That this is the Spanish view there can be no doubt. It is for this reason that there is talk in Spain of restoring restrictions if there is no progress for Spain.

The Brussels Agreement advanced EC rights to Spanish nationals by eleven months but it also gave Spain an argument for saying that the movement across the land frontier was governed by a bilateral agreement and not by the application of Community law.

Spain communicated this view in January 1985 to the EC (as well as UN, NATO and Council of Europe) shortly after the signing of the Brussels Agreement and before it joined the EC. This statement, which presumably is still on record, seems to be the source of the reference in the report issued by the Commission which they do not seem to be inclined to correct.

The Commission has also been reminded that in fact the restrictions on movement between Gibraltar and Spain which were imposed by land, sea and air, were only lifted by land in 1985 and continue to this date by sea and air in spite of Spain's EC membership.

The Government consider that this is one more example of the continuing damaging effect of the Brussels Agreement. I hope my answer will therefore help the hon questioner to come to the conclusion that he should not continue to support the Brussels Agreement.

SUPPLEMENTARY TO QUESTION NO. 83 OF 1993

HON P R CARUANA:

Mr Speaker, will the Chief Minister accept that whatever the policy of this party is on the Brussels Agreement, it does not address the issue, the subject matter of this question which is the fact that there is a misleading and erroneous reference to it in this European Community document? By way of supplementary can I ask the Chief Minister whether given that we agree that the misconception is damaging and that the misconception is there and that notwithstanding the apparent disinclination of the European Commission to correct it - which presumably means that they have not replied to his letter - will he nevertheless pursue the matter persistently by sending chaser and reminder letters and not allowing this matter to die so that the next time that this document is published they will have no excuse for not having corrected the error?

HON CHIEF MINISTER:

Mr Speaker, we do not agree that there is a misconception. We agree that it is damaging. I have said in my answer, "whether it is a misconception is something that Government cannot say". What I can say is that the press release issued by the Convent in Gibraltar at the time of the Brussels Agreement stated textually exactly the same words as there is in this Commission paper. It is quite obvious that the Commission has not invented the phrase. It says, "The establishment of the free movement of people, vehicles and goods between Gibraltar and the neighbouring territory". Well we know that there is not a free movement of goods between Gibraltar and the neighbouring territory but this was not said by the Commission in 1985 it was said by the Convent in Gibraltar. So it is not just that the Spanish Government has said to the Commission that there is an agreement which allows the free movement of persons, vehicles and goods between Gibraltar and the neighbouring territory, it is that the British Government has also said it. Now, we think that even if it was true in 1985, it should no longer be true in 1986 when this should have been overtaken by the accession of Spain to the European Community but our view is not a view that is shared by Spain. This is why Spain has blocked the External Frontiers Convention and this is why Spain and Britain have jointly excluded Gibraltar from the Air Liberalisation Regulations and this is why the Commission seems to be so reluctant to move on it. It is not because we think that it is wrong that they are going to change their mind. What I am saying to the hon Member is that there is more to this than meets the eye. This is not a misprint.

HON P R CARUANA:

No, I accept that it is obviously not a misprint. The misconception to which I refer is that it states a historical position as if it were the current position. The position described in the words, "The Agreement allows the free movement of persons, vehicles and goods between Gibraltar and Spain" if it were ever completely true which as the Chief Minister has just described as never being completely true, is related to the period of advance during which the Brussels Agreement was operative before European Community law came into place. The misconception is that a statement of fact which was true only for the period between the signing of the Brussels Agreement and Spain's accession to the Community is still held up as being the basis for cross frontier traffic between Gibraltar and Spain. That is the misconception; the fact that Spain argues the contrary, I would ask the Chief Minister to accept should not demoralise us into pursuing every opportunity persistently to put the contrary view forward.

HON CHIEF MINISTER:

I am not demoralised; it is not in my character to be demoralised. If I may read from the bulletin which is the subject of the question, it actually says, "The UK and Spain agreed on the 27 November 1984 to remove all restrictions between Gibraltar and Spain". That is the Brussels Agreement and that is what the bulletin says was agreed on such a date. It then says, "The Agreement allows the free movement of persons, vehicles and goods between Gibraltar and Spain". So what it is saying is that the Agreement allowed it in 1985 and continues to allow it today.

HON P R CARUANA:

That is the misconception.

HON CHIEF MINISTER:

Well, that is not simply a misconception on the part of the Commission, that is the view the Commission has on the record from the member State Spain which, in our judgement, does not seem to be sufficiently countered by the member State UK. If it was the thirteenth member State Gibraltar it might be another kettle of fish, but it is not. Therefore, although we put our views to the Commission, it is a fact that there are a number of inaccuracies in the definition of what the Agreement allows and even if we were to say, "No, the misconception is to say 'the Agreement allows' and what it ought to say is 'the Agreement allowed in the past these things to happen'". That would be what Spain said the Agreement allowed; what UK said the Agreement allowed is certainly not what happened because one of the things it allowed was the restoration of the ferry service in 1985 and it has not happened either as a result of the Agreement or as a result of Spain's entry. So in fact what we pointed out to the Commission was that irrespective of whether the freedom that exists today flows from the Treaty of Accession of January 1986 or the freedom that exists today flows from the 1984 Brussels Agreement, the truth and the facts are that the freedom does not exist. That is something that needs to be corrected. It is wrong to tell people that there is now free movement since 1984 because it might have been agreed in 1984, in our view it might be compulsory since 1986 but it is not happening.

15.3.93

ORAL

NO. 84 OF 1993

THE HON P R CARUANA

Is Government aware of any plans to enable passage through the Gibraltar/La Linea frontier to be permitted on production of identity cards?

ANSWER

THE HON THE CHIEF MINISTER

EC nationals do not require passports to travel within the EC provided they have a valid identity card issued by their country of origin. Gibraltar applies this rule on entry and exit to nationals of all member States except the United Kingdom, which does not issue identity cards and Spain which under a bilateral agreement with UK reached in the Brussels process, requires passports for its nationals to visit Gibraltar.

The Gibraltar Government is in the process of replacing existing identity cards with new style fraud-proof cards which enable Gibraltarians to travel throughout the European community without a passport. The Gibraltar Government would expect that the passage across the Gibraltar/La Linea frontier would, in those circumstances, be no different from the passage across any other frontier between any other two member States in the European Community. But, like everything else about the Gibraltar/La Linea frontier, we shall have to wait and see what happens when the time comes.

15.3.93

ORAL

NO. 85 OF 1993

THE HON P R CARUANA

Is Government aware of any proposals (subsequent to the so called "toaster" proposals made by the EC Portuguese Presidency) which are presently under consideration to unblock the impasse with regard to Gibraltar's inclusion in the EC External Frontiers Convention?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, no new proposals have been put forward as far as the Government is aware.

15.3.93

ORAL

NO. 86 OF 1993

THE HON F VASQUEZ

Is Government bringing any pressure to bear on the British Government for the allocation of a representative on the Committee of Regions to be formed under the Maastricht Treaty?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1993

HON F VASQUEZ:

Mr Speaker, is this a matter which is not the Government's policy to pursue in any way? It is not something that interests the Government in any way?

HON CHIEF MINISTER:

The Government is not pursuing the allocation to Gibraltar of a representative on the Committee of the Regions. The hon Member ought to know why not. If he reads the Maastricht Treaty he will see precisely why it should not be pursued.

15.3.93

ORAL

NO. 87 OF 1993

HON P R CARUANA

Will the Chief Minister report to the House on the Anglo Spanish talks about Gibraltar held in Madrid under the Brussels Agreement on 1st March 1993?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker. I cannot make a report to the House on the Anglo Spanish talks held under the terms of the Brussels Agreement since my Government does not support the Agreement and does not participate in those talks.

What I can do is report to the House that the Government continues to be totally committed to the policy on which it was elected in 1988 and re-elected in 1992 in its opposition to the Brussels Agreement.

I am kept informed by Her Majesty's Government as to the content of the exchanges that have taken place on this and on previous occasions. I am obviously not at liberty to inform the House beyond what has been made public by the Secretary of State for Foreign Affairs at the Press Conference held in Madrid.

I can say, however, that apart from the ritual exchange of views reflecting the Spanish and United Kingdom positions on sovereignty the element in these talks which strictly speaking is not required by the terms of the Brussels Agreement is an examination of the procedures followed with a view as to how new procedures might be evolved.

I do not wish to speculate on whether this approach could lead to the possibility of new avenues of communications with Spain. It is self-evident that this is a delicate matter which premature speculation could make stillborn.

As regards the statements on the 1987 Airport Agreement, I welcome the decision to discuss its meaning and to see to clarify the views as to the obligations it creates. As is well-known, Spain has stated in the European Court of Justice, that the Agreement was needed to reconcile the views on the sovereignty of the isthmus which it held and the opposing view held by the United Kingdom. Spain claims that it could not accept that the airport is a British Regional Airport, although this is how it was classified prior to Spanish accession to the European

Community in 1986. It further argues that the authority to approve flights from third countries to Gibraltar is being shared in the Agreement as a compromise between the Spanish position that it should be an exclusive Spanish decision over the use of a Spanish airport, and the UK position that it should be an exclusive British decision over the use of a British airport.

The UK claims that there are no implications for sovereignty because the agreement grants no such right to Spain, but simply recognises their right to be consulted over a third country application and express a view which may or may not influence the final unilateral decision to be taken by UK.

In addition to these fundamental differences which clearly allows the 1987 Agreement to be capable of being represented as containing concessions on sovereignty, the development of Community legislation since 1987 makes much of the Agreement obsolete.

The Gibraltar Government has been urging a re-examination of the terms of the Agreement since 1988 and therefore considers this is a step in the right direction if the way of breaking the deadlock is to be found. Again one needs to temper this with caution and not expect that the re-examination will lead to a speedy settlement of the differences. From Gibraltar's point of view it is nonetheless a significant positive step since at least it does counter the impression created in some circles that the Agreement as it stands could simply be put into effect on the British interpretation but that the Gibraltarians are being unreasonably obstructive in not implementing it.

Finally let me say that on the information available to me the response given by the British Government on the constitutional position is one that we fully support and that I am able to reassure people that there is no question of any new proposals for a condominium or anything else having been put at the meeting as was made clear by the Secretary of State at the Press Conference.

SUPPLEMENTARY TO QUESTION NO. 87 OF 1993

HON P R CARUANA:

Will the Chief Minister clarify whether the briefing that he has had from the British delegation to these talks has clarified that the reference of the British Secretary of State for Foreign Affairs to a new course charted progress was a reference to this investigation of the possibility of the restructuring of the talks to which the Chief Minister has referred or whether it refers to something else and if so, what - but there were two references in the press communique by the Secretary of State to having charted a new course for progress?

HON CHIEF MINISTER:

The reference is to the examination of possible new procedures which is supposed to be taking place at meeting of technical people from both sides.

HON P R CARUANA:

Will the Chief Minister state what his position is on the reported - and emphasise the word "reported" - event that the Spanish Government may have been invited to join the British Government in reviewing Gibraltar's Constitution and if indeed that report is accurate, would he say what his Government's policy would be in relation to that possibility?

HON CHIEF MINISTER:

The report is not accurate.

HON P R CARUANA:

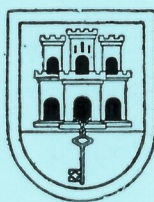
We are delighted to hear it and therefore it makes the question entirely hypothetical. I assume from the firmness of the reply that the Chief Minister has had occasion to seek clarification specifically on the point.

HON CHIEF MINISTER:

No, because in fact before the meeting took place I had occasion to discuss at length the development of constitutional talks with UK and the extent, if any, to which it would impact on our relationship with other member States of the EEC - all eleven.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

28th OCTOBER 1993
(Volume I)

Nos. 88 to 170

28.10.93

ORAL

NO. 88 OF 1993

THE HON P R CARUANA

Mr Speaker, what problems does the Government envisage will arise for Gibraltar from the new European Community Regulations relating to non-VAT paid cars being driven in the European Community by European Community nationals and what steps is Government taking to alleviate any such problems?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Gibraltar residents will have no problems with the new EC Regulations.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1993

HON P R CARUANA:

Yes, Mr Speaker, but problems for Gibraltar can arise even though they do not affect Gibraltar residents. How, for example, will it affect the car hire business in Gibraltar who apparently will be unable to hire their Gibraltar registered cars to Frenchmen and Englishmen and others from the European Community who come to Gibraltar to commence holidays from here?

HON J C PEREZ:

Mr Speaker, the Government is aware of that particular problem. It was raised with Her Majesty's Government; there is correspondence dated about three years ago but as is becoming customary on these issues, it is something that the United Kingdom has still yet to resolve on our behalf. What is true is that if the directive is applied as it should be applied everywhere else, then the only citizens who can hire a car in Gibraltar and drive into Spain would be citizens of Gibraltar or citizens of countries which do not form part of the EEC. We have checked what the situation is between Switzerland and Germany and Switzerland and France and there seems to be no objection there either by the French or by the Germans to EEC citizens flying into Switzerland and picking a car and driving into the EEC. We do not seem to have the same ambience from our colleagues over the border when it comes to taking the same view. The United Kingdom has still unresolved the issue. We have made several proposals. The trade has had a couple of meetings with me already and we are still waiting for the United Kingdom to come up with a possible solution to the problem.

HON P R CARUANA:

Mr Speaker, will the Minister say what proposals which he has just referred to are being considered?

HON J C PEREZ:

There are various proposals being considered which I would prefer not to divulge at this stage because they are being considered both by the trade and by the United Kingdom at the same time. But there would not be a problem if we find that there is a united position which we can go with. There would not be a problem in making that public but I would not like to do it at this stage.

HON P R CARUANA:

Finally, Mr Speaker, given the rather brief answer by the Financial and Development Secretary initially to the effect that residents of Gibraltar will not have a problem, can he say how residents of Gibraltar, when they are abroad, will be able to satisfy the requirement that they are resident in Gibraltar? How does a person who is resident in Gibraltar prove that he is resident in Gibraltar? What document does he produce?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This is also a matter, Mr Speaker, which is under discussion and, hopefully, will be resolved with the Spanish authorities.

HON H CORBY:

Mr Speaker, can the Minister say what would happen to the cars of people who are living in the Campo Area? How will this affect them - or will it affect them at all - if they have Gibraltar registered cars whilst in residence in Spain?

HON J C PEREZ:

Mr Speaker, without this new legislation people who permanently resident in the Campo Area should not have a Gibraltar registered car; so there is no change in that. Whoever is permanently resident in Spain should not have a Gibraltar registered car; that person should have a Spanish registered car. If the situation is that he is temporarily resident in Spain and has permanent residence in Gibraltar, as long as he can satisfy the Spanish authorities, from time to time, that that is the case

then he should have no problem. The definition in Spanish law of 'temporarily resident' says that if a person exceeds a certain number of weeks in the year then he is deemed to be permanently resident even if he has got permanent residence somewhere else. So that is why one hears from time to time that there are problems with the Spanish authorities, because in the application of the law the onus is on the person who is temporarily resident in Spain to show that he is temporarily resident and not permanently resident and therefore trying to swindle the tax authorities in Spain.

HON H CORBY:

I said this because on occasions it is very difficult for a person leaving his car in a garage in Spain to produce such a certificate because the passport is not stamped on going in or out. The Spanish authorities want something that would tell them that the person has gone in and out with the car. I think the period is six months. It is very difficult to produce this unless he goes into Shell company and can produce that he has put petrol in the car with the particular registration number. This has happened on various occasions in the past.

HON J C PEREZ:

Mr Speaker, with respect to the hon Member, the problem really is not the Government's because at the end of the day it is the way different policemen in Spain interpret the law. To one policeman it might suffice to have a stamp in the passport and one can easily get a stamp in the passport if one asks for it. We have not got the power to extend our jurisdiction to protect citizens who have to prove temporary residence in Spain; it is not a problem that we can tackle. If there were a proposal on the Spanish side to regulate it in a way, we would be prepared to do something to help them in applying the law. We would even be prepared to get the Customs or the Police to make initial contacts - this has been done already unofficially - and ask, "What is it that you require to be able to help these citizens to prove their case?" But they change policemen all the time, different people take a different view and it is ever so difficult to have a standard arrangement.

HON P R CARUANA:

Mr Speaker, I am obliged to the Minister for his answers to this question. As a final supplementary, will the Government consider - recognising as I do the difficulties of different policemen interpreting their duties in different ways - the possibility of stamping in passports

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a statement to the effect that the bearer is, in fact, resident in Gibraltar because that is not a statement by the Government of Gibraltar which the Spanish Police may be able to ignore? That would be a statement by Her Majesty's Government who are the issuers of passports in Gibraltar which is less likely that the Spanish authorities will be able to ignore as evidence to residents of Gibraltar, when they are stopped in Spain, that in fact they are legitimately driving a Gibraltar registered car?

HON J C PEREZ:

Mr Speaker, I have no problem in considering it but I would think that the new identity card would be the document that would reflect one's permanent residence in Gibraltar or not. But in any case, regardless of that document, what I told the hon Member before is that if one exceeds a number of weeks in Spain and that number of weeks must only be less than a quarter of the year, one is then deemed by the Spanish authorities to be permanently resident in Spain even if one has a permanent residence already for the purposes of taxation and that is how they interpret their own law.

HON P R CARUANA:

One hundred and eighty-three days.

HON J C PEREZ:

Or 183 days.

28.10.93

ORAL

NO. 89 OF 1993

THE HON F VASQUEZ

Mr Speaker, what criteria has Government laid down under section 271(3) of the Public Health Ordinance for deciding whether empty commercial premises should be entitled to remittal of rates?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, no such criteria have been laid down.

SUPPLEMENTARY TO QUESTION NO. 89 OF 1993

HON F VASQUEZ:

Mr Speaker, does the Financial and Development Secretary accept and acknowledge that the Ordinance at section 271(3) imposes on the Government an obligation to lay down such criteria since specific reference is made to those criteria?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I have a little bit of difficulty with the hon Member's question because he refers to empty commercial premises being entitled to remittal of rates in accordance with criteria which may be laid down under section 271(3). In fact, section 271(3) empowers the Financial and Development Secretary to reduce or remit payment of rates on grounds of - (a) poverty or (b) where he is of the opinion that it is in the interests to the development of Gibraltar according to criteria laid down for the purpose, to do so. The section does not actually refer to empty property, it is sections 272 and 273 which refer to the circumstances in which empty commercial premises should be entitled to remittal of rates, and if the hon Member were to read those two sections which I have quoted, he would find that section 272 provides for the recovery of rates paid by the ratepayer in respect of the period during which the property is unoccupied up to a maximum of three months. And section 273 provides for the full payment of rates if the property remains unoccupied for a period exceeding three months unless certain conditions are satisfied which would entitle the ratepayer to a further remittal and the conditions are then described in the remaining subsections specifically.

HON F VASQUEZ:

Mr Speaker, it appears we might have some confusion here. Did not the Public Health (Amendment) Ordinance 1990 specifically repeal the previous provisions of sections 272(3)(e) and 272(6) as it existed up until that moment?

HON CHIEF MINISTER:

Yes, of course they did, it is published in the law.

HON F VASQUEZ:

Yes, so then as presently drafted section 272 requires the Government to lay down criteria for the circumstances in which remittal of rates will be granted. The fact is, Mr Speaker, that since the passing of that law in 1990, as the Government will be aware, there has been a glut of commercial accommodation in Gibraltar as a result of which a number of landlords and property owners are caught in the trap of having properties that they cannot let and for which they are charged rates. It appears that in certain circumstances the Financial and Development Secretary is in a position to grant remittal of those rates although the criteria which he applies for the granting of that remittal is not made clear. Can the Chief Minister say anything to this House, Mr Speaker, that will satisfy landlords who are having to pay rates on empty premises that they are not being treated unfairly in relation to other landlords who may be granted remittal of rates?

HON CHIEF MINISTER:

Mr Speaker, what I can say is that the amendments that were brought in in 1990 to sections 271 and 273 did not have the effect of making section 271 applicable to section 273 and therefore the provision for the introduction of criteria is in relation to the hereditaments mentioned under section 271. Commercial property is covered by section 273 and therefore the position as regards section 273 is that all commercial property is treated the same.

HON F VASQUEZ:

Can the Chief Minister then confirm, Mr Speaker, that in fact no owners of commercial property have been granted remittal of rates in circumstances when they cannot let the property because the market is over-supplied?

HON CHIEF MINISTER:

I can confirm that no owners of commercial property have been granted remittal of rates other than under the provisions of section 273 which applies equally to all commercial property. I cannot tell the hon Member whether there are some who have not paid rates because they have been empty for three months; I cannot tell him whether there are some who have not paid rates because they have not been occupied since they were finished because I would have to go through the whole rate book and the whole of the property. What I can tell the hon Member is that the criteria to which he refers under section 271(3) has nothing to do with commercial property and the question that he has put which is, "What criteria has the Government laid down under section 271(3) in relation to empty commercial premises?", the answer is, "None" and no commercial premises is dealt with under section 271(3). All commercial property is dealt under section 273 and under section 273 no criteria have been laid down; there is no provision for laying down criteria; all commercial property is treated the same and therefore if what he is trying to find out is if we have got some property owners who we like more than others, which is true, the consequence of that is not that the ones we like do not pay rates and the ones we do not like do pay rates. That is not correct.

28.10.93

ORAL

NO. 90 OF 1993

THE HON LT-COL E M BRITTO

On what terms has Government contracted out the collection of rates to Land Property Services?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the collection of rates by Land Property Services is an extension of the agreement reached in September 1990. The final terms of the supplementary agreement have not yet been concluded but clearly the object is to provide the service at a lower cost than was previously being incurred.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, with respect, that does not answer the question which is, "On what terms has this service been contracted out?"

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The terms are not made public because this is contrary to Government policy as has been made clear in answer to previous questions in the House.

HON LT-COL E M BRITTO:

Mr Speaker, is Government prepared to say who has responsibility for collecting arrears at the time the arrangements changed hands?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Up till the time of the agreement, Mr Speaker, it was the Accountant-General and now it is the responsibility of Land Property Services.

HON LT-COL E M BRITTO:

Mr Speaker, how often is the money collected by the company transferred to Government?

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HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am afraid I would require notice of that, Mr Speaker.

MR SPEAKER:

I think we are going off the point now. We are going into details that are not supposed to be answered under that question. Next question.

28.10.93

ORAL

NO. 91 OF 1993

THE HON F VASQUEZ

Mr Speaker, given its answer to Question No. 136 of 1992, will Government say to what conclusions Government has come following its active consideration of the tax provisions with regards to maintenance payments of single parents?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government expects to reach a decision on this matter very shortly.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1993

HON F VASQUEZ:

Mr Speaker, 11 months have passed since this House was given reassurances that Government was giving active consideration to measures to put right the clear injustice which at present is being perpetrated upon single mothers in receipt of maintenance payments. The law as it stands at present, penalises the person who can least afford to pay, Mr Speaker; that is, the single mother who is bringing up her children. The father making the payment is allowed to make deductions on his income tax and the mother is taxed on the maintenance in her hand effectively reducing the payment by approximately one-third. Can the Financial and Development Secretary, Mr Speaker, please give some reassurance to this House as to when he is going to be in a position to either change the law or report back to this House as to what amendments are being considered? The fact is, Mr Speaker, that an injustice is being perpetrated; it was brought to the attention of the Government 11 months ago; they have been sitting on it and considering it for 11 months; when does he intend to do something about it, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I thank the hon Member for his speech, Mr Speaker. I will repeat very shortly - and when I say very shortly I mean very shortly - I am in fact due to have a meeting together with the Commissioner of Income Tax with, I think the lady is the Chairperson of the Gibraltar Women's Association, on this very matter and when the Government reaches a decision I can assure the House that it will be made respective to the 1st July this year.

28.10.93

ORAL

NO. 92 OF 1993

THE HON F VASQUEZ

Mr Speaker, how many sub-contractors' Tax Exemption Certificates have been granted in the last 12 months and is it the policy of Government to discontinue the granting of such certificates?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, a total of 89 sub-contractors' Exemption Certificates have been issued during the period October 1992 to October 1993. On the recommendation of the Commissioner of Income Tax, the Government is currently considering the replacement of these arrangements with a universal withholding tax but a final decision has not yet been taken.

28.10.93

ORAL

NO. 93 OF 1993

THE HON F VASQUEZ

Mr Speaker, how many businesses bankruptcies have there been in Gibraltar in each of the last twelve years?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I assume that the hon Member is referring to companies placed in compulsory liquidation by the Supreme Court, not companies in voluntary liquidation or placed in receivership. As regards compulsory liquidation the numbers are:-

1982	-	2
1983	-	2
1984	-	3
1985	-	1
1986	-	1
1987	-	2
1988	-	12
1989	-	28
1990	-	13
1991	-	13
1992	-	14
1993(to date)	-	25

SUPPLEMENTARY TO QUESTION NO. 93 OF 1993

HON P R CARUANA:

Does the Financial and Development Secretary have an explanation as to why the numbers rose so very sharply commencing from the very year in which this Government came into power?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I could hazard an explanation. I think one of the answers I would give is that there has been double the level of economic activity for the past five years and it is well known that in periods of economic activity the number of liquidations of companies does increase; the more companies are formed the more companies go bust.

HON P R CARUANA:

Does the Financial and Development Secretary not accept that in every country in which these things are measured, statistics in relation to business failures is regarded as an indicator of the underlying state of the economy in which those businesses were operating? That is one of the headline indicators of a poorly performing economy and the fact is that whilst there were two in 1987, there were 12 in 1988 and that has increased to 25 so far this year.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I understand very well when the hon Member is making a political point to which I do not wish to reply.

28.10.93

ORAL

NO. 94 OF 1993

THE HON P CUMMING

Does Government have an interest in SOS 24 Limited and has Government sold any vehicles to SOS 24 Limited and if so, at what price?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Government has no interest in the company mentioned; nor has it sold any vehicles to it.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1993

HON P CUMMING:

Mr Speaker, can I ask if any Minister has any personal interest in SOS 24 Limited?

HON CHIEF MINISTER:

Mr Speaker, the policy of the GSLP since it got elected in 1988, is that no member of the Government is allowed to be involved in any business or to be employed in any capacity and is a full-time Minister. If the Opposition Member wishes to challenge that I would welcome that he does it but without parliamentary privilege, outside.

HON P CUMMING:

Mr Speaker, may I ask whether the Government has sold vehicles or anything else to SOS 24 Limited?

HON CHIEF MINISTER:

Mr Speaker, the first part of the question has already been given; and the second part of the question is also no.

HON P R CARUANA:

Mr Speaker, on a point of order, could I remind the Chief Minister through the Chair, that challenges to repeat things outside of the House without the benefit of privilege is a contempt of this House and it has so been ruled in the

Houses of Parliament in the United Kingdom. My supplementary question is this, will the Chief Minister say whether the Government has any commercial relations with that company? In other words, is this a company to which the Government has given any contract or which the Government uses as a contractual sub-contractor on any matter?

HON CHIEF MINISTER:

Yes, this is a company that carries out work for the Government.

HON P R CARUANA:

Is the Chief Minister aware that insofar as the public records of this company are concerned, it appears to have appointed no directors whatsoever; that its engagement in activities is therefore of dubious legality and that certainly, does he agree, that it is not appropriate for the Government to do business with a company that has no appointed directors?

HON CHIEF MINISTER:

Mr Speaker, I do not know whether it has dubious legality or not. I will ask the Registrar of Companies to look into the matter. But since what the company is doing for the Government is in fact engaging in community work with people who were previously living off the welfare, I doubt very much whether the people who were previously living off the welfare and who are now engaged on temporary community work under the direction of this company would agree with the comments of the Leader of the Opposition. But I will make his comments known to them.

HON P CUMMING:

Mr Speaker, would the Chief Minister accept that the secrecy with which the Government carries out dealings with private companies gives rise to rumours and to people thinking that they are on to something that points to corruption and that the secrecy is the cause of all these constituents coming forward and laying for us this kind of information?

HON CHIEF MINISTER:

No, Mr Speaker, I do not accept that there is any secrecy that points to people having any legitimate interest suggesting that there is justification for having beliefs about corruption. I think that it requires in the mind of somebody that that person should be capable of being

corrupt for him to suspect that somebody else is corrupt. In my judgement, Mr Speaker, when Opposition Members go round saying, "The Government is corrupt" what they are telling Gibraltar is, "They are bound to be corrupt because if we were in their position that is what we would be doing". And, Mr Speaker, what I think is scandalous is that Opposition Members who are constantly protecting themselves by parliamentary privilege should be constantly abusing their position in this House by throwing out innuendoes like the one the hon Member has just done and they have not got the integrity to be able to say, "I am so convinced that there are grounds for believing that the Government is involved in corruption that I will say it publicly where I can be taken to court and be made to stand and answer for it". That is what I think is wrong.

HON P R CARUANA:

Mr Speaker, if the Chief Minister will give way. It is precisely why parliamentary privilege exists, because it is thought appropriate that those whose responsibilities are to legislate and to represent the citizens of a community should precisely be at liberty to investigate matters and to air matters which cannot be scientifically proved to the standards required in a court of law; and that is precisely why it is a contempt of this House which the Chief Minister insists on repeating time and time again to challenge an elected member to repeat something outside of the House where he does not enjoy privilege.

MR SPEAKER:

I have been very lenient. First of all, let me pass a ruling on this. The ruling is quite clear. No hon Member can make an imputation against another hon Member and if he wants to do so then he has got to do it on a substantive motion with notice. Therefore I am afraid that I shall be stricter on that line now and inferences, imputations, ironic expressions and all those things are out of order. I have been very lenient so far but I can really get strict and then we will find that the number of questions that can be asked will be very much reduced. Next question.

HON H CORBY:

Just one supplementary, Mr Speaker. SOS 24 Limited are building contractors; this is the licence given to them. Does the Government know that they are doing also security work?

HON CHIEF MINISTER:

Mr Speaker, the company as far as its work for the Government is concerned, is exclusively engaged in taking-on people provided by the Government who have been long-term unemployed; for many years living off supplementary benefits. They are engaged in an area of community projects where the Government is using that company as an intermediary, in addition to a number of others, in order to try and provide an opportunity to those people. It is engaged on work which is funded from the vote on community projects from the Improvement and Development Fund with the hope and the expectation - so far we are encouraged with the results - as I explained in the House, of getting people in an environment where they will not be 100 per cent exposed to commercial pressures. That is to say, if they do not turn up for work one day or they come in late they do not get sacked. They will eventually get used to working in that environment and we will then be able to offer them to other employers who would be more demanding after having been out of work for, in some cases, ten years. That is the work that the Government is providing to this company.

28.10.93

ORAL

NO. 95 OF 1993

THE HON LT-COL E M BRITTO

What steps is Government taking to improve the operation of public counters at the Department of Labour and Social Security and the Income Tax Department to avoid the formation of lengthy queues?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, some queuing at the Department of Social Security public counter is inevitable because most pensioners want to receive their benefits in cash as soon as they are due. The Government will, however, review the situation in the light of forthcoming changes in the benefits system.

The nature of tax inquiries and the length of time spent on individual tax queries is less easy to predict but we have had no reports of lengthy queues or exceptional problems at the Income Tax Office.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware of complaints also about the lack of privacy for people attending the Income Tax Department having to speak about their problems with other members of the public in queues immediately behind them?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, that is a different question, Mr Speaker. I can understand the point the hon Member has made. It is not absolutely necessary for any individual to go and talk across at the public counter about his individual tax problems. He can, of course, write in. Bearing in mind that they are public counters and people do wish to discuss questions maybe relating to PAYE, it does present problem.

HON LT-COL E M BRITTO:

Mr Speaker, in view of the fact that Government is aware of it, would they take any steps to enclose the interview area so that only one person is inside at any given time?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I will certainly undertake to consider the points made by the hon and gallant Member and discuss them with the Commissioner of Income Tax.

HON LT-COL E M BRITTO:

Mr Speaker, coming on to the DLSS, we have had reports - I witnessed them myself - of queues stretching out into the open air even in wet weather and as the Financial and Development Secretary rightly points out, most of them are elderly people and therefore a problem for concern. Is Government aware of this? Are they aware that part of the problem could be solved by having more windows operating, because those windows appear to be closed some of the time? And what steps can they take to prevent a reoccurrence?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I am grateful to the hon and gallant Member for that supplementary. I think clearly it would be possible to staff-up the counters of the DLSS to cater for every peak, and they tend to be at the beginning of the week - Monday and Tuesday - but perhaps he would bear in mind that, as I have said, the system of benefits is likely to be changed and while I take his point that it is not pleasant to have to wait outside in wet weather but queues, I have found in my own examination, do move very quickly. As I have said, we are in fact going to change the system and I am reluctant to consider a permanent change in staffing against that very imminent contingency.

HON LT-COL E M BRITTO:

One final supplementary, Mr Speaker. In view of the fact that the Government is clearly thinking of reviewing the situation and in view of the new benefits and in view of the fact that they have identified peak periods during the week; could the Financial and Development Secretary perhaps consider staggering the payments possibly on an alphabetical basis by names so that we do away with the periods of peaks at the beginning of the week and they are staggered during the whole of the week?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Frankly, Mr Speaker, I doubt whether that would be practical. Old age pensioners like to collect their pensions very soon after the office opens, indeed, some of them queue up as early as 8 o'clock voluntarily although

the office does not open and they just like to do it and some of them like to meet their friends at certain times. I think the sort of arrangement which he has proposed; sort of appointments to receive the pensions, would not really be practical and, as I have said, the system is likely to be discontinued in the very near future anyway.

HON H CORBY:

In the meantime before the new scheme is in place, could the counters be open for that period of time to alleviate people standing out in the rain while the interim thing is going on? Would the Financial and Development Secretary be prepared to open the counters for a small period of time before the new scheme is in place?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The trouble is, Mr Speaker, one can never predict with any degree of accuracy when it is going to rain and, as I have said, this is a short-term problem.

28.10.93

ORAL

NO. 96 OF 1993

THE HON P R CARUANA

Mr Speaker, are employees of the Floks clinic subject to PAYE, social insurance contributions and the fees payable to the Employment and Training Board?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, employees who are members of the crew of Floks are subject to the law of their Flag State and in accordance with international convention they are not liable to Gibraltar income and payroll taxes. Employees engaged locally are subject to the normal local conditions of employment.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1993

HON P R CARUANA:

Mr Speaker, leaving to one side the obvious legal errors contained in that argument since we are not a court of law and we are not concerned with debating matters on a legal basis, but leaving aside the whole question of the legalities, will the Financial and Development Secretary therefore confirm that any Gibraltarian who sets up a business on a Panamanian registered ship is therefore exempt from all of this? For example, if I set up my legal practice on a Liberian registered ship anchored in the port, I am exempt from PAYE from my employees, on income tax on my profits and from all the other things that I must pay because then I would be subject to the laws of Liberia. On a purely political basis, leaving to one side the legalities of it on which I tell him he is wrong, does it not seem to him ridiculous that the answer should be what he has given?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I gave the Leader of the Opposition an answer about the employees of Floks clinic which is the question he asked me. If he wishes to write to me with a proposition in my capacity as Financial and Development Secretary, of course setting up a comparable arrangement, I can assure him that the Government will consider it on its merits and while he is writing to me will he- I have no doubt he may - give me an explanation in respect in which my answer was illegal?

HON P R CARUANA:

Mr Speaker, given that it appears to be the opinion of the Government that they have no jurisdiction or control over business activities or for that matter any activity carried on on a foreign registered ship within the territory of Gibraltar, do they think therefore that banks can set up in foreign registered ships in Gibraltar without being subject to the Banking Ordinance and that insurance companies can set up on foreign registered ships in Gibraltar without being subjected to the Insurance Companies Ordinance and that, indeed, for that matter, that this clinic could practice abortions or whatever it liked without reservation because, after all, it is not subject to the jurisdiction of the law of Gibraltar. Is it the Government's serious position that they have no interest or concern insofar as the laws of Gibraltar are concerned as to what may happen on this ship, leaving to one side the international conventions which relate to the merchant shipping operation of that ship?

HON CHIEF MINISTER:

Mr Speaker, the question is to seek information. The Leader of the Opposition has been given the information which he has sought and the view of the Government is that by agreeing to the Floks eye clinic, on a Russian vessel anchored in the Port of Gibraltar, being able to operate here as it has operated in other countries in the Mediterranean before it came here, it is making a valuable contribution, is bringing new income to Gibraltar and new employment and ancillary activities. In any other area where any other vessel brought in new activity, the activity in question would be considered on the basis of whether it was in Gibraltar's interest or it was not. If it was not in Gibraltar's interest then the operation would be discouraged.

HON F VASQUEZ:

Mr Speaker.....

MR SPEAKER:

No, I am sorry, this is now going into an abstract solution to a legal question which is not allowed.

HON F VASQUEZ:

I do not intend to ask a legal question, Mr Speaker. Is the Chief Minister suggesting that it is in the interest of Gibraltar to have this foreign vessel coming into Gibraltar, contributing nothing to the local economy in terms of PAYE or anything of that nature and taking away the business from the established medical practitioners in Gibraltar who do pay rates, income tax, tax on their profits, etc? Is he saying that that is for the benefit of this community?

HON CHIEF MINISTER:

Mr Speaker, the Government is completely satisfied that whatever minimal negative effect the operation of the Floks eye clinic may have had on the business that was being done before, which was very small, the new business that is being done which was not there before has compensated several times over the level of economic activity. That is, that if we compare today how much money was coming into the Gibraltar economy without the eye clinic, in respect of the work that was being done here in Gibraltar where there was nobody coming from abroad to be treated in Gibraltar and we compare what is being done now and we compare what we would lose if they left tomorrow, we have no doubt at all that if they left tomorrow that would have a negative effect on our economy; no doubt.

28.10.93

ORAL

NO. 97 OF 1993

THE HON P R CARUANA

Mr Speaker, is the Floks eye clinic liable to pay income tax in Gibraltar if it should make profit on its activity in Gibraltar harbour?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the company that provides a service to local customers is liable to company tax on its profits. The company which provides a service for non-resident visitors will be treated as a qualifying company for tax purposes.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1993

HON P R CARUANA:

Mr Speaker, does the Financial and Development Secretary accept that that is entirely inconsistent with his last answer because whether they are providing services to locals or to visitors, the fact is that they are providing them on a foreign registered ship on which he mistakably thinks that he has no jurisdiction.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I do not accept the logic of the Leader of the Opposition's question at all. The two are separate matters. In the first one we were talking about the crew of the ship and in the second we were talking about the taxation of the company depending on whether it is treated as a resident company for tax purposes or a non-resident company; making a very broad distinction.

HON P R CARUANA:

So therefore it follows, does it not, Mr Speaker, that the presence of the ship in Gibraltar is relevant for the purposes of residence even though it is a foreign flag ship? Is the Financial and Development Secretary aware of a letter written on the 8th July 1993 by a Minister which says, "The ship is outside Gibraltar's jurisdiction and it is operating under the flag of another nation. The Health Authority is not bound in any way to comment as to its practices or other matters, no more than it should on private clinics operating outside our frontier boundaries"? Is it the position of the Government that this ship is as good as if it were parked in Algeciras?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, there is no more one can say.

28.10.93

ORAL

NO. 98 OF 1993

THE HON P R CARUANA

Mr Speaker, how many licences are currently in issue for the export of tobacco from Gibraltar?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1993

HON P R CARUANA:

Mr Speaker, will the Financial and Development Secretary say whether those engaged in the export of tobacco from Gibraltar in fast launches require a licence to do that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, no export licences have been issued for the past three years for the export of duty paid or duty free cigarettes, whether they are in fast launches or in any other vehicle.

HON P R CARUANA:

Mr Speaker, regardless of whether it is duty paid or not, is it not the case that a licence is required for the exportation from Gibraltar of goods in commercial quantities?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

HON P R CARUANA:

Therefore whether the tobacco in question is duty paid or not, if they are exported in commercial quantities a licence would be required for that; is that not correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That has struck me as being very similar to the question the Leader of the Opposition just asked to which the answer was, yes. So the answer to the latest question is yes.

HON P R CARUANA:

Therefore as it is obvious to all that there are exports from Gibraltar of tobacco in commercial quantities, can he explain why there are no licences in issue?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, the Gibraltar situation, as far as exports is concerned, is exactly the same as that operated by other territories both within and outside the EEC, that is to say, universally, insofar as I am aware.

HON P R CARUANA:

Mr Speaker, with the greatest of respects, he must answer the question or say that he will not. The fact is, does he accept that there are exports of tobacco from Gibraltar in commercial quantities? If he says that there are, he has already said that that would require a licence, yet he says that there are no licences in issue. And I ask him to explain how that can be; what happens in France or elsewhere seems to me to be entirely irrelevant to the question.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, I have no further information.

MR SPEAKER:

Well, that is the answer. Next question.

NO. 99 OF 1993

THE HON P R CARUANA

Mr Speaker, what was the public debt as at the 15th October, 1993?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, at the 30th September, 1993, the public debt of Gibraltar stood at £92 million.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1993

HON P R CARUANA:

Mr Speaker, can the Financial and Development Secretary say whether Government envisages a need to raise this during the current financial year or in the immediate future as the Government?

HON CHIEF MINISTER:

Mr Speaker, I said at the time of the Estimates this year that we were confident that we would be able to continue to operate within the £100 million. We have got bank facilities that enable us to go from £92 million to £100 million if we feel that there is a need to do it during the course of the year. To some extent that depends on any deficiency that there may be in estimates of revenue; I think on the expenditure side we are expecting to be within the figures laid down in the approved estimates of expenditure. So any need to increase borrowing would result from revenue being less than anticipated, not expenditure being higher. But unless we have a compelling reason to do it we do not expect to be using those facilities.

HON P R CARUANA:

Mr Speaker, will the Chief Minister tell the people of Gibraltar, without hiding behind technicalities concerning companies, how much, in addition to the £92 million which constitutes the public debt, the Government has borrowed through companies that they wholly own and control? Will he tell the people of Gibraltar that?

2.

HON CHIEF MINISTER:

Mr Speaker, he represents 21% of the people of Gibraltar and I represent 73%. He went to an election in January 1992, Mr Speaker, in which one of his major pranks was the question of public debt and borrowing, and the people of Gibraltar apparently are not as alarmed as he is or at least, only 21% of the people of Gibraltar are as alarmed as he is about the level of the public debt. The question is about public debt; he is entitled to ask supplementaries about the public debt and he is not entitled, under Standing Orders, to anticipate a question about the debt of companies which is on the Order Paper to be answered later on by me. Therefore the question he has just put to me is out of order.

MR SPEAKER:

You will have to wait for the other question. Next question.

28.10.93

ORAL

NO. 100 OF 1993

THE HON P R CARUANA

Mr Speaker, will the Financial and Development Secretary explain what are in practice his current role and functions within the Gibraltar Government?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, my function is to advise the Government on financial matters covering the range of Government business generally, and to implement Government policy in those areas for which I have executive responsibility.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1993

HON P R CARUANA:

Mr Speaker, does the Financial and Development Secretary consider himself responsible in law for the finances and good financial management of the Gibraltar Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Where the law, Mr Speaker, indicates that I have a specific responsibility, I do my best to carry out my responsibility within the framework of that law.

HON P R CARUANA:

Is the hon Member satisfied that he is discharging all the constitutional responsibilities imposed upon him and all the other responsibilities imposed upon him by the laws of Gibraltar in relation to the finances of Gibraltar? In other words, will he now say to this House that he takes full, constitutional and legal responsibility insofar as the constitution of the law imposes responsibilities upon him as an office holder; is he willing to say to this House that he takes full responsibility for all of those things?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think I ought to sort of put in a plea for mitigation of sentence after that

INTERRUPTION (Laughter)

HON FINANCIAL AND DEVELOPMENT SECRETARY:

..... from the hon Member. I could talk for quite some considerable time about this matter.

HON P R CARUANA:

Yes or no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I made a conscious decision when I came out to Gibraltar to do my best to serve the Government of the day and also to serve the people of Gibraltar and I also decided that it would be wrong and inappropriate, to use a dual expression which I associate with the hon Member himself and he will understand the context in which I quote that expression - or at any rate inappropriate - to engage in a political debate on the question of the role of the Financial and Development Secretary because it is quite clear to me that there is a political issue here and I do not intend to get involved in it myself. I think it would be much better for me to hold my peace.

HON P R CARUANA:

Mr Speaker, does the Financial and Development Secretary accept that whatever political debate might be going on in which perhaps the hon Members on that side of the House and on this side of the House do not differ greatly as to whether it is appropriate that the Financial and Development Secretary should have the role that the law gives him or not, that is a political debate but whatever the political debate going on, does he accept that as the law of Gibraltar stands today, he has certain constitutional obligations and legal obligations and that, with the greatest of respects to him, it is not for him to decide whether it is appropriate or not to discharge, implement and adhere to the laws of Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, that was not the point I made. I said it was inappropriate for me to engage in political debate. Of course it is appropriate for me to carry out the responsibilities with which I am charged under whatever instrument of the Constitution or law. They are two separate points and I certainly do my best to discharge my responsibilities.

MR SPEAKER:

I am going to put a stop to that because a reflection on the conduct of a Member of this House, can only be questioned on a substantive motion. Next question.

28.10.93

ORAL

NO. 101 OF 1993

THE HON P R CARUANA

Mr Speaker, I am half minded to withdraw the question because I think we may have covered it in answers to previous questions but just for the record I will put it.

Will Government confirm that the Russian floating eye clinic, Floks, is within the jurisdiction and therefore subject to the laws of Gibraltar?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, it is virtually the same answer as has been given before. The answer is no. The ship is subject to the laws of the country of the flag it flies and the ship Floks is treated likewise and therefore it is not subject to the laws of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1993

HON P R CARUANA:

Mr Speaker, does the Attorney-General accept.....

MR SPEAKER:

We cannot go all over the same argument that we had before, I will not allow it. You are going to get the same answer and we are just wasting our time.

HON P R CARUANA:

Mr Speaker, does the Attorney-General understand that the consequences of him saying that it is outside the jurisdiction and that the laws of Gibraltar do not apply, is tantamount to saying that if a murder, rape or some other serious offence under the laws of Gibraltar were committed on it, he would be without jurisdiction to intervene? Does he not understand that that cannot conceivably be the law of Gibraltar?

HON ATTORNEY-GENERAL:

Mr Speaker, I do not think the Leader of the Opposition understands public international law. The situation is this, that the ship is really a floating island; the flag State has

jurisdiction over that ship when it is in Gibraltar territorial waters which he would know from his studies, which were not that long ago. In fact, if there was a murder, if there was a rape, if there was an assault, if there was serious drug abuse then the State of Gibraltar could probably intervene if invited. But if, in fact, one looks at what is happening on the Floks ship, we have the practice of medicine, surgery and dentistry, all done lawfully and if, in fact, they did it illegally they would be liable to a fine of £50. If one equates that with murder and rape and drug abuse then, of course, go and intervene.

HON P R CARUANA:

Mr Speaker, the Attorney-General's offensive remarks about how long ago I qualified.....

HON ATTORNEY-GENERAL:

I was being nice to him.

HON P R CARUANA:

..... are not relevant but really if he wishes to engage me in legal debate he will succeed in engaging me. I will deal only with the last point that he has made. Does he not understand therefore, that if the law of Russia were to permit abortion on demand and that given that the law of Gibraltar is that abortion is not available on demand, that I simply make the point to emphasise the ridiculousness of the legal view that he has expressed; that in Gibraltar we could all queue up, if we were so minded, to get abortions on demand from the Russian Floks clinic? Does that not strike him as being an absurd state of affairs?

HON ATTORNEY-GENERAL:

Mr Speaker, with great respect, this is really not being understood by the Leader of the Opposition. What I am saying is, the practice of medicine or dentistry carries a maximum of three months imprisonment or a £50 fine under the Ordinance. If one commits murder or rape on the Floks, let us include abortion on the Floks, certainly there could be an intervention but one cannot equate taking a tooth out or having one's eyes fixed with committing a murder or multiple abortions. And I was not being nasty about him qualifying after me, I thought he would have better knowledge of it.

HON P R CARUANA:

My skin is thicker than all that.

MR SPEAKER:

Order, order. I have got to put a stop to this. There are plenty of rules which prevent this kind of discussion going on. I have not applied them but I am going to. First of all, we cannot try and give a legal solution to an abstract legal question and this is what we are trying to do. Secondly, we cannot go into propositions which are hypothetical and therefore we cannot carry on like that. If the question is not on the legal side yes.

HON H CORBY:

The Attorney-General has described about multiple abortions; he said that Government would intervene if invited. Could he explain this?

MR SPEAKER:

Well, we are back to square one. This is a hypothetical proposition. Next question. That is the rule, change the rule and you can do that.

28.10.93

ORAL

NO. 102 OF 1993

THE HON P CUMMING

Why have the names and qualifications of the doctors at the Floks eye clinic not been gazetted as required by the Medical and Health Ordinance?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, this is not required as the doctors are not practising within the jurisdiction of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1993

HON P CUMMING:

Mr Speaker, is the Attorney-General aware that medical practice is carried out in the parameters of many laws and professional guidelines. For example, with the question of ophthalmology carried out in Gibraltar, we would expect that the British College of Ophthalmology guidelines would become regulatory factors even, for example, BMA guidelines about the ethics of fees and so on would be the parameters that would control those activities. Therefore in taking a piece of Russia and planting it in Gibraltar, obviously they expect to carry out their medicine as it would be done in Russia and there are so many other things, for example, the Marxist philosophy of authoritarianism where they say.....

MR SPEAKER:

You cannot carry on like that, making a speech. Put your question.

HON P CUMMING:

My question is, is the Attorney-General aware that Russian medicine cannot be carried out in Gibraltar without all those parameters that regulate it?

HON ATTORNEY-GENERAL:

Mr Speaker, one does not have to go.

MR SPEAKER:

We cannot go on like this. All of these are arguments which are absolutely hypothetical. You have to come to what is going on.

HON P CUMMING:

Mr Speaker, can I just ask another question? If there is a legal case against the ship and.....

MR SPEAKER:

Again, that is a hypothetical question - "if there is".

HON P CUMMING:

Well, Mr Speaker, in Cyprus there were many.

MR SPEAKER:

You cannot make any hypothetical propositions like that. It is just not within the rules. If you make one I would let it pass but this has been going on now all morning.

HON P CUMMING:

Mr Speaker, the Attorney-General is claiming that the laws of Gibraltar are elastic.

MR SPEAKER:

He is saying what the law is and that is the law. You cannot try now to find a solution to the law, that is not allowed in Question Time. Next question.

28.10.93

ORAL

NO. 103 OF 1993

THE HON P R CARUANA

Mr Speaker, will Government state whether and, if so, how it would be possible for a particular voter's ballot paper to be traced after an election?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, it would be possible for a particular ballot paper to be traced after an election but only if there was a court order made and that would be made after hearing evidence on oath that the order was required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purposes of an election petition and I think that is contained in section 49 of the House of Assembly Election Rules.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1993

HON P R CARUANA:

So the answer to the question is, yes. Will the Attorney-General now go on to say how that can be mechanically done? In other words, what is the process that allows a particular voter's ballot paper to be fished out from 50 boxes?

HON ATTORNEY-GENERAL:

It could not be fished out of 50 boxes or 49 boxes. It could only be done if, in fact, there was a court order and evidence had been given on oath.

HON P R CARUANA:

The Attorney-General perseveres with the procedures that is required to be followed in order for the tracing to be lawfully done. What I am asking him is what the mechanics are that enable it to be done in fact once the court orders that it may be done?

HON CHIEF MINISTER:

We cannot tell the Leader of the Opposition how it would be done because it has never happened. If and when it happens and there was a court order we would have to somehow see how it could be done.

HON P R CARUANA:

In other words, the Government either does not know or does not want to answer. Will the Government accept.....

HON CHIEF MINISTER:

No, Mr Speaker, it is not that Government does not know or does not want to answer, it is that the Leader of the Opposition is saying how would something be done which has never been done in the history of Gibraltar. Well, the answer is, until it happens we do not know how it could be done; it is not that we do not know; it is that he is positing a possibility which is totally imaginary. The hon Member is asking the Government, if somebody went to court and got a court order claiming that something had been done wrong in the 1992 election or suppose somebody came along and said they thought that there had been a miscount and that the result might have been different and that the hon Member might have been elected into office with his people instead of ours because of a very narrow gap, then we would have to take serious consideration of that problem and presumably it would be a matter, not for the Government I would imagine, it would be a matter for the Returning Officer. Perhaps the question should be addressed to the Returning Officer because it would be the responsibility of the Returning Officer to go back and start looking for the ballot papers. It is not that the Government does not know, it is not the responsibility of the Government anyway because if anybody is being challenged what is being challenged is the election of the Government. It would certainly be a very odd situation if the Government was responsible for satisfying somebody that was claiming that something illegitimate had happened in an election when at the time the election takes place there is no Government. The Returning Officer is responsible for the proper conduct of the election and the votes and the count under the law. All that we are telling the Leader of the Opposition is from past experience it is not possible to say how such a thing would be conducted because it has never happened.

HON P R CARUANA:

Is the Chief Minister aware that ballot papers in Gibraltar bear a number and that when that ballot paper is given to a particular member of the electorate when he goes to vote, it is state alongside his name the number of this particular voting paper and that that is how it then becomes possible to trace a member's vote because the number of the ballot paper issued to that member of the electorate is known and therefore can be traced? Is the Government not aware that those are the mechanics for tracing a particular elector's vote?

HON CHIEF MINISTER:

Mr Speaker, I have been in this House since 1972 for 21 years, and in those 21 years it is not an issue that anybody has raised because as far as I am aware, whether there is a number or there is not a number has not given concern to anybody because nobody has ever suggested that anybody after the election goes round searching through the papers to try and find out how people voted. I do not know if that is what the hon Member is trying to establish.

HON P R CARUANA:

I ask, Mr Speaker, only because immediately before the last general election a letter appeared in the Chronicle reminding voters that, of course, this procedure existed. What I am asking the Chief Minister is this, in order to prevent that and any consequence that might follow from it occurring, does the Government not accept that it is unnecessary to have in Gibraltar an electoral system which enables individual voters' ballot papers to be traced and that therefore we could amend our laws. Will the Government introduce legislation to this House amending the law so that an individual's ballot paper cannot be traced?

HON CHIEF MINISTER:

No, Mr Speaker, we will not amend such a law because there was, according to him, a letter from one individual in the Chronicle prior to the last election objecting to the law as it existed.....

HON P R CARUANA:

Not objecting, stating what the law was.

HON CHIEF MINISTER:

Well, then we will certainly even less amend the law because the hon Member two years after he read the letter which did not object now has decided to object.

HON H CORBY:

For information purposes, will the Chief Minister tell me for how long the ballot papers are kept?

HON CHIEF MINISTER:

Mr Speaker, I have no idea how long the ballot papers are kept because as far as I am concerned the Government does not conduct the election and therefore we do not concern ourselves after the election with what happens with the ballot papers other than finding out whether we are the Government or the Opposition after the election and, as far as we are concerned, that is the end of the involvement of the Government in the election process.

HON LT-COL E M BRITTO:

Mr Speaker, will the Government consider changing the system and making the same as in the United Kingdom?

HON CHIEF MINISTER:

Mr Speaker, I do not know what is the difference between the system here and the system in the United Kingdom but the fact that it may be different - and I do not know whether it is - because certainly it was not the GSLP that was responsible for introducing this system. This system was introduced as a result of the 1969 Constitution being brought into effect and the AACR, to which the hon Member used to belong before he changed his views, lived with that system from 1972 to 1988 apparently without any problem and in those years when he supported the AACR he apparently thought the AACR could live with those rules without any problem. Since they are obviously in a constant state of hypertension, emotionally and psychologically in the Opposition benches, it may well be that they think that with all the spare time we have we spend all our time going through the votes of that 20% that voted for them so that we can put them, in the black list we are supposed to have, down for the next public execution.

HON P R CARUANA:

I have not said that, the Chief Minister has. I have not said that and no one in the Opposition has suggested that but it is interesting that it should come from the Chief Minister's mouth and not ours.

HON CHIEF MINISTER:

What is interesting is my ability to read their minds by looking at their faces and they do not need to say it.

MR SPEAKER:

Order, order. Let us get down to serious questioning.

HON P R CARUANA:

This is serious questioning, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, personal insults and red herrings will not cloud the issue. Will the Chief Minister accept that, according to my information, this system of numbering does not exist in UK; that if what we have was imposed on us in 1969 by the change of Constitution then a lot of water has flowed under the bridge and it might be the right time to look at the issue again and consider whether what we have is the remnant of a colonial system? In view of his publicly expressed views in other spheres, will he accept that Gibraltar has grown beyond what it was in 1969 and that a system of election which can be seen by all to be patently fairer and more in line with the United Kingdom is more acceptable?

HON J C PEREZ:

Is the hon Member suggesting that the system is not fair?

HON LT-COL E M BRITTO:

Mr Speaker, the hon Member is suggesting that the method that provides for the identification of the ballot paper is not as fair as the method that does not.

HON CHIEF MINISTER:

Mr Speaker, that is a matter of opinion.

HON LT-COL E M BRITTO:

It is a matter of fact.

HON CHIEF MINISTER:

No, it is not a matter of fact that a system that allows somebody to go to court to challenge whether there has been ballot rigging is less fair than a system that makes it impossible because one cannot trace how people voted. So, first of all, it is a matter of opinion and it is not an opinion that I share. The second thing is I have not said it was imposed on Gibraltar in 1969, I said it was introduced in Gibraltar in 1969. I have no evidence available to me that this was something the United Kingdom imposed on Gibraltar as a colonial measure and which the

Gibraltarians did not want. To my knowledge the system that has been operating since the Constitution came in in 1969 has never been alleged by anyone to have produced an unfair election result. Let me say, Mr Speaker, that the only occasion, in my judgement, when that might have been the case and when one could have argued that that was the case, was in the 1984 election when, in fact, the GSLP until 5 o'clock in the morning was in office and then when the last box had to be counted between 5 o'clock in the morning and 7 o'clock in the morning, all the ballot papers in the last box that was counted were all predominantly for the AACR and the GSLP finished in Opposition. Although that unusual set of circumstances might have led somebody to believe that there was something fishy, we as a party have always assumed that the people in Government were honest people who carried out their role with a degree of integrity even though we violently disagreed with their political position and therefore we did not question that result. However, had we chosen to question it, it seems to me that the ability to go to court to get an order and trace the votes and to say, "We now want to see whether the people in the last 600 votes with this unusual pattern, can be traced and whether they will admit that it is true, that that is how they voted". Therefore, in principle - although this is not something that I have given any thought to nor have we discussed it in the Government because it is not an issue that anybody has raised - it seems to me that there is a serious flaw in the philosophy of the Opposition Members because I think the ability to challenge, by going to court, an election result, is a protection for the citizen and not an impediment for the citizen because it enables the citizen to say, "Look, I cannot understand how this result has been obtained from what I know that people are saying and therefore I think somebody has changed my ballot paper and I want my ballot paper fished out of the box to see if the crosses are where I put them". If one were not able to trace it it would be impossible to do. So I am not convinced by any argument that they have used.

HON P R CARUANA:

Mr Speaker, in the first place.....

MR SPEAKER:

This is the last question because we are having a debate and this is not intended. So if you ask a question that is the last one.

HON P R CARUANA:

I am grateful to Mr Speaker for his customary latitude. Mr Speaker, will the Chief Minister accept that nothing that has been said in this House has been to impute unfairness in the conduct of general elections. The Chief Minister, as always, is demonstrating his masterful ability at fielding red herrings in order to cloud or avoid the issue. Will he further accept that elections can be challenged for fraud, for example, in the United Kingdom where individual members cannot be traced? My question, Mr Speaker, is this, does he accept that the philosophy behind the question is that people in a small community might feel freer to cast their vote as they really please if they were entirely certain that it could not, by foul means or by lawful means, subsequently be traced?

HON CHIEF MINISTER:

Mr Speaker, I am grateful to the Leader of the Opposition for his expressions of admiration for my ability.....

HON P R CARUANA:

And for the red herring.

HON CHIEF MINISTER:

In all types of fish and not just red herrings. Fishing any type of fish.

HON P R CARUANA:

The Chief Minister is a fishy person.

HON CHIEF MINISTER:

No, I know he thinks I am a fishy person even though he says there are no imputations in anything that he is saying. The position is that we have no evidence to make us wish to change the law because people are afraid to cast their vote in case it is discovered for whom they have voted which is, it seems, the concern that Opposition Members have. Certainly the nature of the questions that hon Members have been putting in this original question and in the supplementaries, suggests that what hon Members are trying to get at is that the Government in office has got access to the ballot papers which, as far as I am concerned, is not the case. That is to say, I have not seen a ballot paper in all the elections that I have stood since 1972 from the day the count is finished and

I do not know what happens to them or under whose control they are. I am assuming that it is the Returning Officer's responsibility to dispose of those ballot papers in accordance with the provisions of the law. I can only suppose that if hon Members think there is now a risk that we should be fishing around in the ballot papers, which he says is something that I am saying but that he is not saying, well then what is he saying? First of all, we do not know whether it is true that our law in Gibraltar is different from the United Kingdom or anybody else. Secondly, we do not accept that if it is different that is sufficient reason to change it. Thirdly, even if it was different the reason for changing it would have to be that the law that we have today somehow is detrimental to the democratic electoral process and we have no evidence that it is and, therefore, the position is we have no intentions of changing the law simply because they choose to put a question in this House but we will certainly, having listened to their arguments, consider how our law is different from other people's and whether that makes us a better or a worse system than other people's.

28.10.93

ORAL

NO. 104 OF 1993

THE HON P R CARUANA

Mr Speaker, how much has the Newall case cost the Government?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, in my reply to Question No. 143 of 1992 I said, inter alia, that the cost of the Police work undertaken by the Royal Gibraltar Police had been met by the States of Jersey but as a result of the question that the hon Mr Vasquez asked me and as a result of my reply, either his fault or my fault or both faults, that was reported in the press in Jersey and they stopped paying. So the situation is that Jersey paid up until the 18 October 1992, £12,250. Since then we have had to pay our own Police Force bills and those come to £5,500; the Prison costs have been about £70,000 and I have to say again at the risk of being savaged, I cannot quantify the work I have done in my Chambers.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1993

HON P R CARUANA:

Mr Speaker, as a supplementary, given the circumstances of Mr Newall's arrival here in Gibraltar, does the Attorney-General consider it appropriate to seek a grant-in-aid from the United Kingdom by way of contributions to this community for discharging the judicial process in relation to this case and I emphasise that given the circumstances of his arrival?

HON CHIEF MINISTER:

Mr Speaker, I am grateful to the hon Member for the suggestion. I doubt very much whether we will get anywhere but we will try it.

HON F VASQUEZ:

Mr Speaker, one assumes that the payments that were made in respect of the Newall extradition proceedings prior to my question earlier this year, were funded by the Jersey authorities on the basis of an agreement with the

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Government of Gibraltar. Can the Attorney-General explain how the fact that a question was asked in this House about these arrangements had any impingement or bearing on those arrangements and why Jersey was left off the hook from paying the costs of this extradition?

HON ATTORNEY-GENERAL:

I do not think it was done, in fact, with the Government of Gibraltar's connivance. What happened was that it was done, I think, between the Police Forces respectively and when it was reported in Jersey - and I am not blaming the hon Member and I am not blaming myself - the politicians in Jersey then spoke to the Police and said, in effect, as I understand it at least, and these are my instructions, "Why on earth are you paying Gibraltar because the reciprocity in extradition means that each country picks up its own bill?"

HON P R CARUANA:

Quite right.

HON ATTORNEY-GENERAL:

We are not criticising them.

NO. 105 OF 1993THE HON P R CARUANA

Mr Speaker, will Government say if it is aware whether Her Majesty's Government has taken any diplomatic steps to challenge Spain's recent assertion that Gibraltar has no territorial waters and that therefore ships lying in the commercial anchorage were not in Gibraltar port?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the Spanish assertion that Gibraltar has no territorial waters is not recent, it is one that is made periodically. Whenever it happens Her Majesty's Government asserts its clearcut and unequivocal position that Gibraltar does have territorial waters and all the ships at anchorage continue to be serviced by Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 105 OF 1993

HON P R CARUANA:

Just one supplementary, hopefully, on this question, Mr Speaker. Will the Attorney-General say what steps, if any, are taken when instances occur, if he will accept as being more than just hypothetical but such instances do occur, of Spanish port authorities communicating with ships anchored in the Gibraltar's commercial anchorage and warning them that they are in violation of Spanish procedures?

HON CHIEF MINISTER:

I think when that happens, Mr Speaker, the ships concerned, particularly if they are people who have never been here before - I think the ones that have been here before are more or less immune to that - would tend to get quite alarmed and to make sure that they are not breaking the law, generally get in touch with the port authorities; the port authorities reassure them that there is no substance on this and, if necessary, that is then reaffirmed by representatives of Her Majesty's Government to the companies concerned.

28.10.93

ORAL

NO. 106 OF 1993

THE HON P R CARUANA

Mr Speaker, will the Government make a statement to the House in relation to the on-going UK Police Fraud Squad investigations in Gibraltar relating to Baltica investments?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the Government is not in a position to make a statement about this or indeed any other investigation which is on-going - only when it is completed.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1993

HON P R CARUANA:

Presumably the Government can speak for itself in relation to whether access has been requested or given to Government files or to Government employees for questioning in connection with that investigation?

HON ATTORNEY-GENERAL:

Mr Speaker, the answer that I gave on behalf of the Government, and it concerns me personally obviously in my work and capacity here, is that in fact we are not going to make a statement in connection with an on-going investigation.

HON P R CARUANA:

But will the Attorney-General at least confirm, if he will confirm nothing else, that the investigation appears to be locally focused; there appears to be a constant local presence and that that would appear to suggest that those who are conducting the investigation have got reason to believe that there is something that they might find, although there may be nothing to find, but they at least think that there is something that needs to be investigated in Gibraltar as opposed to in Denmark, Switzerland or elsewhere?

HON ATTORNEY-GENERAL:

No, I will not confirm that. The investigation is not locally focused at all; it is internationally focused.

MR SPEAKER:

Next question.

HON P R CARUANA:

Mr Speaker, with respect.....

MR SPEAKER:

No, no more, I cannot allow any more inferences and insinuations. If the hon Member has a case he has got to bring it out in a substantive motion and I will not allow any more questions like that. Next question.

HON P R CARUANA:

Mr Speaker, with the greatest of respects.....

MR SPEAKER:

Order, order.

HON P R CARUANA:

On a point of order, Mr Speaker. I do not accept Mr Speaker's assertion, although of course the rules of the House give me no option but to accept it, that I have made any inferences against anyone and if the Chair believes that the Opposition and this House should not ask and answer questions about matters of this kind then I ask myself what purpose Mr Speaker thinks this House serves? I have not suggested that any hon Member of this House is under investigation. I have not suggested that any hon Member of this House has been questioned. I just do not understand how the questions that I have asked conceivably render me open to Mr Speaker's ruling that I had cast insinuations on the members of the Government.

MR SPEAKER:

It is not necessary for me to give an explanation for the ruling. It is quite clear in the Standing Rules that the Speaker is the judge and if there is any desire to review the situation, again the Member has the right to

bring in a motion to the House. But as I say, it is not only the question that I am stopping, in fact, what I am suggesting to the Leader of the Opposition is that if he really believes - which obviously is very clear by the cross-examination that he is doing - that he is trying to fish something out that might be there or might not be there but which the rules of the question do not allow. There is reflection on people who are concerned with this matter and a question which reflects on character is disallowed and therefore that is my ruling. Next question.

HON P R CARUANA:

Mr Speaker, on a point of order, just to answer.....

MR SPEAKER:

No, I will not allow any more answering to me. We are not going to have a debate. I am the Speaker of the House and what I say goes. Next question.

28.10.93

ORAL

NO. 107 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government state what facilities have been lost at St Anne's Middle School as a result of the reduction in the teacher complement?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 107 OF 1993

HON L H FRANCIS:

Mr Speaker, will the Minister not confirm that the special needs streaming that had been taking place successfully at St Anne's has had to be discontinued because of the reduction in the teacher complement?

HON J L MOSS:

No, Sir, I will not confirm it.

HON L H FRANCIS:

Mr Speaker, this is a well-known fact; it has been publicised extensively over recent months and the fact is that special needs are not being catered for at St Anne's any longer because there has been a reduction in the teacher complement. Is he denying that there has been a reduction in the teacher complement?

HON J L MOSS:

I am denying categorically his latest statement that there is no special needs provision in St Anne's.

HON P R CARUANA:

Mr Speaker, will the Minister therefore confirm that in his view all the concerned parents who have expressed their views in public are mistaken?

HON J L MOSS:

I think, Mr Speaker, that there has been a general failure to understand the way that schools, whether they be middle schools or any kind of schools, are actually complemented. There is a system which has been in practice, I believe, for the last two decades or so, which provides for the calculation of how many teachers there should be in any particular school. That system has been used for St Anne's School this year as it has been for all other schools and the figure for the teaching complement that was thrown up is exactly the number of teachers that St Anne's has.

HON L H FRANCIS:

Mr Speaker, if the same criteria has been used for all schools, will the Minister explain why St Anne's, with the pupil numbers of 410, I believe, now has 20 teachers and Bishop Fitzgerald, for example, when special needs children are taken out, has a number very similar to it and has 21 teachers plus one of the special needs teachers that covers for half of the day? So effectively Bishop Fitzgerald with the same numbers of pupils, if one takes out the special needs, has 21½ teachers and St Anne's now has 20.

HON J L MOSS:

May I, first of all, Mr Speaker, be allowed to correct the mistake that the hon Member is making in confusing a special unit with special needs provision. All schools have got provision for special needs but there are only three special units available: one at first school, one at middle school and one at comprehensive school level. That was just to clear up that point. On the other score, the answer is that the calculations were not done by myself, the calculations were done by the professionals in the Education Department who have often been praised by Opposition Members, and that the headteachers of all schools were privy to the results which this exercise had brought about before the termination of the summer term last year. At no point was there a challenge or was there any kind of imputation that the calculations had been done wrongly. I believe that even the Gibraltar Teachers' Association had been shown the way the teaching complements had been calculated and that was the last we heard of it until letters started appearing in the press last month.

HON L H FRANCIS:

Mr Speaker, with respect, I raised the issue in July last year and it was raised subsequently by other people. I do understand that the Gibraltar Teachers' Association is not objecting but I also understand that the teachers

at the school affected are not happy with the situation and, more importantly, the parents are not happy with the situation. I have had personal representations from parents who are noticing the difference in their children because they are not getting the care they were getting previously, especially the slower learning children are having greater difficulties and it is not just acceptable that this is taking place. The question that has still not been answered is why in Bishop Fitzgerald with a similar number of pupils, once the special unit is taken out, has effectively 21½ teachers and St Anne's has 20?

HON J L MOSS:

Mr Speaker, I believe I did answer that question. In any case last year, for example, if we look at the figures that we had for 1992/93, in September 1992, St Anne's had the same number of teachers as Bishop Fitzgerald even though they had 100 children less.

HON L H FRANCIS:

That is no longer the case at the moment.

HON J L MOSS:

No, I said in September 1992. But the point I am trying to make is that there is a system in place which has worked successfully which has been used this time and if the hon Member wants to criticise the system or suggest improvements, he is entitled to do so.

HON L H FRANCIS:

I suggest the Minister takes the teacher back to St Anne's.

HON J L MOSS:

Mr Speaker, that is playing to the gallery if the gallery is interested.

HON L H FRANCIS:

No, not at all.

HON J L MOSS:

That has got nothing to do with what we are discussing. Does he want to change the system or does he not? If he wants to change the system then I am prepared to listen to his suggestions and if he does not then I can assure him that the present system has been implemented correctly.

HON L H FRANCIS:

Yes, I would like to change the system in as far as making it more flexible to cater for problems that do arise. A system cannot be totally inflexible so that when problems do arise that they have to be ignored because the system does not cater for the fact that people can make mistakes and that the system does have its failures.

HON J L MOSS:

Again, Mr Speaker, I am prepared to listen to his suggestions but it is not always wise to change systems because a particular group of people is making more noise than another group of people.

HON P R CARUANA:

Mr Speaker, if you would allow me one supplementary on this issue. I hear what the Minister says about systems and complements and how well it has worked for so many years now. The question actually asked whether there had been a loss of facilities.

HON J L MOSS:

And the answer was no.

HON P R CARUANA:

No, what the Minister has said is that the system has been applied.....

HON J L MOSS:

No, if the Leader of the Opposition will give way. My answer was no.

HON P R CARUANA:

But there has been a transfer of a teacher to another school?

HON J L MOSS:

Yes, but that does not equate to a loss of facilities.

HON L H FRANCIS:

Has that not meant that the streaming that was taking place with the high flyers and the slow learners at St Anne's has had to be discontinued? Is that not the case?

HON J L MOSS:

No, Mr Speaker, what that has meant is that the school has had to organise its teachers according to the resources which it has. If it had one teacher, two teachers, three teachers or 10 teachers too many last year, then bless them, but the fact of the matter is that the system throws up 20 teachers plus one headteacher and that, unlike the system in the past where this was only done every three years, we are now prepared to do look at it on a yearly basis to calculate the school's needs.

HON L H FRANCIS:

So the fact is that there has been a loss because there has been a loss of a teacher and things have had to be organised differently so the end product is that the children at St Anne's are worse off because they have lost that facility that was there before?

HON J L MOSS:

Mr Speaker, in one word, rubbish.

MR SPEAKER:

Well, the position is that you think that there has been a loss, he thinks that there has not and obviously we are not moving from that point.

HON L H FRANCIS:

I would just remind the Minister that he does owe five dinners. He invited me out for dinner for a week if I could prove anything that I had said in one statement in July last year and this is one of the cases in point.

HON J L MOSS:

Yes, Mr Speaker, it does not really relate to this question but that related to the class sizes of, I believe, 50 children.

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HON L H FRANCIS:

No, no.

MR SPEAKER:

Order, order. When you ask questions you should stand up. Next question.

NO. 108 OF 1993

THE HON L H FRANCIS

Are there any plans to increase the present complement of teachers employed by the Government Education Department?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 108 OF 1993

HON L H FRANCIS:

Mr Speaker, can the Minister say how far projections are made to envisage when changes in the teacher complement are necessary?

HON J L MOSS:

Mr Speaker, there is a long-standing agreement with the Gibraltar Teachers' Association which I think dates back to 1977 fixing the teaching complement throughout the schools in Gibraltar. That complement has not been changed when the number of pupils has gone up and it has not been changed when the number of pupils has gone down. There is no evidence at the moment that there is a significant increase in the school population, if anything it has been falling slightly in the last couple of years and the point at which the complement would need to be reviewed would be the point at which we see a very dramatic increase or decrease in numbers.

HON L H FRANCIS:

Mr Speaker, if there are no projections being made then it is impossible to tell whether more teachers will be needed in two, three or four years' time.

HON J L MOSS:

Schooling in Gibraltar starts at the age of four so it is difficult to predict certainly what will happen in five years' time but we do monitor the amount of children that are coming into the schools and what I am saying is that the trend going into our first schools is not increasing.

28.10.93

ORAL

NO. 109 OF 1993

THE HON L H FRANCIS

Has Government managed to reverse the declining teacher/pupil ratios at Bayside Comprehensive?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the teacher/pupil ratio at Bayside stood at 16.32 in September 1992 and at 16.31 in September 1993.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1993

HON L H FRANCIS:

Therefore it is declining! However, why then have the repeat years been taken out of Bayside Comprehensive and moved to the College of Further Education?

HON J L MOSS:

Mr Speaker, first of all, I did not want to say simply yes because I thought that would have been a facetious answer. But the fact of the matter is that we did discuss certain problems which the school had during the summer and one of the problems related to the repeat year and the problem was not just a question of how many boys there were in the school, but the fact that last year very substantial numbers of boys repeating the GCSE's were allowed to stay on at the school and that the experiment, in the words of the school administration, was not a success. It was not a success because the pass rate of the repeat year was extremely low and on top of that it had the undesirable effect of causing a lot of disruption to other students at the school. We felt that by rescheduling this class into the College of Further Education we would be providing them with a different environment, a more adult environment which should certainly assist in developing them as young adults and which might also have, hopefully, the effect of getting them to waste less time and therefore have a higher pass rate.

28.10.93

ORAL

NO. 110 OF 1993

THE HON L H FRANCIS

Mr Speaker, does Government have any intention of reviewing the procedure for assessing parental contributions to scholarships awarded to local students?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 110 OF 1993

HON L H FRANCIS:

Mr Speaker, as the Minister may or may not be aware, I have certainly been made aware by many parents, there is a perceived injustice in the way the system operates because many people feel that there are people who have a certain lifestyle and whose children are receiving full grants whereas other working parents are having to fork out part of the grant - whatever ratio it is - having to earn it by their own hard work and they see this as being unfair. Would it not be a way to allay these parents' fears if the scholarships were awarded not simply on tax information, etc but on a wider means test which takes in lifestyle etc so that these people can be assured that the system is working fairly?

HON J L MOSS:

At the moment, as the hon Member correctly puts it, the Education Department can only assess income and not lifestyle. I do not think that the Education Department would be the correct department, in any case, to institute meanstesting of students or of their parents and although I do also get feedback from parents informing me occasionally of dissatisfaction with any particular part of the scholarship awards system, I would also say that I think we have a very good system; that students in general are pleased at the fact that we have not gone along with introducing student loans, for example; and that there are automatic increases to the grants every year which, for the last couple of years, have been, as the hon Member will know, over and above the inflation in the United Kingdom. So our students should be relatively better off now than they were, say, even two years ago.

HON L H FRANCIS:

I take what the Minister was saying but the question was not aimed at whether the scholarship was enough or not for the student. It is just that there is a perceived injustice and maybe because that there have been increasing numbers of scholarships being awarded there are an increasing number of people who come up with the problem that they see other people who have certain lifestyles, who may have a second home or whatever, not having to contribute to their children's scholarships whereas people who have both parents working are having to contribute. All I am saying is that if the criteria used for assessing the parental contributions to scholarships was widened, this perceived injustice and if there are any injustices that go through the net, could be alleviated.

HON CHIEF MINISTER:

Mr Speaker, I do not think it is really a question of changing the criteria that the Education Department applies because, in fact, what the Education Department does is related to the income of the parent and the income of the parent is confirmed as being accurate. That is to say, what the parent declares is submitted by the Education Department to the Commissioner of Income Tax. What we are really facing is a situation where people are saying that because of what they see happening with scholarships and because they see the student who has got, apparently, a wealthy parent getting a full grant and the student where the parent is working a lot of overtime having a lower grant, they are saying, "There is something unjust about the system". Well, the root of that injustice is that it can only be presumed that somebody is breaking the law and making a false declaration of income. Therefore that is the area in which it needs to be tackled and not through the Education Department. But certainly we are aware of those criticisms and it is something that we have not yet got an answer to.

HON F VASQUEZ:

Mr Speaker, given the last reply from the Chief Minister to the question, is it the Chief Minister's intention then to reinstate the income tax inspectors who were in fact dismissed from the Income Tax Department if it is his intention to chase up?

HON CHIEF MINISTER:

Mr Speaker, nobody has ever been dismissed either from the Income Tax Department or from anywhere in the Government of Gibraltar since 1988 unless it has been an extraordinary case of disciplinary proceedings. I believe there may have been one in six years. So that is the first correction to the statement made by the hon Member in relation to this question. The second thing is, there is no evidence at all that people who are being more honest before than they are being now. The third area is that, in fact, it appears that the major problem arises out of self-employed people because they are not subject to PAYE. The people who are employed and pay PAYE do not appear to be the problem area and we are getting technical aid from the United Kingdom to advise us how better the liabilities of the self employed might be assessed given that it is an area that the Principal Auditor has in a number of years pointed out as one which requires attention from his auditing of the records of the income tax. The area where there were inspectors before employed was partly in relation to chasing up PAYE returns and I can tell the hon Member that the arrears of PAYE for this year will be the lowest in the record of the Government of Gibraltar as he will see when the final figures come out.

MR SPEAKER:

We cannot go into a discussion of the inspection of the income tax. This is, I think, outside the question. Next question.

28.10.93

ORAL

NO. 111 OF 1993

THE HON LT-COL E M BRITTO

What is the procedure in the Employment and Training Board for the approval and issue of work permits and who exactly needs a work permit to work in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the Employment and Training Board follows the same procedure as has always been followed for the issue of a work permit.

The procedure is as follows: A permit is required by an employer to employ a UK national who has not previously worked in Gibraltar prior to the 1st July 1993 or to employ a nonEEC national irrespective of how long the non-EEC national may have worked for other employers in Gibraltar.

In considering the request of an employer for a permit, the Employment and Training Board first offers employment to those who are registered as unemployed who generally are Gibraltarian or UK nationals who are Gibraltar residents. If there are no suitable candidates available a permit is issued to an employer for a maximum of 12 months. A condition can be attached requesting the employer to train a local person to take over.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, if an employer notifies a vacancy and at the same time or within a couple of days indicates a preference for a Gibraltarian to fill that vacancy, is that employer still required to go through the full interview procedure of a number of applicants or is a work permit issued for the person to whom preference has been given?

HON J L MOSS:

If I understood the hon Member correctly, he said a Gibraltarian. The answer would be no, although within a period of 48 hours I would hope that the Employment and Training Board could have already submitted a number of names for the consideration of the employer.

HON F VASQUEZ:

Mr Speaker, can the Minister confirm that the Government of Gibraltar is not requiring British nationals not resident in Gibraltar but who were working in Gibraltar from the 1st July to obtain a work permit? Are non-residents of Gibraltar who were working in Gibraltar on the 1st July, who are British nationals, required to obtain work permits?

HON J L MOSS:

If they were already working in Gibraltar by the 1st July the answer is no.

HON F VASQUEZ:

Let me then progress the question. But those individuals who were working in Gibraltar who are now seeking re-employment in Gibraltar, do they require a work permit?

HON J L MOSS:

No, again, Sir.

HON F VASQUEZ:

So as a matter of policy those individuals are not required to obtain work permits?

HON J L MOSS:

That is correct, Sir.

NO. 112 OF 1993

ORAL

THE HON F VASQUEZ

Is the Government in any way impeding British subjects who were working in Gibraltar on 1st July 1993 and who are residing in Spain from obtaining re-employment in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

UK nationals who have worked in Gibraltar prior to 1st July 1993 are not affected by the new requirement on work permits. However, under EC law, frontier workers who become unemployed, have to register as such in their country of residence and not in the country where they have been working. For this reason unemployed frontier workers are not included in the unemployment figures for Gibraltar but when an unemployed frontier worker calls at the Employment and Training Board seeking employment, his particulars, such as special skills, are taken and borne in mind when vacancies occur.

SUPPLEMENTARY TO QUESTION NO.112 OF 1993

HON F VASQUEZ:

Mr Speaker, I think the Minister may have misinterpreted the question. Would it surprise the Minister, Mr Speaker, to learn that the Employment and Training Board was actually refusing to endorse and stamp the employment contracts of British nationals who were working in Gibraltar on 1st July, have lost their employment and are seeking re-employment and in fact they have been offered re-employment? Is the Minister aware that the Employment and Training Board is being very difficult about endorsing those contracts of employment?

HON J L MOSS:

The Employment and Training Board has been set up to give priority to Gibraltarians and to long-term residents of Gibraltar and that will always be a consideration when vacancies are registered at the Board.

HON F VASQUEZ:

Is the Minister confirming then, Mr Speaker, that the Employment and Training Board is placing impediments in the way of British nationals who were working in Gibraltar on 1st July, who are seeking re-employment but who happen not to be resident in Gibraltar?

HON J L MOSS:

The first point is that non-residents should be registered in Spain. The second point is that I have to invert with what the hon Member is saying. It is not a question of whether impediments are put in front of anybody else. It is a question that the Employment and Training Board has got to give priority to Gibraltarians which I think is something which is endorsed by the vast majority of the population and on which subject we were actually presented with a petition of over 10,000 signatures.

HON F VASQUEZ:

The point is this. As a matter of policy, it seems clear that the Employment and Training Board is giving priority to Gibraltarians. I think the Minister will accept that under EEC law, of course, it is illegal to discriminate against nationals of other EEC member states. Although we obviously have the 1st July law in Gibraltar in which for those British nationals not resident in Gibraltar on 1st July, that EEC status is withdrawn. I think the Minister is evading the question. Those British nationals who qualify under the 1st July law, in other words, who were working in Gibraltar, are finding it difficult to find re-employment in Gibraltar and therefore I would like the Minister to confirm or deny, that the Employment and Training Board is in fact placing impediments in the way of British nationals who would seem to have qualified under the 1st July law?

HON J L MOSS:

I am sorry, Mr Speaker, is the hon Member again referring to British nationals residing in Spain or in Gibraltar?

HON P R CARUANA:

What we are trying to establish, not in any way expressing a view at this stage on whether the policy would be a good one or a bad one, what the policy, as it operates on the ground, actually is. When the Government legislated the 1st July law, it was subsequently announced by the Chief Minister, that British subjects who were in employment in Gibraltar before the 1st July, would not be affected even if in fact they were living across the border. That was the subject of a clarification made by the Chief Minister. Obviously we understand that whilst they maintain the employment that they had as at the 1st July, no one has said to them that they cannot keep that employment. But if such a person loses that employment, and this is the clarification that we are seeking, that he had on 1st July, does he continue to enjoy the benefit of the Chief Minister's comforting words or does he then lose the benefit of that and then becomes, like every other British citizen, subject to the 1st July law?

HON CHIEF MINISTER:

Mr Speaker, the position is quite simple and straightforward. Any United Kingdom national, whether living in Gibraltar or living in Spain who was working in Gibraltar prior to the 1st July and who is able to obtain employment in Gibraltar, does not have to have his employer obtaining a work permit to employ him. Therefore he is not affected by the 1st July rule, which is a rule that places an obligation on an employer to obtain a permit to employ a new entrant in the Gibraltar economy. Irrespective of the 1st July rule and prior to the 1st July, and since in 1991 the level of unemployment started going on the increase and in fact, in line with the petition that was handed to me and in line with the questions that have been put by the hon and gallant Colonel Britto, the policy of the ETB has been to require an employer to open a vacancy and to require an employer to interview registered unemployed Gibraltarians, United Kingdom nationals and Moroccans, in that order. Whether a United Kingdom national or any other nationality who is resident in Spain can get a job, does therefore not depend on the ETB since the ETB, under Community law, has got no obligation to send him to vacancies because they are not entitled to register as being part of our unemployed. The law of the Community in the only area which helps us is in this one. This is the exclusive area where we have got no obligation. In every other area we seem to be having a burden. In this particular area since the frontier opened - obviously, it did not matter before because there was no frontier work available - somebody that obtains a job tomorrow in Gibraltar and becomes unemployed in Gibraltar is entitled to register as unemployed in Spain and is entitled to collect unemployment benefit in Spain on the strength of the social insurance contributions he paid in Gibraltar. Therefore, the position is that when an employer opens a vacancy, for example, there was a vacancy for a labourer which the Hon Mr Cumming was making enquiries about a couple of days ago, that employer opened the vacancy in the ETB and wished to employ, as a labourer, a United Kingdom national who has been in the Campo Area 18 months, who lives in La Linea and has worked in Gibraltar before 1st July. The ETB said to the employer "We have here 600 people". They sent to that employer 69 Gibraltarians and this United Kingdom national because although they had no obligation to send him since he is not registered unemployed with them, given the fuss he was kicking up, he was actually also given a blue card to go for the vacancy, in competition with the 69 Gibraltarians. If a Gibraltarian cannot compete for a labouring job and get an equal chance to do the job, then we must question who is being discriminated against and that is the policy and that is how it operates. We try to be fair to both sides.

HON F VASQUEZ:

Mr Speaker, with respect to the Chief Minister, surely within the parameters of employment and immigration law, the person

that an employers chooses to employ is the discretion and choice of the employer himself. This is a free society.

HON CHIEF MINISTER:

Absolutely. Mr Speaker, the hon Member is quite correct but if that is the view and the policy of the Opposition Members, then when they came to see me with the petition about their concern about the new rule and in the questions that they put in this House, they should not be saying to the Government, "The policy of the GSD is that employers are free to employ whoever they want." But if that creates more unemployment the responsibilities are of the Government and what is the Government going to do about it. If there are 100,000 people out of work in the Campo Area and employers in Gibraltar are free to employ whoever they want, and the Opposition Members subscribe to that view and think we should do nothing about it, then they should stop asking questions about the level of unemployment in Gibraltar, because then what will happen if we do nothing about it, is that eventually we will be all out of work and the people living across the border will all be working.

HON P R CARUANA:

Mr Speaker, the questions that I have put, if the Chief Minister will accept, was to clarify the policy on the basis, not that it is the policy of the Opposition that it should be different, but rather that there were people who were meeting resistance as it operates on the ground and came to us to say "What are the rules, what is the law, because we are told in the press it is one thing, then we go to this office and that office and it operates something else". The question is therefore calculated to clarify. We the Opposition have, as the Government know, often urged them to pursue practical measures that will protect the job opportunities for Gibraltarians. I am sure it will therefore gratify him to learn that it forms no part of the policy of the Opposition on this side of the House to make it any more difficult than it need be for Gibraltarians to find places of work in their home.

HON CHIEF MINISTER:

Mr Speaker, although it was not a question, let me say that I am grateful for the Leader of the Opposition's remarks and I understood his question in that light. I was responding to the later question from the Hon Mr Vasquez who seemed to be asking me to accept that there was nothing we could do about it. I am saying what we are doing is consistent with what we have been urged to do which is to use, administratively, the possibilities opened to us to try and encourage a greater take-up of Gibraltarians. At the end of the day, if an employer really digs his heels in and says "I will not take any of the 70 people that you have sent me as a labourer and I insist on taking somebody and if necessary I will test it," then of course, ultimately we have to give up. I think we have got a responsibility to try and persuade people to take some of our own people on. After all, if we cannot even produce labourers then what can we produce?

HON P CUMMING:

Mr Speaker, the case to which the Chief Minister referred, sheds light on this issue, because of course we support that Gibraltarians have to have first right. There are two barriers that the UK residents have to overcome. One is the 1st July law and the other is the bureaucratic obstacles and so on which have been demonstrated to be so devastatingly effective that there seems to be no need for the 1st July law with all the political dangers that it has of anti-UK feeling. Yet the other point is that it is only right, it seems to me, that if a UK resident is living in La Linea and working here as a labourer, he is probably not very well off and even though we do not have to go and give him a job but we have to give him information so that he can sort out his life. We can say to him, "There are two enormous barriers here that you do not have a chance in hell of overcoming so use whatever funds you have to clear out and fend for yourself elsewhere". Rather than sending him to an interview, raising his hopes, he gets the job and when he goes back all happy that he has got it; it builds up frustration, so we turn that man instead of a friend into an enemy, unnecessarily it seems to me.

HON CHIEF MINISTER:

I think there are a number of the points that the hon Member has raised which I think I can answer. First of all, Mr Speaker, what we are talking about is the level of people that we already have. To put it in context for Opposition Members, let me say that the research that we have done through social insurance records, shows that we have of the order of 1,000 United Kingdom nationals working in Gibraltar and living in La Linea and other parts of the Campo. This compared to a male private sector workforce of Gibraltarians of 3,000. So they already constituted out of that 4,000, 25 percent before the 1st July. As a result of new regulations being brought in requiring everything to be registered - we did not know before - following petitions received in 1992 and representations made in 1992 about increasing unemployment because of redundancies in the United Kingdom departments, we started monitoring the thing more closely. We then discovered that the rate of new arrivals of United Kingdom nationals was very, very high. In August 1992, I made representations to Her Majesty's Government, given the kind of figures that I have just given, to show how the opening of the frontier, in the context of the representations made to Sr Natalee in 1984, where the Commission had told us we could not get a derogation because it was hypothetical that we would have a problem. But we would have the right to come back under Community law to make a case if we were able to demonstrate that the free movement of labour was having a disruptive effect on our economy. I can tell the hon Member that within the European Community, the average migration of frontier workers is 5 percent. That in the case of Spain, migration into Spain, not surprisingly, is 0.2 percent. That is one fifth of 1 percent of people in Europe migrating to Spain to work.

In our case, it is 25 percent. We have got the highest record of anywhere in Europe and we have a very small economy with very limited resources. I put all these arguments to the United Kingdom. The United Kingdom view was that they needed more information although I can tell the hon Member that we have done a lot of research and a lot of it I have done myself; checking the figures myself to make sure that we could not find ourselves being challenged and faulted. The UK view was that because the major element was the United Kingdom national, it would be particularly difficult. If one has got a situation where one says to Europe, "We need derogations because we are being flooded with labour from abroad and between January and July this year, we have 500 United Kingdom nationals arriving on our doorstep and one German." It is difficult to convince Germany that we have got a case for not allowing Germans to come in. They said to me that there was nothing to stop me, if I wanted to, controlling the situation by introducing regulations which would limit the free movement between the United Kingdom and Gibraltar and make it subject to controls, but that they could not endorse it. If I wanted to do it, then I could do it and the thing was open to me to do it. Effectively at the end of the day, Mr Speaker, we had to take the political responsibility and exercise judgement, which is what we are elected to do. Frankly, I believe that the reaction to that measure has been exaggerated and unjustified and nobody would be happier than the Government if we were able to say tomorrow, "The economy has taken off and we are creating so many new jobs that all the Gibraltarians, all the Moroccans, all Andalusia and the whole of England can all come and work here." Why should we want anything else? The more people working the better it is for all of us, but at the end of the day, if we have got a situation where the jobs market is very tight, we have a responsibility to try and ration those jobs within the constraints of Community law; take the advantage where we can to try and maximise the number of our own people who can get work, because at the end of the day, they have got nowhere else to go to. The guy that is living in La Linea if he runs out of unemployment benefit in Spain is entitled to social assistance in Spain. If he is not entitled to social assistance in Spain, he can go back home and get social assistance there. Our people have only got our resources and those resources are, if anything, in a difficult situation, frankly because we are being asked to cope with cut after cut after cut faster than we can absorb them. In those circumstances, I do not think we have been unfair and I hope that the explanation will satisfy Opposition Members, that we have tried to be as fair as possible in a very difficult situation.

HON P R CARUANA:

It is a very lengthy exposition of arguments that are well known and of course this is not a debate and I must not reply. Does the Chief Minister accept, even if he does not agree,

that even though we understand the urgency and the difficulty and the importance of the employment issue in Gibraltar, that those of us that are not in favour of the 1st July law are not against it because we think it is unfair on British workers. We are against it because we think that it does us incalculable but serious harm in another area of Gibraltar's politics, which is equally, if not perhaps more important, or at least as important as employment, which is the question of British public opinion support for our fight against Spanish hostilities. Will the Chief Minister accept from me at least, that that is the basis upon which those that are against, at least the Opposition's - the British Citizens Association may have a different axe to grind - objections to the 1st July law is domestically political in the sense that we think that it is too drastic a measure, albeit intended to address an important problem because it does incalculable harm in relation to another problem?

HON CHIEF MINISTER:

Mr Speaker, I accept that that is the view of the Leader of the Opposition. It is a view that we do not share. Whatever harm may be, we think, on balance we have to take decisions in this matter and we have weighed all the considerations before the hon Member raised them.

MR SPEAKER:

We have now discussed the point enough.

NO. 113 OF 1993THE HON LT-COL E M BRITTO

Mr Speaker, will Government say whether the renewal of any work permits have been withheld for reason of the employer's failure to pay arrears of PAYE and/or social insurance contributions?

ANSWERTHE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, work permits are issued to the employer and when an employer seeks the renewal of a permit he is asked to produce evidence that he has been complying with the law as regards deduction of PAYE and social insurance.

This preliminary step is being taken prior to action to putting the company into liquidation for failure to pay.

SUPPLEMENTARY TO QUESTION NO. 113 OF 1993

HON P R CARUANA:

Mr Speaker, the Opposition welcomes any action that the Government may wish to take of a legitimate nature to make employers comply with their obligations under the law especially in relation to forwarding monies that they have deducted from their employees' pay packets. It is not their money at all. This question is motivated by a particular situation that has been brought to our attention. Does the Minister not accept that the effect of that action that the Minister says the Employment Board takes is, in effect, to render unlawful in Gibraltar the position of the only party that is the innocent victim in this situation? Because, alright, the employer may not have forwarded it but the chap who becomes illegal from that moment is the employee who has suffered the deduction from his pay packet; the effect is that he is instantly an unlawful worker in Gibraltar; that he loses his residence permit; cannot leave Gibraltar either to Spain or to Morocco because then he will not be allowed back, and the effect is, whatever the salutary motive for doing it, that it seems that the first victim of it is the employee and not the employer?

HON CHIEF MINISTER:

Mr Speaker, let me say that there is nobody that has lost his residence permit as a result or has been told to go back to Morocco because we have got people who have been unemployed for four years and are still here. The position that the Board has taken is in anticipation of closing down the firm and the people becoming unemployed. There have been three companies that the Board has approached on this matter and the idea is to see whether by pointing out to them that they cannot expect to be given permission to employ people, because remember the permission is given to the employer, if in fact they are not complying with the requirements of the contract of employment which is that the people they employ should be properly insured. The initiative taken by my hon colleague and the Employment and Training Unit is in the hope that that approach will result in people being put within the law and avoid the more drastic step of closing down the firm. As I have said, he has tried it in three firms and we do not know to what extent this will have results because it is something that has only been going on for a couple of months.

HON P R CARUANA:

I understand the explanation given by the Chief Minister for which I am grateful to him and I understand the leverage argument. The effect, in fact, is that these chaps are allowed to continue to work because although it is in anticipation of closing them down or as leverage to try and get the employer to comply with his legal requirements - both of which are salutary motives - the actual result is the action that the Government takes to put pressure on one party results in placing another party in breach of the law because, surely, the Government does not expect the employees in question to say, "Well, I am not going to go to work because I am now an unlawful employee because I have not got a work permit". That is what is happening; the contracts are not being renewed.

HON CHIEF MINISTER:

No, Mr Speaker, I do not expect the employee to say, "I will not go to work because I have not got a work permit" because employees do not have work permits. The person who is breaking the law is the employer in employing somebody for whom he has not had a work permit granted. The permit is given to the employer and not to the employee. It is the employer who requests the permit and the alternative is to grant a permit to an employer in the knowledge that that employer is breaking the law.

HON P R CARUANA:

Mr Speaker, the consequence, for whatever reason, of an alien not having an authorised, current, valid, endorsed work contract is that his residence permit automatically lapses and expires and from that moment he becomes an illegal immigrant.

HON CHIEF MINISTER:

No, I am afraid, Mr Speaker, the Leader of the Opposition is wrong, obviously he does not know how the law operates. The permit of residence given to an employee, based on the length of the contract, can, in fact, be retrieved if the immigration authorities so decide. But I have already told him that not only have we got people who have been without work for four years and are still here; we have got people who have got the Protection Ordinance and are still here. So what is the hon Member talking about? Anybody would think that out of the 3,000 Moroccans we have got in Gibraltar, the 20 Moroccans who have been affected in the three companies are suddenly being deported. Well, this is not the case; they have not been leaned on in any way by the immigration authorities or told that they are here illegally or anything else. All the contact has been between the Board and the employer. The employer has come along and said, "I want to have the permits renewed to employ this person" and the employer has been told, "Well, are you, in fact, insuring that person against industrial injury, against unemployment and against all the things that the law and the contract says you have?" And it has been established that the contract of employment approved by the Board the last time round, in respect of which a permit was given to an employer, is not being complied with. The employer has been told, "Look, the situation is that if you do not put yourself in order you will be facing proceedings for failure to comply with the law on social insurance and failure to comply with the law on income tax and if you do not pay up you will be put into liquidation and closed down. So since you have come here to ask for the permit to be renewed we would like to know what steps you are going to take to put yourself up-to-date". That is what has happened. The reason for doing it was to see if that would produce a result where people would, as a result of that early warning system, bring themselves into compliance with the law and avoid us having to go down the route of closing them down. If it does not they will be closed down and the employees for whom the Leader of the Opposition is worried will find themselves in exactly the same situation as they would have been in anyway because what will happen is if we close them down they will all be redundant; they will all lose their work permits and they will all lose their residence permits, according to him. So I do not see how what we are doing is more prejudicial to those involved.

HON H CORBY:

What happens if the firm is in voluntary liquidation or is in liquidation because of PAYE payments and it is liquidated and then forms part of another company, do the Government take into account the arrears in PAYE?

HON CHIEF MINISTER:

No, we have got a problem, frankly, in that area to which I do not have the answer, that is the truth, Mr Speaker. What the hon Member says is absolutely true but it appears that in law a company with limited liability can be closed down one day; leave us arrears of PAYE and social insurance which at the moment under the provisions of the Ordinance, which we introduced after 1988 in order to protect the worker, if the employer goes into liquidation then the tax that has been deducted and not paid and the insurance that has been deducted and not paid, are credited to the worker. So we protect the worker against that loss. But, of course, it means that the rest of us are paying for it and then the guy a week later opens a new company with a new name and starts all over again. Since the position is that with the system as operated until now - I do not really have an answer on how we can do it better - we do not tend to find out in the case of social insurance until about six months after the end of the calendar year and in the case of PAYE until about six months after the end of the tax year. There are at the moment, I believe, from the last report I had from the Commissioner of Income Tax something like 138 employers in Gibraltar who still have not returned the PAYE that should have been returned at the end of July. So until they return that we do not know whether they have actually paid over the tax or not. If when they return it they go into liquidation because we ask them to pay and they cannot pay, we then protect the worker at the expense of everybody else but then the process has to start all over again. So the answer is that the hon Member is right in his question about the nature of the existence of the problem and we have not found a way of overcoming it.

HON P R CARUANA:

Mr Speaker, the Chief Minister says that it is odd that that should be possible under the laws that apply and we agree that that is a simple abuse of the system. In fact, I would invite the Chief Minister to enquire whether, in fact, it is true or not that there is nothing that can be done about it because the Companies Ordinance does contain provisions for the disqualification of persons from acting as directors of companies when the bankruptcy has been caused by certain circumstances and it may well be that that provides a mechanism for permitting flagrant offenders from simply setting up shop the next day by another company and doing the same again.

HON CHIEF MINISTER:

Mr Speaker, I am grateful for that indicator from the Leader of the Opposition. I will certainly have it investigated. The advice I have had until now is that nobody knows how to overcome it but we will certainly get somebody to look at that suggestion.

28.10.93

ORAL

NO. 114 OF 1993

THE HON LT-COL E M BRITTO

How many applications for work permits by British subjects have so far been refused in reliance upon the so-called 1st July law?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

One, Sir.

SUPPLEMENTARY TO QUESTION NO. 114 OF 1993

HON P R CARUANA:

Mr Speaker, given that answer and given the concern, apparently not shared by the Government but held by a large number of people in Gibraltar, that this law is capable of causing political damage to our relationship with British public opinion - I accept it is a concept that cannot be measured, there may be a lot of such damage and there may be no such damage - and given that the law appears not to be necessary given that only one has been turned down, would the Government consider repealing the law in the light of remarks made in the British Parliament of this kind? With Mr Speaker's indulgence, I read from Hansard in the House of Lords of last week where Lord Archer of Sandwell put it to Baroness Chalker, "My Lords, is the Noble Baroness aware that in consequence of recent measures introduced by the Government of Gibraltar, British subjects are in a worse position in relation to employment than subjects of the other European Community States? If the Government of Gibraltar expect, as I hope they will receive, the loyalty of this country, is that not a matter which should be addressed?" To which Baroness Chalker answered, "My Lords, there is no reason that British subjects should be in a worse position but I shall look at the detail of what the Noble Lord said. However, over a period of time we have had extremely positive discussions with the Chief Minister Bossano and if there is a problem in that regard I am quite prepared to look again at that matter". Mr Speaker, I accept that Government Members do not share the concern that those of us who have organised the petition had; but given the potential for damage, being now raised in the House of Lords itself and given that only one person has been kept out of the job market by its implementation; will the Government consider repealing the law?

HON J L MOSS:

No, Mr Speaker, and there is a very simple reason. Statistics can be twisted to suit the argument of the person who is quoting them.....

HON P R CARUANA:

The Minister has quoted the statistics; it is the Minister's statistics and not mine.

HON J L MOSS:

The Leader of the Opposition has done the twisting. One person has been refused a work permit since the implementation of the so-called 1st July law but the fact of the matter which is very noticeable is the very significant drop in the number of new entrants who have actually been seeking work permits. So this has acted as a kind of deterrent to stop people from coming to Gibraltar and trying their luck. There has been a drop in the pressures of numbers to come in and that is the effect which the law has had.

HON J C PEREZ:

The only positive thing the Opposition's publicity has had.

HON J L MOSS:

On the matter of public opinion and of what is said or is not said in the House of Lords; unfortunately there has been a great deal of misinformation, perhaps even disinformation, on this matter. Many of it generated from local quarters and I personally managed to speak to a large number of MP's during my recent visit to both the Labour and the Conservative Party Conferences; not just MP's but also representatives of the different constituencies and, frankly, once our position was explained to them, everybody understood. So, unfortunately, I think that some people have simply been interested in creating this perceived problem where that law was being presented as being anti-British or anti-UK and perhaps what we need to do is ensure that the statements which are made in Gibraltar, for the outside world in particular on the 1st July law, are actually accurate.

HON P R CARUANA:

Mr Speaker, whilst speaking only for myself and for Opposition Members certainly nothing that we have ever said on this subject is factually inaccurate. But I would ask the Minister whether when he was explaining the position to the MP's in the Labour Party and Conservative Party Conferences, did he say, "We have got a dreadful unemployment problem in Gibraltar and we have got to protect the job market" to which everyone is bound to agree or did he also go on to say, "And by the way, this measure only applies to you Brits, you know, because the Spaniards and the French and the Germans, they can come because unfortunately European Community law prevents us from dealing with them as well"? I understand that that is the position in law. But those British politicians who expressed sympathy and agreement, or at least sympathy, were they aware of the full measure or simply of the fact that it was a measure to protect the job market?

HON J L MOSS:

Mr Speaker, the MP's and everybody else to whom I, at least, spoke was made fully aware of the ins and outs of the measure and they understood that it only applied to UK nationals.

MR SPEAKER:

The question has been ventilated enough. Next question.

28.10.93

ORAL

NO. 115 OF 1993

THE HON LT-COL E M BRITTO

Will Government say which training courses, run under the jurisdiction of the Employment and Training Unit, have been cancelled, postponed or otherwise curtailed and the reasons for this action?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, all training courses being run by the Employment and Training Board continue and none have been cancelled or postponed. However, the effectiveness in terms of those completing the courses obtaining employment is being assessed and therefore the continuation of the present system is under review to ensure that the expenditure on validating the work experience is producing the desired result of those involved obtaining employment. Following the review a decision will be taken as to whether the resources being used in this area would be better employed in supporting greater numbers of trainees.

SUPPLEMENTARY TO QUESTION NO. 115 OF 1993

HON LT-COL E M BRITTO:

Is the Minister saying that trainees in these courses were not actually told to go home; that the company running the courses was not actually told that the courses were being stopped? Is that what the Minister is saying?

HON J L MOSS:

Well, essentially yes. I am not responsible for any comment that any company may be making or may have made to trainees but essentially the position of the Employment and Training Board is that the courses have not been cancelled and have not been postponed.

HON LT-COL E M BRITTO:

Is the Minister saying that there was not even a temporary halt for a number of hours at all; that no announcements were made; that there was no communication between No.6 Convent Place and Mr Olivero of Olivero and Associates

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- or whatever the name of the company is. This is a public statement by Mr Olivero; I have not spoken to Mr Olivero. Is the Minister saying that there was no communication telling him that the courses were being stopped?

HON J L MOSS:

The answer is yes, and I would remind the hon Member that the particular company he has mentioned is, in fact, not the only training agent that the Employment and Training Board has.

HON P R CARUANA:

Mr Speaker, there appears to be some confusion therefore in the minds of the general public. I personally received a call from a very concerned mother whose daughter was involved in the cookery course who had basically been told, "The course has been discontinued but if you want to stay in the kitchen working as an employee, you can". Fine, the job was not discontinued but the training aspect of it was discontinued. That is what the woman told me.

HON CHIEF MINISTER:

Mr Speaker, it is quite obvious that that disinformation took place as a result of a communication from Olivero and Associates to the trainees and to the employers on the initiative of that company, not on the instructions of the Employment and Training Unit, No.6 Convent Place or any other agency and the consequence of that disinformation was that the Employment and Training Unit, within 24 hours, wrote to everybody that had received the first letter telling them to disregard the first letter because the first letter was wrong. The trainees had not had their training stopped; the payment to the trainees have not stopped; they continue as employees of the Employment and Training Board, receiving their wages from the Employment and Training Board and their social insurance paid by the Employment and Training Board. The only thing that is being reviewed is the payment to J Olivero and Associates, as was explained in the letter.

HON J L MOSS:

On a factual point, we do not run a cookery course at the Employment and Training Board.

HON LT-COL E M BRITTO:

Mr Speaker, I hope that the Minister and the Chief Minister will accept that obviously in the Opposition we welcome the fact that the courses have not been stopped.

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HON CHIEF MINISTER:

Absolutely.

HON LT-COL E M BRITTO:

But will they also accept that it would have saved a lot of worry and concern amongst the actual trainees if the Employment and Training Board had, last week or the week before last, actually come out with a public statement.....

HON J L MOSS:

It did.

HON LT-COL E M BRITTO:

Well, let me put it this way, Mr Speaker, will the Minister accept that one of the senior executives of the Board was due to appear on 'City Talk' last Friday or the previous Friday and at the last minute he turned down the invitation. It would have been an ideal opportunity to have told the whole of Gibraltar that there was no foundation for the rumour.

HON J L MOSS:

No, Mr Speaker, I was not aware of any senior employee of the Employment and Training Board being due to appear on 'City Talk'.

HON LT-COL E M BRITTO:

Let me tell the Minister that there was one invited and he turned it down.

HON P CUMMING:

Can we know, more or less, what these qualifications have cost so far?

HON J L MOSS:

That is a separate question really. It is not that I do not want to answer the question.

MR SPEAKER:

You have not got the information. Next question.

NO. 116 OF 1993THE HON LT-COL E M BRITTO

Does the Government not yet recognise that its failure to implement adequate apprenticeship schemes in basic trades is depriving Gibraltarians of job opportunities and therefore is worsening our unemployment problem?

ANSWERTHE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, there is no evidence available to the Employment and Training Board that the vacancies that are being filled by non-Gibraltarians result from a failure of apprenticeship schemes in basic trades. The training schemes currently in operation in areas like catering and horticulture have been introduced because in these areas there were no local skills but these do not require a long-term apprenticeship.

In addition, in the construction industry there has been a low involvement by Gibraltarians and a number of private sector companies are providing training in the construction trades with the Employment and Training Board support. The intention is to continue to expand training in this area.

SUPPLEMENTARY TO QUESTION NO. 116 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, what sort of training of the nature that the Minister has just mentioned in the basic trades - masons, carpenters, plumbers and electricians, the sources of the traditional apprenticeships - what are the courses, if any, that are going on in these trades or is it, Mr Speaker, that what is happening is very similar to the vocational cadet training scheme that a young man is put into a construction company and he works there for six months or nine months or a year and at the end of it he is considered to have attained a skill?

HON J L MOSS:

The answer, Mr Speaker, is that some training is going on in the construction industry but in the other trades which the hon Member has mentioned there are no separate training programmes as such.

NO. 117 OF 1993THE HON LT-COL E M BRITTO

What was the level of unemployment in Gibraltar of:

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

as at 31st March 1993, 30th June 1993 and 30th September 1993, divided into under and over 25 years old age groups?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the unemployment figures for the past six months are as follows:

	<u>GIBALTARIAN</u>		<u>NON-GIBALTARIAN</u>	
	UNDER 25	OVER 25	UNDER 25	OVER
25				
March	254	334	15 392	
June	268	381	13 482	
September	301	351	14 462	

SUPPLEMENTARY TO QUESTION NO. 117 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, would the Minister like to comment or possibly give us the reason for the increase in the under 25's as at September; is this only due to school leavers or is there any other reason? If we go back to 1992 the figure for September was comparable to the figure for June 1992 but yet there has been an increase in September 1993 which is in the under 25 Gibraltarians which is not reflected in any of the other three figures that he has given us?

HON J L MOSS:

No, Mr Speaker, I cannot pinpoint the exact reason. What I can say is why it has not happened. The under 18 group has not increased so any increase has been in the group from 18 to 25, it would not affect school leavers.

HON LT-COL E M BRITTO:

The point, Mr Speaker, as the Minister will understand, is that the increase in that group is of the order of 33 whereas in the over 25's it has actually dropped by 30 and in the non-Gibraltarians it has dropped by 20 in the over 25's and remains static in the under 25.

HON J L MOSS:

Yes, Mr Speaker, I understand the point the hon Member is making. My reply is that it is not due to school leavers because even though it is not broken down here, in the answer I have given, I know for a fact that the number of under 18's unemployed has not increased. So any increase has had to be in the 18 to 25 group and there are only a handful of school leavers in that category.

HON LT-COL E M BRITTO:

And the Minister is not aware of any reasons for that change in the 18 to 25?

HON J L MOSS:

Not of a specific reason, no, Mr Speaker.

HON P R CARUANA:

Mr Speaker, other than the measures that we have been discussing already today - the 1st of July law; the Employment and Training Board practices and things of that kind which simply serve to redistribute the existing jobs in favour of the Gibraltarians - what steps is Government taking to increase the number of jobs available in the market? In other words, to create new jobs?

HON CHIEF MINISTER:

Mr Speaker, the number of jobs is expected to decline; we have made that absolutely clear on a number of previous occasions and when we discussed the Estimates of Expenditure for this year we said that, in fact, the emphasis was shifting from the total number of jobs to the employment of local people within that area of available work. Much of the reduction in the size of the labour market that has taken place between 1992 and 1993 is accounted for by the construction industry; that is, of something like 1,000 jobs less that there are compared to a year ago, something like 800 of that 1,000 jobs are

former construction jobs. What the Government is doing in terms of trying to bring about the existence of more jobs is the marketing to try and bring new investors. As far as we are concerned there is no other way of bringing jobs to Gibraltar other than by bringing new investments.

HON P R CARUANA:

Mr Speaker, the number of Gibraltarians currently out of work is 652. Given the observation that is consistently being made that few Gibraltarians were employed within the construction industry - which is the one that has collapsed and we all realise why, because the buildings are up and there are no more being built - but given the fact that the Gibraltarian unemployment is up sharply and that the Gibraltarians were not involved in any great numbers in the building trade, does the Chief Minister agree that the loss of jobs therefore affecting Gibraltarians is primarily outside of the construction industry? In other words, in the general economy as a whole. Because if they had lost the jobs and they were not employed in the construction industry then they must have lost them in some other industry.

HON CHIEF MINISTER:

No, Mr Speaker, because, in fact, the level of increase of Gibraltarians out of work which took place in June is almost entirely identifiable as having happened in May when PSA closed down, apart from the fact that it may be construction skills, in fact that is where the main increase has taken place. If the Leader of the Opposition goes back from March he will find that the level of unemployment of Gibraltarians has been between 550 and 600 since July 1991. If I am telling him that since July 1991 we have lost 1,200 jobs in the economy of Gibraltar, it must follow that very few of those 1,200 jobs were jobs occupied by Gibraltarians. When we have an area, for example, of the construction industry, although the element is ten per cent, one has to understand that ten per cent of 800 is 80 and therefore what we are talking about is that if the construction programme has been finalising, the bricklayers and the steel fixers and the crane drivers were foreign but the girl who made their wages in the office was Gibraltarian. She appears, in our statistics, as being employed in the construction industry and when we lose 800 jobs in the construction industry we lose an element of storemen, time keepers and clerks but we have had relatively small involvement and therefore we think that even with a construction industry which we have predicted is likely to stabilise at something like 700 jobs - this is what it was before

the increase; it went from something like 700 jobs to over 2,000. But when we had 700 jobs, in the 700 we had about 150 Gibraltarians. So if we go back to 700 we have still got the opportunity, we think, to increase the involvement of Gibraltarians in the construction industry and therefore part of the emphasis of the training programmes that we are looking at at the moment is getting more youngsters who have, in the past, not been very keen to enter this industry, to take up training as masons. Even within the construction industry, for example, we have got a very high level of Gibraltarian electricians, why? Because the electricians need to work to British standard in our building regulations and foreign electricians have got a problem but when it comes to the wet trades like painting and plastering and bricklaying, there the Gibraltarians have been five per cent of the workforce, no more than that. So we are looking at those areas.

28.10.93

ORAL

NO. 118 OF 1993

THE HON LT-COL E M BRITTO

Will Government explain how it calculates the unemployment figures?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the unemployment figure for Gibraltarians consists of all those who are registered with the Employment and Training Board as seeking employment irrespective of whether they are receiving benefits or not and who call at the Unit to enquire about employment at least once a month.

In the case of Moroccan nationals, the same criteria applies but the applicant must keep up his registration by calling at the Unit to seek work at least once a fortnight.

Other nationals are only included for the period when they are receiving benefit.

SUPPLEMENTARY TO QUESTION NO. 118 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, are young persons working on the vocational cadet scheme included?

HON J L MOSS:

No, not as unemployed, they are actually in employment, Mr Speaker.

HON LT-COL E M BRITTO:

Well, they are under training, they are not included?

HON J L MOSS:

They are receiving a training wage, I would remind the hon Member. If I may add, the scheme also insists that on completion of the period of training the trainee should be given substantive employment, so they are not unemployed.

HON LT-COL E M BRITTO:

What happens to the person who has been included because he has been applying for a job regularly and after this period of a month stops coming in? Does he drop out of the figures automatically?

HON J L MOSS:

No, Mr Speaker, what I said in my answer was that they need to call at least once a month; it is not that they drop out after a month.

HON LT-COL E M BRITTO:

But if they stop calling?

HON J L MOSS:

If they stop coming to the Board then one assumes that they are not interested in obtaining a job.

HON P R CARUANA:

Human nature would suggest that that is not necessarily a safe assumption but I accept that there have got to be some rules for this. Mr Speaker, does the Minister think that there are a significant number of persons in Gibraltar who would wish to be in employment; who are not in employment and who are nevertheless not in these figures because they cannot be bothered or they do not, in fact, go down to the Employment and Training Board?

HON J L MOSS:

Mr Speaker, I think that the Leader of the Opposition's question is self contradictory. If they cannot be bothered to go to look for work then they cannot be very interested in obtaining work.

HON P R CARUANA:

The fact that they are not registered at the Employment and Training Board does not mean that they are neither interested nor looking for work; they could be looking for work privately.

HON J L MOSS:

Mr Speaker, but if the Employment and Training Board receives all the vacancies which exist which are open in Gibraltar then somebody who is looking for work should make that his first port of call regardless of whether he is looking for work privately or not. We even get vacancies registered for lawyers at the Employment and Training Board.

HON F VASQUEZ:

Mr Speaker, if I can just ask a quick question relating to this. Could the Minister tell the House how soon after leaving school; how soon after finishing full-time education a young person can register as unemployed? Are there any rules regulating that?

HON J L MOSS:

He can register as being available for employment the minute he leaves school.

28.10.93

ORAL

NO. 119 OF 1993

THE HON LT-COL E M BRITTO

How much money is there in the Insolvency Fund and how much has so far been paid out of that fund?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, since its creation the sum of £106,117.31 has been paid from the Insolvency Fund.

The balance of the fund currently stands at £429,347.72.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, who qualifies for payments out of this fund?

HON J L MOSS:

There are very clear guidelines as to who qualifies but any legitimate employee of a company which is officially declared to be insolvent has got the right to make claims on the fund.

HON LT-COL E M BRITTO:

Mr Speaker, is there any difference in treatment for payment between firms in the construction industry and firms outside the construction industry?

HON J L MOSS:

No, Mr Speaker.

HON LT-COL E M BRITTO:

Has any payment been made to any firm in the construction industry?

HON J L MOSS:

Yes, Mr Speaker.

2.

HON LT-COL E M BRITTO:

Is the Minister then confirming that the same criteria will apply to employees of that firm as would have been applied to employees of, say, the hotels in the private sector that close down?

HON J L MOSS:

Yes, Mr Speaker.

28.10.93

ORAL

NO. 120 OF 1993

THE HON P R CARUANA

Mr Speaker, how will Government guarantee a pension in the future to those Gibraltarians who have in the past contributed and continue to contribute to the Social Insurance Pensions Fund?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the Government has stated repeatedly that new arrangements will be in place to take over from the existing system when this is wound-up at the end of the year. Persons receiving pensions or entitled to receive them in the future will be covered by the scheme. The details will be communicated to those affected when the arrangements have been finalised.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1993

HON P R CARUANA:

Mr Speaker, the Minister said during the last meeting of the House that the Government would be making a statement during this meeting of the House. Is that still their intention?

HON R MOR:

Mr Speaker, I believe that what we said was that we would be bringing legislation which would allow us to introduce the new scheme.

HON P R CARUANA:

Will that legislation comprise the scheme or will it simply be giving him powers by regulation to make the scheme that he pleases?

HON CHIEF MINISTER:

It will provide the second.

HON P R CARUANA:

Well, and given the Chief Minister's assertion on television that people should rely on his promise for their future pensions; does the Chief Minister say that the future scheme - let us call it that because, of course, it may not be a pension scheme - that replaces the statutory pensions scheme, when that comes to an end very shortly, will not be statutory? In other words, it will not give people statutory rights to a pension?

HON CHIEF MINISTER:

It will give people statutory rights to a pension.

HON P R CARUANA:

And it will achieve that in relation to what the Chief Minister and I would call Gibraltarians whilst at the same time disposing of the Spanish pensions problem?

HON CHIEF MINISTER:

It will give the rights that people enjoy or analogous rights under the present scheme to the people who would have continued to enjoy them if the Spanish pension problem had not been mishandled in the way that it was.

HON P R CARUANA:

Well, in the Opposition we look forward to the details of that scheme. My only point would be to ask the Government whether they do not consider that given the importance in social legislation terms of this area of law, whether they do not consider it appropriate to bring the legislation to the House for consideration and debate rather than just publish the new scheme one fine Thursday morning in the Gazette.

HON CHIEF MINISTER:

Mr Speaker, we are having to break totally new ground in this area in what we are trying to do because we have been landed with the problem with no apparent solution. That is to say, the position that was created in January 1986, regrettably as far as we are concerned because it was avoidable, was that a commitment was given that people who had not contributed sufficiently to earn benefits were given benefits which if they had been charged on the fund would have left the rest of us without any pension.

We have then tried to overcome that problem by addressing all the obstacles that have been raised in technical talks as to why under Community law (a) or (b) or (c) or (d) could not be done and we have found an answer to each one of (a), (b), (c) or (d) down through the whole alphabet. The framework of that scheme is one which I am happy to explain to Opposition Members but they have got to understand that we would be doing ourselves all a disservice the more we explain the mechanics of it and the more we give people the opportunity to try and find flaw with it and that is the position I have been consistently putting forward in the House. We will bring as much as we think it is necessary and desirable to bring to the House and any further information is available on a confidential basis to the Leader of the Opposition if he wants it or not at all.

HON P R CARUANA:

So Mr Speaker, do I understand from what the Chief Minister has just said, that the scheme that they had in mind does not or may not, if subjected to too much scrutiny, pass the test of all the alphabet to which he has described because, of course, if it does pass the test then I do not see why it cannot all be above board so that we know what it is.

HON CHIEF MINISTER:

No, Mr Speaker, he may not understand that. What he may understand is that the world is full of people like him who are prepared for a suitable fee to take up whatever cause however lost it may be and since I am not in the habit of making lawyers unnecessarily rich I do not intend to provide information that will enable that to happen.

HON P R CARUANA:

And he feels that he is justified in venting his irritation at the legal profession at the expense of a pension scheme for the future of the people of Gibraltar about which he will give only as much explanation as he considers the national interest permits?

HON CHIEF MINISTER:

Because, Mr Speaker, whether he realises it or not, I have been elected to exercise my political judgement in what is in the national interest and he has been elected to question it and he is questioning it, which he is entitled to do, and I am exercising it which I am entitled to do and I am totally satisfied that the current

pensioners and the future pensioners are conscious that their pension is in safe hands in the Government and will be satisfied with the arrangements we will put in after the 1st January which is not all that far away.

HON P CUMMING:

Mr Speaker, does the Chief Minister understand the anxieties of those people who want to turn up for their pension and find that it is their right in law and not just on the word of Joe Bossano?

HON CHIEF MINISTER:

No, Mr Speaker, I can understand the anxiety of the people because of the doubts that are being created by Opposition Members but I know that the people have been considerably reassured by what I said a day ago on television and the fact is that if we had not devoted the diligence and attention to try and find a way out of this enormous problem that we inherited, all of us, not just the people outside, all of us here in this room would have been in very, very serious trouble following the end of this year. The position that we inherited in 1988 was that the UK said, "We have paid for three years and now it is up to you" based on a report which said the pensions to the former Spanish workers would cost £250 million. The position of the UK in August 1988 was to say to the Government of Gibraltar, "We helped you for the first three years and now it is up to you to find a way of producing £250 million and there is nothing you can do about it because the responsibility is inescapable" which is, in fact, the advice that they gave the previous Government. Therefore, frankly, although we did not agree with the position the previous Government adopted, we accepted that they adopted it because they got the wrong advice from UK and therefore we hold the UK responsible for giving the wrong advice to the Government of Gibraltar in the 1980's when all of this could have been avoided.

HON P CUMMING:

Mr Speaker, can I

MR SPEAKER:

I think the answer has been given very clearly. Next question.

28.10.93

ORAL

NO. 121 OF 1993

THE HON H CORBY

Mr Speaker, how does ownership of a fully mortgaged share of a flat in Westside or other home ownership scheme affect the owner's right to supplementary benefits?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the question relates to means-tested, non-statutory and non-contributory social assistance which is operated administratively on a strictly confidential basis and details of the means-test levels cannot therefore be divulged. I am however prepared to brief the hon Member on a confidential basis, if he so wishes, outside this House.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1993

HON H CORBY:

Mr Speaker, I have seen a lot of people having a commitment to a full mortgage who have asked for supplementary benefits and have been refused supplementary benefits due to the fact that they own a property and they have been told that they can sell this property and that no supplementary benefits will be given to them. Can the Minister answer that?

HON R MOR:

Mr Speaker, as I have just said, I am prepared to brief the the hon Member on a confidential basis. I am not prepared to go into a debate in this House.

HON P R CARUANA:

Mr Speaker, is it therefore the Government's position that in relation to supplementary benefits this House may not know who is entitled to it; in what circumstances and in what amounts? Mr Speaker, because the Minister says that this is being dealt with on an administrative basis by Community Care Ltd but, in fact, people go to his Government Department and speak to his staff. The question is very simple, Mr Speaker, and it is this, people

of Gibraltar have been encouraged, rightly in my opinion, to become home owners and many of them have done so in reliance upon the 50/50 scheme whereby the Government has paid for half of their property and the lending institution has, in most of the cases, paid for the other half. The value of their half at this stage is therefore practically nothing because one half belongs to the Government and the other half, in effect, belongs to the bank. If such a person loses his job, and the Minister knows that I am in correspondence with him on one such person, surely - and my question is this - is it the Government's policy to say to such a person, "I do not care if you have lost your job; I do not care that you have not got any income coming into your house; you cannot have supplementary benefits because you have got an asset, namely, your mortgaged flat", which is, in effect, worth nothing but even if it were the Government are not saying to people, "Sell your roof in order to pay your grocery bill", are they?

HON CHIEF MINISTER:

Mr Speaker, the so-called supplementary benefits system is discretionary, means-tested, non-statutory social assistance in the context of regulation 1408/71 of the EEC and therefore in accordance with those principles each person is assessed by a number of criteria which includes their availability for employment. In that particular case the Leader of the Opposition is mentioning, which is his correspondence with my hon colleague, there are a number of other factors other than the one in his possession which one really ought not to be debating here but which one could. And in relation to the property, what the hon Member has to understand is that the property can be owned to a greater extent first and then subsequently the extent of the equity can be reduced by increasing the mortgage in order to spend the money on something else. Those factors are taken into account in assessing it.

HON P R CARUANA:

Yes, I understand, Mr Speaker, the system and the non-statutory party in order that we do not fall foul of the other matter as applies to the pensions as well. But what I am asking the Government is whether on the facts that I have stated it is Government's policy that such people should not be given discretion. In other words, whether it is Government's policy not to exercise that discretion to award discretionary benefits to people who have lost their job and who have only their mortgaged house available to them?

HON CHIEF MINISTER:

Not in the absolute terms in which the Leader of the Opposition has described it but when such a claim is looked at it is looked at by going back into the history of the home ownership purchase; into the history of the employment record; into the availability of work; into the jobs that have not been rejected. I can tell the hon Member that in the particular case which he mentioned, in fact, the figures that he quoted in his letter were not accurate nor the terms of periods of unemployment and that the person is already working.

HON H CORBY:

Mr Speaker, then in effect what the Chief Minister is saying is that a change in circumstances might allow him to give the person with a full mortgage social benefits?

HON CHIEF MINISTER:

No, in fact, what I am saying, Mr Speaker, is that first of all we do not really think that this is a widespread or serious problem from what we have seen so far but, obviously, like anything else if it becomes one we need to go back and review how we treat it. In the cases that have happened so far and that we have treated we have found that it did not take a great deal to point the person in the direction of work rather than in the direction of social assistance and therefore the policy is that when people come to apply for social assistance every effort is first made to see to what extent they are unable to find work.

28.10.93

ORAL

NO. 122 OF 1993

THE HON H CORBY

Is the Government satisfied with the staffing levels and standards of residents' care at Mount Alvernia?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the staffing level at Mount Alvernia is a ratio of just under 1:1, a total of 84 staff to 95 residents. The cost of employing the staff in the year 1992/93 was £773,114 having increased from £407,452 in 1987/88. There are no plans for further staff increases. The standard of resident care is considered to be satisfactory.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1993

HON H CORBY:

Mr Speaker, let me say that in each ward there are four four-bedded rooms, four two-bedded rooms and 10 one-bedded rooms; that makes a total of 34 patients in each ward. That means that the staffing levels in as far as auxiliary nurses are concerned during the day is four auxiliary nurses with one nurse, three auxiliary nurses with one nurse in the afternoons and four auxiliary nurses with one nurse at night. That means that in one ward one auxiliary nurse and one staff nurse have to cater for about 32 elderly people and there are three wards with a total of about 92. This is taking away any leave or sickness that any of the nurses might have. Does the Minister think the comparison to the care of the residents is now quite capable of distributing and having care for the people at Mount Alvernia with the ratio involved?

HON R MOR:

Mr Speaker, the Government's understanding is that the level of staffing is very much in line with what it is in the United Kingdom and we have no reason to doubt it.

HON P R CARUANA:

Mr Speaker, the statistic 77 to 94, if I remember it correctly, 77 staff to 94.....

HON CHIEF MINISTER:

No, 84 to 95.

HON P R CARUANA:

Eighty-four to 95, I am obliged to the Chief Minister. That is subject to shift is it not? It is not as if there are 84 individuals looking after 95 residents. In other words, the level of the staffing means in any given shift, bearing in mind the demands of the shift are greater during the day than at night for the reason that most residents are asleep at night, but even allowing for all that, are the day-time shift, for example, and the night-time shift adequately staffed to deal with the burden of work imposed upon them; not whether the total number is enough?

HON CHIEF MINISTER:

Mr Speaker, the reason why we have given the information in total number was because when it was first suggested some years ago that the ratio of staff to residents was wrong somehow, what we did was we got somebody from the United Kingdom to take a look at it and he came up with a figure which was put to us on the basis of total staff to total beds, as it were, irrespective of whether the beds are occupied or not and irrespective of whether people work in the morning shift or the night shift. The management of the institution here, in the UK or anywhere else, has to make a decision on how many people should be put on the night staff and how many people should be put on the day staff which is not sacrosanct. Sometimes it depends on whether one has got elderly people who have got problems that require attention at night or whether one has elderly people who are all asleep at night in which case there is one person awake all night but one wonders why they need to be awake all night if everybody else is asleep. So the position is that we are not, as the Government that is providing the financial support to the institution, involved in the management determining how many people should be on the morning shift and how many people should be on the evening shift. But in looking at whether the home needed to have more money given to it because they were short of staff, what we did was we asked, "How does one normally assess a staffing level in a residential elderly peoples home?" and the answer we got was, "It is normally assessed on the ratio of beds to staff". Just under 1:1 is considered to be a fairly normal ratio, that is how we have done it.

28.10.93

ORAL

NO. 123 OF 1993

THE HON H CORBY

Mr Speaker, what was the cause of the recent fire at the Haven, what damage was caused and what records have been lost?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the professional assessment of the cause of the recent fire at the Haven, indicates it was provoked with malicious intent.

As a result of the fire, damage was caused to the walls, ceiling and floor; old filing cabinets and office furniture; a heater; an electric fan and to the telephone and electrical installations of the office in which the fire occurred. Resulting smoke damage was also caused to the ceiling and walls of offices, passages and rooms in the surrounding area.

This office was only being used to temporarily store outdated books and Gibraltar Gazettes as well as old put-away files related to the calculation of pensions. No important records were lost.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1993

HON H CORBY:

In as far as the security aspect of the building is concerned, can anybody enter this empty building and roam around everywhere without being seen or without anybody detecting them? Is there no security force because it can happen again tomorrow if somebody goes in and wants to burn up the place?

HON R MOR:

Mr Speaker, this is very much like trying to offer security resistance to, for example, people who want to plant bombs or terrorism. Unless one can possibly have a situation where everyone who enters the building is followed around it is practically impossible to stop anybody who wants to set fire. If I may say from the reports which I have from the Fire Officers, the person could have actually

started this particular fire and would have been in the Portuguese border by the time the fire ignited. What I am trying to say is, however much security you try to implement, it is practically an impossibility, given the number of people who call at the Haven and the number of access points to practically every office within the Haven.

HON P R CARUANA:

Mr Speaker, the Opposition of course understand that there is a limit to the number of precautions that can be taken against malicious arsonists and that really the security system is not yet invented which is safe against want and malicious hands. But, for example, are Government offices, especially the Government offices that contain valuable records of the sort the loss of which would impede the work of Government, protected by smoke detectors and fire alarms? If there had been a smoke detector which is mandatory in the private sector in respect now of new developments, and a fire alarm, presumably the fire would have been detected almost immediately that it broke out and therefore the precautions that we recommend to the Government are not precautions that prevent the arsonist doing his foul deed but precautions that enable the Government's property to be protected from the consequences of that foul deed as soon as possible. In other words, that the fire be detected before the chap has reached the Portuguese border.

HON J C PEREZ:

Mr Speaker, I understand that the Fire Brigade are to advise the Government on certain measures that might need to be taken. Certainly we were concerned very much because of this fire because there are people working in that building 24 hours a day permanently and there were people working on overtime on the same floor at the time of the fire.

(UNIDENTIFIED)

They did not detect the smoke?

HON J C PEREZ:

They did not detect the smoke, I am afraid. The Fire Brigade have been looking at it and they are going to make some recommendations in respect of the building in question. Of other buildings and how we treat other fires, frankly it is an issue where I could not tell the House where all these sensitive files are kept by the Government - certainly I do not know where the ballot papers are, Mr Speaker, other files might be more commonly found.

HON P R CARUANA:

The ballot papers are not safe either because they are in the building where the last fire took place: in the Supreme Court Registry.

HON J C PEREZ:

Then the Leader of the Opposition might be under suspicion for that one.

HON P R CARUANA:

This is the second fire in a Government department which has been only fortuitously detected and at the time of the last House of Assembly when we asked questions in relation to the fire at the Registry, we were told the same as we are being told now, that the Fire Brigade were advising. How many more fires have to occur before somebody gives and takes the very simple advice which the Government already accepts because they make the private sector comply with it, to fit smoke detectors which cost about £13 each?

HON J C PEREZ:

The Leader of the Opposition says how many more fires it would take, so it is not worth answering.

HON H CORBY:

When I have gone up to the DLSS it is practically impossible-it is Fort Knox - to get to either a Minister or someone in that department because there are numbered locks everywhere on this floor.....

HON R MOR:

That is why I was not burnt.

HON H CORBY:

The Minister might have been if it had reached his floor. But maybe the solution would be as numbered code locks which are put because the only people who would go there to work or something to do with the actual area.

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HON R MOR:

That is precisely the situation, Mr Speaker. On the floor that the fire occurred, workmen needed access to go in and carry out some work and that is why the person who went in was able to open the door. As a matter of interest, Mr Speaker, the records which were burnt were related to the calculation of Spanish pensions, so he might be happy to hear that.

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28.10.93

ORAL

NO. 124 OF 1993

THE HON H CORBY

Mr Speaker, when does Government envisage that it will be able to publish regulations under the Disabled Persons Ordinance so as to give meaningful substance to that Ordinance?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, work is continuing in examining all the areas in which legislation can be brought in and I cannot give a date by when it will be completed.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1993

HON H CORBY:

Mr Speaker, there are two main points which I am going to make which the Government might take into consideration. The first one is that there is no protection in as far as the pre-schooling of the handicapped is concerned. The second one is that there is no legislation to protect the elderly disabled persons - as in the case of the Cosquieri family. The social services used to monitor the people concerned. Will Government take into consideration that the social services should liaise with the handicapped people in order to monitor those children who are looked after by old people and who need to be monitored so that the Cosquieri incident does not happen again?

HON R MOR:

Mr Speaker, even without the regulations that the hon Member is after we are, of course, prepared to do that.

HON P R CARUANA:

Does the Minister accept, which is really the philosophy behind the question, that the Ordinance itself did practically nothing - I think there was one section about ramps of access to new buildings - and that apart from that the actual Ordinance itself did nothing of substance for the disabled persons in Gibraltar and that really

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the Government must recognise that they have so far not addressed those concerns and that the concerns of the handicapped and the needs of the handicapped can only be addressed when we put regulations on the table and in place we can then see what they achieve?

HON R MOR:

Mr Speaker, that is why, as the answer to the original question says, we are continuing to examine the regulations that need to be brought in.

28.10.93

ORAL

NO. 125 OF 1993

THE HON H CORBY

Mr Speaker, is Government unable to open the St Bernadett's Residential Home due to lack of funds and, if so, is this due to incompetent budgeting?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Answered together with Question No. 126 of 1993.

NO. 126 OF 1993

ORAL

THE HON H CORBY

Mr Speaker, what is the Government's plan for the management of St Bernadette's Occupational Therapy Centre and Residential Home?

ANSWERTHE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, when the decision was taken by Government to add a floor to the building which is to house the Adult Occupational Therapy Centre following representations from the Handicapped Society, it was made clear to the Society that the new facility will not be operated by the Civil Service but that the Government will provide financial support for the operation. At Estimates time it was stated that this additional support was not included in the £511,000 earmarked for the handicapped but that additional funds would be vired when necessary. It is still the intention of the Government to provide additional funds when it is able to identify what arrangements can be put in place for the running of the home to provide respite care so that families can temporarily place their handicapped in the care of the home and also those who have nobody to care for them. The Government continues to study how this can be done at a cost which can be sustained for the foreseeable future. The management of St Bernadette's Occupational Therapy Centre will continue as it has been operating in the past from the new premises which are nearing completion.

SUPPLEMENTARY TO QUESTION NOS. 125 & 126 OF 1993

HON H CORBY:

Mr Speaker, it was said in their manifesto in their list of achievements that the completion date for the Therapy Centre was 1992. We are very much at the end of 1993 and from what we have heard inasfar as Government is concerned is that there is lack of funds and there is no date whatsoever for when the home would be opened. This is worrying, not only for the people of Gibraltar, but also for the people who care for the handicapped and the Society as well. We had a demonstration not so long ago because the Chief Minister did not want to see the people concerned and it took them a walk so that he then said "Yes". Will the Government announce why it has not been opened and how long it will take to open the Residential Home?

HON CHIEF MINISTER:

Mr Speaker, the answer has already been given. The fact that the Society for the Handicapped decided to call a

demonstration in order to ask for a meeting with me, is, I think, a reflection of the fact that everybody seems to think that calling a demonstration is the flavour of the day if they want a meeting with me. I have just had a demonstration today at lunchtime from people from gas stations who want to have a meeting with me. I did not know they wanted a meeting with me but I have discovered that this morning. The position is that I have had probably of the order of 200 meetings with the Society since we approved the addition of a first floor. We told them in the 200 meetings what we have just told Opposition Members and I will tell them the same thing at the next meeting. That is to say, that introducing civil service gradings and conditions into the operation of the home would make the running of the home prohibitively expensive on a per capita cost. Residential homes for handicapped people are not normally part of the civil service. We are prepared to look at any other reasonable arrangements. At one stage we said to them, "Why does not the Handicapped Society make the arrangements and come to us and tell us what the bill should be?" They felt they did not have the expertise to do it. At our last meeting when we discussed this at length, somebody suggested that they had contact with people who run homes in Spain. I said that we were happy to see whether they could come up with any ideas and then somebody else suggested that they had contact with people that run homes for local authorities on contract in the United Kingdom and we agreed to have these people coming to Gibraltar. This was agreed with them at this meeting. These people arrived in Gibraltar. The company was called Milbury Homes. We then had all sorts of letters in the press saying we are privatising. We were not privatising anything. All that we were doing was what we had agreed to do; listening to somebody who was supposed to know more than us and more than the Society. The consequence of that report by Milbury, which we have studied since, was that it created a level of professionals in the running which put it beyond the amount of money we feel reasonably we can put into the system. As I told the representatives of the Handicapped Society when they came to see me and they brought me the petition asking me for the meeting, the Government was not prepared to enter into a commitment unless it was confident it could deliver what it was entering in. It is no good saying, "Do not do the Piazza and spend £70,000." £70,000 would pay for six weeks and then what happens after six weeks, what do we do, do we close it? So the position is that we are committed to opening the home, otherwise we would not have spent £0.5million in putting it there in the first place. The home has cost £1.25million and the original budget in 1987 was £400,000. When the builder that was supposed to be building it went into liquidation, we had to put in somebody afterwards to finish it. As I have explained to them when they came to see me, "If you say where has the money gone, well the money went to the contractor." If the contractor

has got retention money, which he has, but the contractor is no longer in existence, the only thing you can do is use the retention money for the new contractor." If when the new contractor comes in and says, "They have not connected the sewers, they have not connected the water, they have not connected the electricity, the falls are all wrong, if it rains the place is going to be flooded." One has to put all these things right and having spent £1million, if one has got to spend an extra £0.25million, one spends that extra £0.25million to put it right. All this has been explained on a number of occasions. The position when the Society asked to meet me recently was that they were told, "It is not that I do not want to meet you, it is that I have nothing new to tell you other than what I have told you in previous meetings. Therefore, since at this particular time, we have a number of other pressing commitments, if there was something new that I could say to you that we have now come up with a solution, or if you say to me that you have come up with new ideas," which is what they have just said to me in the petition that they have brought me; that they have come up with new ideas. Well then I am happy to sit down with them and listen to those new ideas. I need to make it clear that if people choose to have a demonstration, it is their democratic right to have it. We will look at the arguments on the merits of those arguments and the fact that there is a demonstration, as far as we are concerned, does not alter the merits of the argument. The merits of the argument are the same with or without the demonstration. They will be given the same consideration. We will not hold it against them that they have a demonstration but neither will we be influenced. Because there has been a demonstration, we must now say what was black was white. What was black was black and at the end of the day we have got a responsibility to discharge. We try to do it to the best of our ability. If people are not happy with the way we do it, they have the chance to change their minds in 1996.

HON P R CARUANA:

Mr Speaker, can the Chief Minister give an indication, although obviously it would have to be a very broadbrushed figure, of how much it would cost to adequately staff and run the residential facility in the home on the basis that it were done on the same sort of basis as Mount Alvernia, with medical input by the Gibraltar Health Authority? That sort of institution, what might it cost to run on an annual recurrent basis?

HON CHIEF MINISTER:

Mr Speaker, when the hon Member says adequate, what is adequate is a matter of dispute. That is to say, if we have got at the moment 68 persons who are considered to be either mentally or physically handicapped and needing support and help, the resources of experts for those 68 persons, in the view of the Government, is the same whether the persons are living at home with their families or living in a residential

home. That is to say, we do not need more social workers because they are not with the family than you need because they are with the family. We do not need more occupational therapists, we do not need more of everything. We have got families whom we understand, by looking after somebody who is handicapped, are prevented by their obligations and their love and their care for that person, from having a break during the year and that we need to provide a facility where the handicapped person can be looked at in replacement of what was happening in the home. If in the home they needed the doctor, they call the doctor. If we are providing a residential facility for the family to go on holiday, we do not need a new doctor for the residential facility because the back-up is the same backup that was being there before and that is part of the problem that we have, that if we look at the situation of saying, if we were sending everybody out of Gibraltar to some remote location somewhere, we would need to have in that remote location so many doctors per person and then the adequate staffing of that isolated unit would be £0.75million. That is what it would cost. If you were building a home in the middle of nowhere, with every conceivable expert, caring for every conceivable eventuality.

HON P R CARUANA:

We are in Smith Dorrien Avenue, next to the Health Centre. How much does it cost?

HON CHIEF MINISTER:

It depends on whether we are looking at it in Smith Dorrien Avenue on the basis that they are actually near the Health Centre and if they need a doctor, they can get one, which is not the proposals that have been put to us. The proposals that have been put to us is that because one is in the home, one might be nearer the Health Centre than when one was living in Europa Point, but now the home must have a resident doctor. That is why we are saying we are not prepared to enter into a commitment of creating that level of involvement of all sorts of professions. First of all because we have not got the money to be able to do it, and secondly, because we are not convinced that we need to duplicate support services because we are taking them from their house to a place for two or three weeks whilst the family can go on a holiday and then come back and pick them up from the home. Obviously, the people that we employ in that home have got to be people that have some knowledge of how to look after the handicapped and that care about those people and that will give them the support that they need to replace what they were getting in their homes with the family. I cannot put a figure on what that would cost, but I can tell the hon Member that it would be a fraction of the other figure that I have given him. It might be £100,000 or £200,000 or £150,000, I do not know, because to some extent, we have also to see what would be the turnover; how many people would be there at any one time; how often they would make a use of it; how the rosters would operate, all these sort of things we have not got because we have not got passed step 1, which is - What is the facility required to provide?

HON P R CARUANA:

Finally, Mr Speaker, it is really the last part of that interesting dissertation that really is the answer to my question or gets anywhere near it. The Handicapped Society may have a higher specification than the Government is willing to fund in relation to how the ideal home for the disabled would in a utopic situation be resourced. My question was how much would it cost to run the residential side of the home on the same sort of basis as Mount Alvernia is run, which is basically with nurses and carers and caretakers for the home and cleaners and cooks, but not with physiotherapists resident on the staff...

HON CHIEF MINISTER:

Well, I am afraid, Mr Speaker, Mount Alvernia is all on civil service rates of pay and conditions.

HON P R CARUANA:

But how much would it cost on that basis to run the home?

HON CHIEF MINISTER:

I would say probably £0.5million per annum.

HON H CORBY:

The Chief Minister said that at one stage it would cost in the region of £400,000 and now the Residential Home has cost £1.5million. There have been allegations made that the Government was told not to build the Residential Home on the site because it had tunnels underneath with debris and it would cost much more to lay the foundations. Also there was an allegation made of mismanagement of funds. Will the Government comment on this?

HON CHIEF MINISTER:

Yes, Mr Speaker. Let me say it is complete news to me that anybody was saying that we should not build the floor on top of the Residential Home, given the enormous lobbying to which we were subjected to build it. I wish somebody had told me that there was an argument against building it. I can tell the Opposition Member that one of the comments made by Milbury when they came here, was that the new thinking in the United Kingdom is to get away from building a Residential Home such as this. Many of the ones that they run in the UK for local authorities are houses that have been converted to make them suitable for occupation by persons with handicaps where the groups are no more than three or four because they want to get away with the idea of putting people in an institution. I wish we had known that earlier frankly but when Milbury came the building was already finished and the money was spent. So, frankly, we acted, because we thought that this was what the Society wanted. At no stage was it ever suggested to us that the site was unsuitable, to my knowledge. As I have said, whether the

money has been well spent or ill spent, the money was paid to the contractor and anybody that has dealt with the construction industry knows that once a contractor gets into difficulties and goes into liquidation, there is nobody that you can go and claim things against. We discovered afterwards, when we thought the building was nearly finished, that there was still a lot of things unfinished which the retention money was not sufficient to cover for the new contractor. Alright, we kept the retention money, but we could not keep more than the retention money. The retention money did not go far enough and therefore we had to pay again for things which we thought we had already paid once. The money had to be found and it was found.

MR SPEAKER:

Next question.

28.10.93

ORAL

NO. 127 OF 1993

THE HON H CORBY

Mr Speaker, will Government say whether it is satisfied that St Martin's School is adequately staffed?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1993

HON H CORBY:

Mr Speaker, I believe that handicapped children in as far as learning abilities are concerned and other areas, a letter must be sent to the Department of Education stating that they want to take into the school children with disabilities and this is vetoed by the Minister but with the existing resources. I know for a fact that there were four children who wanted to go in but due to the resources in the school itself they had to disregard two of them because there was not any staff to cater for them. I believe that St Martin's School requires one nurse in the nursery and an assistant. Would the Minister comment on that?

HON J L MOSS:

Certainly, Sir. Somebody has obviously been lying to the hon Member. I have got no power of veto about who goes in or does not go into St Martin's School. I think that what the hon Member is probably referring to is early educational intervention.....

HON H CORBY:

That is right, pre-school age.

HON J L MOSS:

.... pre-school age can go into St Martin's School. The fact of the matter is that St Martin's School was set up in 1977 and it was set up to take 30 children and I will tell the hon Member for his benefit what the level of staffing is. It consists of one headteacher, a deputy

headteacher, three teachers with special education allowances; there are also six classroom aids, an enrolled nurse, a welfare assistant vehicle escort and a school attendant driver; there are also two cleaners who assist with feeding at mealtimes. If the school is not willing to take on any extra children over and above the 19 it presently has then that is a matter for the school administration but the school was set up to take 30 children, it has got 19 children and I certainly have not vetoed anybody going into the school.

HON H CORBY:

Mr Speaker, due to the fact that there were two children who were not taken in, there must be a requirement there for the education of further children with learning disabilities or for the parents of handicapped children to take them on a pre-school basis in order to acquaint them, not only the children but the families with what they have to cater for in future life.

HON J L MOSS:

Yes, Mr Speaker, I totally agree with the hon Member. It is certainly advisable to have early education and intervention and if the school has got the space and the resources to take the children there is no reason why it should not happen.

HON H CORBY:

Will the Minister commit himself to saying that if asked by the staff or anybody to consider this he will consider it favourably?

HON J L MOSS:

I have already indicated that the school, as far as I am concerned, could take the children on tomorrow. If the school wishes to take on the children they will have my full support but what I have also said is that it is our belief that they have adequate resources to take on the children because the school was set up to take up to 30 children and it has only got 19 children.

HON H CORBY:

Again I have to stress, Mr Speaker, that two children were disregarded in as far as they needed this facility and they were disregarded because they could not afford to take the children on with the staff that they had at the moment.

HON J L MOSS:

Mr Speaker, I will repeat that the school was set up to take 30 children, it has got 19 children, 30 minus 19 equals 11 - this is a very basic arithmetic lesson. There are two children of pre-school age who could be going into that school which would still leave ample room for other pre-school children to move into the school if it was so required and I have not vetoed the entry of those two children into the school.

HON F VASQUEZ:

Mr Speaker, I wonder if I could just interrupt, we know now that the Minister has not vetoed the entry of those children; could he undertake that if he found out that the school was perhaps wrongfully refusing to admit these children that he would prevail and lean upon the school to make sure that they did admit the children if, indeed, they have this excess capacity?

HON J L MOSS:

We can only in this matter advise the school because the children are of pre-school age. I am sure that taking the children's interests into account, the school should be able to take on the children but I cannot order them to take on children who are not legally of school age.

28.10.93

ORAL

NO. 128 OF 1993

THE HON H CORBY

Mr Speaker, will Government say whether the income of family members of a disabled person is taken into account when deciding the level of allowance receivable by that disabled person?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, at present the allowance is not affected by the income of the family. The Government is considering what to do in cases where there is hardship.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1993

HON H CORBY:

Mr Speaker, I am thinking in the case of a person, like the one in the Cosquiere case who has taken over from the parent because there is nowhere at the moment to house this disabled person. Is the income of that person taken into consideration or are facilities given so that this person can fully meet her commitment to this disabled person?

HON R MOR:

Yes, Mr Speaker, that is taken into consideration.

28.10.93

ORAL

NO. 129 OF 1993

THE HON P CUMMING

When was the refurbishment of the Maternity Ward commenced and when is it expected to be finished?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the refurbishment of Maternity Ward was commenced last year. As I mentioned in my last Budget speech, Maternity would be taking longer to refurbish compared to all the other wards, because it involves two floors and is therefore being done in three phases. The first phase involved four bathrooms plus toilets and these have already been completed.

The refurbishment works have entailed major construction works to provide an extension to the ward. The type of airconditioning that has been installed has taken longer because it has been laid to suit Maternity's special requirements, which include labour rooms and the Special Care Baby Unit. Therefore upper Maternity will now have specifically designed areas such as double delivery suite, partitioned to give privacy and an admission room which can also be used as a delivery room. All these rooms have been fitted with marble. A new unit has also been built for neo-nates requiring special attention.

The extension to the upper ward was planned in order to enable mothers to have their babies at their bedside at all times. Also sophisticated consoles by the beds are being fitted and a lift is being installed to connect upper and lower Maternity so that mothers can safely take the babies from one floor to another.

Upper Maternity is now nearing completion and works to lower Maternity will be starting soon.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1993

HON P CUMMING:

Mr Speaker, the Minister has not answered my question at all. I greatly appreciate everything that she has said, I think it is wonderful but she has not said when the works started and when they are expected to finish. Last year could have been the end of December or it could have been the beginning of January. The conclusion anyway,

Mr Speaker, is that it has taken an excessively long time. The fact that it is on two levels, really it is a ward like any other that also have four bathrooms. The length of time is not justified by the things that she has been saying. I would like to know, Mr Speaker, what company is carrying out these refurbishments to Maternity?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have given the hon Member a very comprehensive reply. I have told the hon Member when exactly the refurbishment started which was a year ago; I have told the hon Member that it was done in three phases; the first phase started with the bathrooms which have already been completed; I have told the hon Member that the second phase is nearing completion; I have told him the extent of the construction works and the sophisticated equipment and the works that involve Maternity, Mr Speaker, and all the answers I have given him have actually been given to him specifying the actual dates.

HON P CUMMING:

So far, Mr Speaker, it has taken a year. Can the Minister now tell me how much longer it is going to take for all the phases to be completed?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I have told the hon Member that the first phase was completed; the second phase is in the process of being completed and the third phase will take, I presume, a couple of months to be completed.

HON P CUMMING:

So we could roughly say the whole process has taken a year and a half?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, that is right and I would expect the hon Member to compliment the Government on the actual fact that we have a first class Maternity Ward.

HON P CUMMING:

Mr Speaker, can we know what company the contract to refurbish Maternity has been given to?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the actual construction company that has undertaken the works is the same one that has undertaken all the other refurbishment works related to the hospital.

HON P CUMMING:

Is that a joint venture?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, it is one hundred per cent Government-owned, JBS.

HON P CUMMING:

Government-owned. So, in fact, what we have here is the old Public Works Department thing again?

HON MISS M I MONTEGRIFFO:

No.

HON P CUMMING:

Is there a penalty clause for taking longer than estimated in the contract?

HON J C PEREZ:

What has the hon Member got against the old Public Works?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, on the contrary. Even in my Budget speech a couple of months ago I told the hon Member of the extension of the works that had been already undertaken within the Medical Services. I do not want to bore the House again with the details but I think we have a fantastic record and we have, not only KGV refurbished but nearly the whole of St Bernard's refurbished, Mr Speaker, with really first class standard of wards within St Bernard's Hospital.

HON P CUMMING:

So in fact what we have then is a set-up very much like the old Public Works except that the salaries are now higher, taking just as long as the Public Works would have done in the old days.....

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I am not saying that.

HON P CUMMING:

..... and a company which masquerades under the thing of being private is, in fact, giving unfair competition to the real private sector?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I do not really know what the hon Member is on about. I am telling the hon Member what we have achieved within the Medical Services; I am prepared to remind him again of all the works we have undertaken within the Medical Services and he now brings to the House a new scenario where he is trying to diminish the work that is being undertaken by the workers, Mr Speaker.

HON P CUMMING:

I am talking about the length of time, Mr Speaker, that this thing is taking. It is taking excessively long for one ward to be refurbished. I am trying to establish why this is so. Was there a penalty clause for excessive length of time in carrying this out?

HON MISS M I MONTEGRIFFO:

Mr Speaker, if the hon Member would have listened and would have taken note of the answer that I have given him, he would have realised the extent of the refurbishment of Maternity Ward has taken longer because of all the extra requirements that we have needed because we are talking about three phases within Maternity Ward, Mr Speaker.

28.10.93

ORAL

NO. 130 OF 1993

THE HON P CUMMING

Is the refurbishment of KGV now completed?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, KGV underwent extensive refurbishment over the last two years. As I mentioned in my last Budget speech, there only remained one bathroom to be refurbished and works on this are well under way.

SUPPLEMENTARY TO QUESTION NO. 130 OF 1993

HON P CUMMING:

Mr Speaker, so in other words it has taken two years to refurbish KGV. There is a dribs and drabs concept here. I was told last week that the male bathroom of the acute wing had not even started but presumably, as the Minister says, it has now been started. But, in fact, it has taken two years to complete this process by dribs and drabs.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I would not describe the refurbishment of KGV as being undertaken as dribs and drabs but I can tell the hon Member now that we have a completely refurbished KGV Unit and what is now being refurbished is one sole bathroom and I am told that that bathroom has taken a little longer than the others because there was some problem with the plumbing in the basement.

HON P CUMMING:

The fact of the matter is that the work was halted for many months leaving the male ward without a proper bathroom.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, because we are talking about four bathrooms. We are talking about two female bathrooms and two male bathrooms and therefore the males were not left without a male bathroom, Mr Speaker.

28.10.93

ORAL

NO. 131 OF 1993

THE HON P CUMMING

What improvements have been carried out to the general layout of the Health Centre and has this been done according to the preferences of the doctors?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as I informed the House during the Budget session, the Gibraltar Health Authority acquired the top floor at the Health Centre previously housing the Environmental Health Department. Works are already well under way to improve the general layout to the Health Centre which will provide more clinics, more office space for all the staff, and a major improvement to the patients waiting area. I gave a commitment to this House, that the whole of the staff would be consulted. I am pleased to say that the plans have had the approval not only of the doctors, but of all parties concerned.

28.10.93

ORAL

NO. 132 OF 1993

THE HON P CUMMING

Has there been any progress in discussions between the Health Authority and the MOD concerning the MOD making use of facilities at St Bernard's Hospital following closure in mid-1994 of the RNH and what benefits is it hoped that such shared use will bring to the Health Authority?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, negotiations between the Gibraltar Health Authority and the Ministry of Defence concerning access by MOD personnel to St Bernard's Hospital facilities are still continuing. It is hoped that a decision will be taken shortly. Therefore, until such a time, I am not in a position to comment any further on the matter.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1993

HON P CUMMING:

It seems to me, Mr Speaker, that when this was last brought up in the House there was a sort of uncharacteristically floppy kind of attitude towards the MOD on this matter. It was not seen as an opportunity for some improvement of our Health Authority. Seeing as there for once the boot was on the other foot, they were looking for something that we had and that we can give them. I would like to know what criteria the Minister has laid out for those who are negotiating this business?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as far as the Government and the Gibraltar Health Authority are concerned, if we are talking about negotiations that are being undertaken between the Government and the MOD, those negotiations will be one that will not detriment the entitled patients of Gibraltar, Mr Speaker.

HON P CUMMING:

But neither will there be any attempt to improve them. They will not detriment them but neither will there be any attempt to improve them.

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HON MISS M I MONTEGRIFFO:

Mr Speaker, if within those negotiations we are able to improve them then that is part of the negotiations but as I said before we are in the middle of the negotiations and until those negotiations are completed I am not in a position to give this House any information on the progress of those negotiations.

NO. 133 OF 1993THE HON P CUMMING

Will Government state who are the persons who constitute the Health Authority, the Management Board and the Medical Advisory Committee and how often has each of those entities met in the last 12 months?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, much of the information requested by the hon Member is available or can be inferred from the relevant sections of the Medical (Gibraltar Health Authority) Ordinance, 1987.

The Gibraltar Health Authority was established under Section 3 of the Ordinance. It is composed of:-

- (a) The Minister for Medical Services and Sport (myself) as Chairman;
- (b) The Administrative Secretary of the Government of Gibraltar (Mr E Montado);
- (c) The General Manager (Mr E E Lima);
- (d) Two registered medical practitioners on the nomination of the Medical Advisory Committee, currently Dr Cecil Montegriffo (Consultant Psychiatrist) and Dr Patrick Nerney (GP Health Centre);
- (e) One person appointed by the Governor after consultation with the Gibraltar Trades Council, currently Mr Norman Santos;
- (f) Three other persons appointed by the Governor not being persons in the whole or part-time employment under the Crown in right of its government of Gibraltar, of whom one shall be a barrister or a solicitor of the Supreme Court, currently Mr Eric Ellul, Mr Albert Isola and Dr John Cortes.

The Management Board was established under Section 11 of the Ordinance in order to assist and advise the General Manager in the execution of his functions. The composition is as follows:-

- (a) The General Manager (Mr Ernest E Lima);
- (b) The Director of Nursing Services (Mr J Rocca);

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- (c) The Hospital Manager (Mrs Brenda Cortes);
- (d) The Specialist in Community Medicine (Dr A Bacarese-Hamilton);
- (e) The Chairman of the Medical Advisory Committee (MAC) (until a couple of weeks ago it was Dr A Soler. The latter resigned recently as Chairman of the MAC. Once a new Chairman is selected the appointee will take his place);
- (f) The Vice-Chairman of the MAC (currently Dr M Maskill);
- (g) The Medical Officer-in-Charge of the Royal Naval Hospital.

The Medical Advisory Committee was established under Section 12 of the Ordinance. The membership is composed of all registered medical and dental practitioners employed by the Authority. I do not believe that the hon Member wishes me to bore this House by going through the list and I shall therefore refrain from doing so. If, however, he would like to have all the names, I shall be only too pleased to provide him with them on request.

The Health Authority has met once since October of last year.

The Management Board has met officially on five occasions since the 1st October, 1992. Although I should point out that the members who constitute the Board work closely together and meet and discuss professional matters practically daily during the course of their official duties.

The Medical Advisory Committee is under no obligation to inform the Authority on the number of times not met, therefore I am not in a position to know if it has met.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1993

HON P CUMMING:

But the Minister is not in a position to phone the Chairman of the Medical Advisory Committee and ask when they met?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, that is the position.

HON P CUMMING:

The reason being, presumably that the Health Authority does not feel the need for the professional input of the advice of the Medical Advisory Committee?

HON MISS M I MONTEGRIFFO:

No, on the contrary, Mr Speaker, the Health Authority is in a position to listen to the professionals and if the professionals find that they do not need to consult the management or the politicians then it is their prerogative, Mr Speaker.

HON P CUMMING:

But surely, Mr Speaker, the spirit behind the way it is laid down in the Ordinance is that the Health Authority needs the advice from the Medical Advisory Committee and will ask them to advise it on professional issues?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, but if they do not get that professional input it is not the fault of the management or the politicians within the Health Service. That is what I am telling the hon Member.

HON P CUMMING:

But, surely, Mr Speaker, the whole purpose of setting up the Health Authority was to professionalise its structure and therefore this Committee is of vital importance to feed into the Health Authority constantly professional views and therefore it is surely in the interests of the health service that the Minister should chase them up so that they do meet, if they do not feel like it; so that that they will take more interest in the interests of serving the Health Authority.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I do not think it is the Minister's function to chase them up. The Committee is there, which is the Medical Advisory Committee, and if they do not write to the Minister perhaps it is because everything is functioning well.

HON P CUMMING:

Is it not more likely, Mr Speaker, that in fact they have so often tried to get their point of view through and failed that they have just given up in frustration?

HON MISS M I MONTEGRIFFO:

That is not the case, Mr Speaker, they have never tried.

HON P CUMMING:

Mr Speaker, does the Minister agree that the whole purpose of setting up the Health Authority was to de-politicise the functions of the medical services and in that set-up the role of the Minister was limited to that of chairman of the Health Authority whereas, in fact, the structure as envisaged in the Ordinance is practically defunct? And is it not so, Mr Speaker, that in previous answers to questions that I have put to the Minister, "What does the Health Authority...?" and so on, the Minister has answered with the point of view that obviously says, "Me and my staff, my immediate assistants are the ones who lay down policies for the Health Authority", rather than, "I am the Chairman of the group that lays down the policies"?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I tend to disagree with the hon Member. What I have said in the past is that the Minister sets down the policies. The day-to-day running of the Health Authority is actually undertaken by the management of the Health Authority, Mr Speaker, which answers the hon Member's questions.

HON P CUMMING:

We have it exactly from the Minister's mouth, Mr Speaker. The Minister lays down the policy but in the Ordinance it is the Health Authority that lays down the policy not the chairman of the Health Authority. In other words, this is another of those elastic laws that the GSLP does with the Ordinance whatever it feels like and, in fact, the Health Services are not being run by the Health Authority but by the Minister and a small group of assistants.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, on the contrary. I have already told the hon Member and I have explained the functions of every Board and what the functions are laid down as far as the Ordinance is concerned and I am actually giving a commitment to this House, Mr Speaker, that it is not the Minister who runs the Health Authority on a day-to-day basis otherwise I would not be here, I would have been exhausted by now. I have a Management Board, the Board carries out its functions on a daily basis, Mr Speaker, and what I am telling the hon Member is that what the Minister does is set down the policies of the Government.

HON J C PEREZ:

She is no Florence Nightingale, Mr Speaker.

28.10.93

ORAL

NO. 134 OF 1993

THE HON P CUMMING

Is the Health Authority now in a position to effectively audit internally the financial administration of medical prescriptions, and have the prescriptions now been made available to the Principal Auditor following his statement last year that he could not fully substantiate the expenditure of £1.9 million on prescription payments?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 135 of 1993.

NO. 135 OF 1993THE HON P CUMMING

Is internal audit now being carried out in the Health Authority, or does its absence continue to represent a serious weakness in financial control as described by the Principal Auditor last year?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, when the Principal Auditor mentioned in his report of 1990/91 that he could not fully substantiate the expenditure on prescription payments, he was not referring to the whole of the amount constituting a financial year. The prescriptions that were not readily available pertained to a week's batch. They had been moved to another store. During the audit of subsequent years, all prescriptions requested have immediately been made available to the Auditor.

As far as the internal audit of the Health Authority as a whole is concerned, the Authority acquired a financial system tailor-made to suit its requirements with the flexibility that there are other Government departments who have shown an interest in adapting the system. So the Principal Auditor could not have been referring to this. We believe that he was referring to the Salaries Department which was done manually but the computerisation of this area cannot be done in isolation from other Government departments.

The Authority believes that the computerisation system introduced enables it to control the expenditure effectively and introducing an internal audit system in addition to the auditing that is done by the Principal Auditor would not be a cost-effective way to monitoring expenditure.

SUPPLEMENTARY TO QUESTION NOS. 134 AND 135 OF 1993

HON P CUMMING;

Mr Speaker, the Minister has made reference to changes such as computerisation which in her view is helping to carry out an audit function, how is it then that in the report that she has just laid on the table the Auditor once again draws attention to a serious financial weakness in the Health Authority of the continuing absence of internal audit?

HON MISS M I MONTEGRIFFO:

Mr Speaker, because as I have said in my original answer to the question, we have already had information that he is referring to the Salaries Department.

HON P CUMMING:

Mr Speaker, the Auditor has made a general comment on the whole of the Health Authority, he has not confined it to one department or another. He says, "there is an absence of an internal audit function" which obviously we must take to be of the whole of the Health Authority and not just one department otherwise it would be a misleading statement.

HON MISS M I MONTEGRIFFO:

Mr Speaker, as far as the Health Authority is concerned, the comments made by the Principal Auditor refer to the Salaries Department and when we are talking about the auditing procedure and the financial procedures that the Health Authority have, we are satisfied that we have a system, Mr Speaker, that I would dare say today in this House of Assembly, which is second perhaps to none within the whole of the Government. We have a financial information system, Mr Speaker, which is really 100 per cent.

HON P CUMMING:

Mr Speaker, when the Minister said how wonderful it was in comparison to the whole of the Government - I thought for a moment she was going to say world or Commonwealth or something like that. If the rest of the Government's financial accountability is worse then it is in a terrible state. Mr Speaker, is the Minister aware that in the small countries of the Commonwealth where there was a debate recently about accountability, there are Parliaments in the Commonwealth where the Minister personally is given a report on a weekly basis on exactly how the finances are going; then on a monthly basis the Minister reports to Parliament, and on a three-monthly basis the Accounts Committee again reports to the So that not one penny can be lost through negligence. Mr Speaker, there has been a serious criticism by the Auditor about finances in the Health Authority and I do not feel that the Minister has defended that.

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I am telling the hon Member is that we have a financial information system that, if the hon Member wishes to go and see it, is second to none. If the Minister requires any information at all within the health service she can actually ask the expenditure that has been expended within the last couple of days and we get a breakdown, Mr Speaker. What I am telling the hon Member is that having spoken as the management of the Health Authority needs to for the Principal Auditor, he was referring to his report as far as the Salaries Department was concerned, not as far as the expenditure of the whole of the health service, Mr Speaker.

28.10.93

ORAL

NO. 136 OF 1993

THE HON P CUMMING

Will Government say what plans (if any) it has for the contractorisation or privatisation of procurement of medical supplies by the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, none.

28.10.93

ORAL

NO. 137 OF 1993

THE HON P CUMMING

Does the Health Authority consider desirable that Nursing Assistants should be offered training and a career structure to Enrolled Nurse level?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 138, 139 and 140 of 1993.

28.10.93

ORAL

NO. 138 OF 1993

THE HON P CUMMING

Does the Health Authority consider that the present ratio of trained to untrained nurses is satisfactory for a nurse training programme which would be acceptable in UK?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 137, 139 and 140 of 1993.

28.10.93

ORAL

NO. 139 OF 1993

THE HON P CUMMING

How many nurses are at present employed at the Health Authority and how many are recommended by the Government's own so-called "Rocca Report" and how many are recommended by the Hill Report which was welcomed and accepted by the GSLP when in Opposition?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 137, 138 and 140 of 1993.

28.10.93

ORAL

NO. 140 OF 1993

THE HON P CUMMING

What is the state of industrial relations between the Health Authority and ACTSS Nursing Committee following the collapse of the Joint Working Party?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in 1987/88, at the time of the Hill recommendations, the complement of nursing staff in the Medical Department was 173 trained staff and 108 untrained.

The Hill Report recommended an increase in these numbers from 173 to 221 trained and from 108 to 146 untrained. This was to take place based over a seven-year period and subject to review during the course of implementation. In addition, the report argued that the increased level of staffing would be largely self-financed by the reduction of overtime levels and by the phasing out of local allowances for extra duties, which should become less necessary as a result of higher staff levels.

After 1988 a start was made in the implementation of the report and the matter monitored and kept under review. The Rocca Report reviewed the position and new recommendations were made and accepted by the Government which provided for 193 trained staff and 126 untrained. At the same time local allowances were kept and there were no major reductions in overtime work. This is the complement to which the Health Authority is currently committed. Obviously, the matter continues to be monitored and kept under review in the light of changes in nursing practices and other developments. Nevertheless, the complement figure currently in place is 20 trained staff more than in 1988 and 18 untrained more than in 1988.

During the course of these changes in staffing levels, the Government approved that an opportunity should be given to all enrolled nurses to carry out a crash course to be able to become staff nurses. Although there were no enrolled vacancies in the complement, the newly qualified staff nurses, who are occupying enrolled nurses positions in the complement, were upgraded on being successful and paid as staff nurses. A similar exercise was done in respect of nursing auxiliaries to enrolled nurses. The net effect of these changes including upgradings of many of the staff in post has contributed to the salaries bill of the staff increasing in 1987/88 from £4,759,120 to £8,628,300 in 1992/93.

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At present, therefore, the trained staff in post amount to 202 trained and the untrained staff to 86.5. The ratio of trained to untrained staff is therefore considered to be more than satisfactory from the point of view of a nursing training programme that would be acceptable in UK.

There are no plans to provide for nursing assistants to be able to move into the grade of student nurses, which is what is required to meet UK and EEC requirements for nursing qualifications. However, should the staffing ratios in future warrant any changes, the matter would be reviewed at the appropriate time.

Currently, the position is that what is required is to continue the recruitment of untrained nursing assistants who are now entering into the service after completing an induction course in Mount Alvernia, which at the same time helps to provide support for Mount Alvernia's staffing levels.

Although this information and explanations have been provided, during meetings of the Joint Working Party, regrettably, the Staff Side have continued in seeking further increases in trained nursing staff, arguing that there has been a decline in trained staff and an increase in untrained staff, notwithstanding the evidence to the contrary. Since it was impossible to reconcile the opposing views, the Staff Side withdrew from the Joint Working Party. Other than this, there has been no alteration to the working relationship between the Management and the Staff Side.

The policy of the Health Authority will continue to be to recruit new entrants as nursing assistants in order to achieve the targeted complement.

SUPPLEMENTARY TO QUESTION NOS. 137, 138, 139 AND 140 OF 1993

HON P CUMMING:

Mr Speaker, will the Minister confirm then, if I have got this right, that the complement at present is 288?

HON MISS M I MONTEGRIFFO:

Mr Speaker, if we are talking about the complement trained and untrained, the complement in post is 202 trained and 86.5 untrained.

HON P CUMMING:

Then 288 is the total at present. So, in fact, when we talk about the staff in the hospital there are three important numbers. One is the complement at present which is 288; the complement to which the Government is committed which is 319; and the previous commitment that the Government had to the Hill Report which is 367.

HON MISS M I MONTEGRIFFO:

I have given the hon Member all the figures that he has asked for, Mr Speaker.

HON P CUMMING:

Yes, so that in fact there are substantial gaps between those three figures. May I ask then when the Government expects to fill the complement that it is committed to. That is to say, when will we move from 288 to 319?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what the Government is doing is phasing out and taking into consideration all the changes that have taken place within the nursing practices and changes which I know the hon Member will understand because he has been a tutor within the Health Service himself. What I am saying is that the Government is committed to a target and I have spelt it out in my answer, Mr Speaker, that we are committed to 202 trained staff; at the moment we have in post 202 and 86.5 but the target is naturally higher.

HON P CUMMING:

Mr Speaker, 288 is the present complement. In the good old days of the AACR administration we always took the nursing complement to be 300 minus about three to five which the Minister claims that it was 281. Let us suppose even that it was 281, I remember it being 297. Let us take 281 which the Government gives. It means that now there are only seven more nurses in post than there were then.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, the hon Member must understand that when we talk about the complement, that in 1988 even when we are talking about a certain complement there were in 1988, 12 vacancies in the complement and today those vacancies have been filled.

HON P CUMMING:

Then, Mr Speaker, we must have been reaching atrocious levels of unemployment. The problem is, Mr Speaker, that we are running a service which is increasingly more sophisticated and increasingly more demanding because we are catering to a public that knows more and more about medical matters and there is more and more scope to serve them with advance in technology and therefore there is more and more need for improving numbers and now it turns out that we have 288, the same number as we had before, except that now many of them are completely untrained whereas before they all had some level of training and prospects of whatever training they were willing to undertake.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I have actually told the hon Member that the scenario is the opposite. We have more trained staff nurses than before, Mr Speaker, and since 1988 we have a situation that admissions to the Health Authority have been kept at the same level and even though we had a Hill Report that recommended that we should do away with extra allowances, they have not been done away with and we have not cut down overtime levels. So what I am telling the hon Member is that we have a much better situation now, Mr Speaker, than what we had before.

MR SPEAKER:

One more question.

HON P CUMMING:

Mr Speaker, we are talking about four questions here.

HON MISS M I MONTEGRIFFO:

I have given very comprehensive replies.

HON P CUMMING:

Mr Speaker, in the last House of Assembly Mr Bossano said that the staff nurse complement was over the complement by 30. It stuck in my head and I tried to do some research to try and understand that figure and, of course, first of all, it was never completely established what the staff nurse complement should be because in the days of the AACR it was a number dependent on how many people wanted to study and how many people achieved qualification in

the course of a year. So it was never really established what the complement was, but all the promotions recently taken to staff nurse in the last four years had come from the grade of the enrolled nurses who had not themselves been replaced. So in other words we are talking about a senior grade moving from enrolled nurse to staff nurse which is considered, for training purposes, a senior grade. This therefore has twisted the ratio of trained to untrained in such a way that it may be impossible to run a course that would be acceptable to the UK. I know it is not the intention to run any course but it may be necessary at any time.

HON CHIEF MINISTER:

No, Mr Speaker, the hon Member is wrong. What the Government did at the time in consultation with the staff - he was still in the hospital then - was to agree to introduce crash courses which the UK said we could do as a one-off exercise because we were not happy to have a situation where the people who had been recruited in the past with the expectation, as he knows, that they were able to interrupt their training in Gibraltar. We had a situation where, frankly, I feel that the system we had in Gibraltar was better than the system they had in UK where somebody was able to stop, maybe because of family commitments or other problems, and then at a later stage they were able to resume their training where they had left off and complete it and in the intervening period their experience in the wards, I think, helped to compliment their understanding of the theory when they came back to school. But we were told by UK that this could not be done, that the training had to be that it had to start and it had to finish and if it did not finish then one was out and one could not go back again. We felt that that was unfair to the people who had stopped expecting to be able to come back again and therefore the UK agreed that all the people who had previously been training and stopped at enrolled nurse should be given the chance once to go back and finish the state registered nurse training. This we gave to everybody. We did not know what the result would be but the effect was that the result was much better than we expected and we found ourselves, as he correctly says, with a lot of people who moved from being enrolled nurses to having been trained as staff nurses but the complement of staff nurses was not increased. If he looks back in the 1987/88 estimates he will find that the staff nurse complement was shown separately in the old days. We had a commitment that the people concerned would be paid as staff nurses when they finished their training even though there was no vacancy for a staff nurse at the end so they continued filling the job on the ward that had been done by an enrolled nurse previously but they got the pay of a staff nurse. We could not move them out and employ another enrolled

nurse because there was no other job for them to do. In addition, because it was possible at the time to move from being a nursing auxiliary to being an enrolled nurse and there was not a separate stream for student nurses - which was the UK system which Hill recommended we had to introduce here and the educational team recommended we had to introduce here - we gave the same opportunity that we had given to the enrolled nurse to the auxiliaries and therefore the auxiliaries moved into the enrolled nurse grade. If he takes the staff nurses and the enrolled nurses that have qualified as a result of these changes, the total number of staff nurses and enrolled nurses together is more than the total number of enrolled nurses and staff nurses before and therefore the loss has been at the lower grade of nursing auxiliary. All the nursing assistants that are being taken into the hospital are being taken on the first grade of nursing auxiliary of the National Health Service in the UK; they are being paid what nursing auxiliaries get paid in the UK and they are doing, broadly speaking, a similar function. Whereas in UK they said the auxiliaries are going to be either Grade E or Grade B and the Grade A were 85 per cent of the auxiliaries in the Health Service as a whole and the Grade B 15 per cent, we made everybody in post Grade B - 100 per cent - and we made all the new entrants Grade A. So the structure we have got now is that we have got staff nurses in post over and above the complement around 30 more than we need. Those 30 were previously enrolled nurses are in the wards in which they were enrolled nurses doing broadly the job they were doing before but getting paid as staff nurses. We have got auxiliaries in the wards who are now doing the work of enrolled nurses some of which are being absorbed because there are vacancies in the enrolled nurse grade. And we have got auxiliaries and assistants who in our case are being paid in a ratio where since the new system came in from UK everybody who was employed on that day was employed on an auxiliary and on the higher of the two scales (Grade B) and everybody who has come in since that day has been employed on the lower of the two scales (Grade A). But we are still, in terms of proportion, considerably better off in paying our staff and in grading them than the comparable National Health Service Hospital in the UK where the ratio is 85 per cent, Grade A and 15 per cent, Grade B although with the passage of time that will be correcting itself as people are reduced in one grade by natural wastage and new entrants come into the other grade. So for all these reasons which we have tried to explain to the Staff Side we believe that we have got a better proportion of qualified staff, perhaps a number of people who are qualified in excess of what they really need for the complement that we have, but we will have to wait because we made a commitment and we did not think (a) that so many people were going to apply as did, and (b) that so many people would pass as did, and we are stuck with it.

28.10.93

ORAL

NO. 141 OF 1993

THE HON P CUMMING

What is the waiting time for an out patient to receive physiotherapy?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, at present waiting time is from three to four months. However, depending on the medical condition of the patient, he or she will be seen immediately.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1993

HON P CUMMING:

Mr Speaker, does it not seem that this indicates that there is need for more physiotherapy staff?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON P CUMMING:

Mr Speaker, is it not likely that if one has to wait three or four months for physiotherapy by that time either one is completely knackered or one has got

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, in view of the last part of the answer that I have given to the question.

28.10.93

ORAL

NO. 142 OF 1993

THE HON P CUMMING

Is the facility of having glasses prescribed still available through the Eye Department?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, if the hon Member is referring to optical ones, the answer is yes.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1993

HON P CUMMING:

So that one can go up to the hospital and make an appointment to have ones eyes tested and get a prescription for the glasses from the hospital?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, that is the position.

HON P CUMMING:

Thank you, I am very glad to hear that. I have been assured by so many people so well qualified to know that I am very surprised that this is the answer. It may be that we have now reverted to that. Was there a gap then at a time when this was not possible?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, not as far as the question "Is the facility of having glasses prescribed still available through the Eye Department?" is concerned. The answer is yes, Mr Speaker, if he is referring to optical ones.

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HON P CUMMING:

Mr Speaker, is it necessary now to go to the Health Centre first to get a letter from a doctor in order to get an appointment to have your eyes tested at the hospital?

HON MISS M I MONTEGRIFFO:

That is the subject of another question which I will be replying to the hon Member, Mr Speaker.

28.10.93

ORAL

NO. 143 OF 1993

THE HON P CUMMING

What facilities are available for getting urgently prescribed medicines at night?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, insofar as the hospitals are concerned, there is always one hospital pharmacist on call for the purpose of dispensing medicines in cases of emergency. This facility is available when the medicines which are required are not held at the wards or in the Accident and Emergency Department.

With regard to the community, there is always one pharmacy available to make up prescriptions in cases of emergency. For practical purposes the pharmacy nominated by the Health Authority is the pharmacy on duty for dispensing after hours.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1993

HON P CUMMING:

Mr Speaker, so it means to say that if one has to call the doctor at, say, one o'clock in the morning, the doctor prescribes antibiotic or whatever it is, where does one go then to find who can be called to.....

HON MISS M I MONTEGRIFFO:

No, it is not a question of where one goes to. The doctor knows which is the pharmacy on duty and that pharmacy will prescribe whatever medicines are required, Mr Speaker.

HON P CUMMING:

So in fact the information will come from the doctor that comes after hours, he will say, "This is the number to call" or, "This is the place to go to"?

HON MISS M I MONTEGRIFFO:

No, the doctor, in fact, will actually ring the pharmacy and tell the pharmacist the medicines that are required for the patient, Mr Speaker.

28.10.93

ORAL

NO. 144 OF 1993

THE HON P CUMMING

What is the procedure to be followed by patients seeking treatment or advice for minor conditions or injuries of the eye?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the procedure to be followed by patients seeking treatment or advice for minor conditions or injuries of the eye is either to visit the Eye Department, seek an appointment at the Health Centre or visit the Casualty Department.

SUPPLEMENTARY TO QUESTION NO. 144 OF 1993

HON P CUMMING:

Mr Speaker, were services from the Eye Department interrupted for any period of time for these minor conditions that I am referring to?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we had a situation where the new ophthalmologist that was appointed by the Health Authority had introduced, in his professional judgement, certain procedures. Those procedures were procedures that the management of the Health Authority found difficult to argue against because we were talking about medical arguments. Nevertheless the management of the Health Authority advised the ophthalmologist at the time that they did not consider that those procedures were the proper ones and they have been monitoring the situation and since then - we are talking about three weeks ago - the ophthalmologist has reverted to the procedures that were in place before he actually changed the system, Mr Speaker.

HON P CUMMING:

So, in fact, we returned to what we had before?

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HON MISS M I MONTEGRIFFO:

That is right, Mr Speaker.

HON P CUMMING:

The Minister, I am sure, is aware of the many, many complaints that we received and the anxiety that it has caused but if she assures us that it is over then thank you very much.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the hon Member will be happy that there has been no political intervention; it has been the professional and the management actually deciding what is best for the patient.

HON P CUMMING:

I think it is always legitimate for the Minister to intervene on behalf of the public that needs the services of the hospital.

HON MISS M I MONTEGRIFFO:

Sometimes it suits the Opposition when the Minister should intervene or not, Mr Speaker.

28.10.93

ORAL

NO. 145 OF 1993

THE HON P CUMMING

Will Government agree to provide an outpatient's ambulance bus facility for elderly or incapacitated outpatients who need to attend hospital regularly?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Government already provides an outpatient ambulance service for elderly and incapacitated persons who need to attend the hospital regularly.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1993

HON P CUMMING:

So that a constituent who has complained to me about the expense of going from Varyl Begg to the hospital three times a week; I can tell him that he can get the ambulance to come for him, is that it?

HON MISS M I MONTEGRIFFO:

That is right.

HON P CUMMING:

How, just by phoning the Police number for the ambulance?

HON MISS M I MONTEGRIFFO:

They can either phone the Police, Mr Speaker, or phone the hospital.

28.10.93

ORAL

NO. 146 OF 1993

THE HON P CUMMING

When was a laser obtained by the Eye Department for use in eye surgery, and when will it be put into use?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the laser was obtained in March and is already in use.

In order to install the laser in a separate room within the Eye Department, we had to move the audiometrician to a different area. This clinic had to be made ready and certain works were carried out. Once those works were completed, the audiometrician moved into new premises, the laser was installed by experts from UK and patients are already being treated.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1993

HON P CUMMING:

Mr Speaker, it was reported to me that the laser was lying around in boxes for seven or eight months and there was a sort of "mañana" thing hanging over them that there was not much progress done till very recently, in fact, last week when suddenly the whole thing was done.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, in my answer to the question from the hon Member I have given him a picture and I am giving him the reason why we were not able to move with the laser and I have explained that we needed to move the audiometrician from the room which he occupied beside the Eye Department. That has already been done, the laser has been installed and patients are being treated, Mr Speaker.

28.10.93

ORAL

NO. 147 OF 1993

THE HON P CUMMING

Will the Minister make a statement on the facilities available for the administration of patients' files at the Health Centre?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 148 of 1993.

28.10.93

ORAL

NO. 148 OF 1993

THE HON P CUMMING

What facilities are available for patients to book appointments at the Health Centre and does the Minister consider that these are sufficient?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, for several months the filing system at the Health Centre has been undergoing a major change from a numerical system to an alphabetical one.

However, whilst the change was taking place there were obviously two systems working simultaneously. This has been done with the minimum of inconvenience to the public and it was completed last month.

The new alpha system has been introduced not only to improve the system but to be able to introduce a data file colour coded system. The proposed layout will include a new metal racking system but it will be functional only when the top level of the Health Centre is refurbished.

The Minister considers that the facilities at the Health Centre to book appointments are sufficient. These are:-

- (1) For advanced bookings patients may obtain an appointment by phone or by attending the appropriate counter at the Health Centre,
- (2) By attendance on the day for patients to see the doctor,
- (3) There is also an emergency doctor for the more urgent cases to be dealt with.

SUPPLEMENTARY TO QUESTION NOS. 147 AND 148 OF 1993

HON P CUMMING:

Mr Speaker, what was the cause of the row some weeks back when files were not available for doctors and there were long queues reported on GBC at the Health Centre?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the problems that occurred, I would say, were as a result of extenuating circumstances where there were people on leave and people were on sick leave and the question of the queues that appeared on GBC by the people who went on the Monday looking for advanced bookings. On the question of advanced bookings these are done at the end of the month and therefore as people were on sick leave and on annual leave the people who had been sent by the Health Authority were there on the Monday to contain the situation and people were seen, Mr Speaker. So therefore I do not think that there was a major upheaval at the Health Centre because the situation was contained very quickly and very promptly by people who were sent from the Health Authority to contain the situation.

HON P CUMMING:

Mr Speaker, when somebody wants to make an appointment by phone, on that days and at what hours can he phone in to make an appointment?

HON MISS M I MONTEGRIFFO:

As from the same hours that the Health Centre opens, Mr Speaker; from 8 o'clock in the morning.

HON P CUMMING:

It is not limited to a few hours on a few days?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON P CUMMING:

Is the Minister aware that people phone in and get the engaged signal time and time and time again and often have to give up when trying to make an appointment?

HON MISS M I MONTEGRIFFO:

I admit, Mr Speaker, that was a system that was operating a couple of months ago but it is not happening today. Anybody who wants an advanced booking can ring and get the appointment but obviously on a Monday people are not seen as part of the advanced booking system because the doctors believe that it is only fair that on Mondays people can actually go there and see whatever doctor they want to see, Mr Speaker.

HON P CUMMING:

Mr Speaker, I had occasion to go to the Health Centre myself just the other day and I.....

HON MISS M I MONTEGRIFFO:

As a patient, Mr Speaker?

HON P CUMMING:

As a patient, yes. I went to the window and I said, "Can I see the doctor, please?" They said, "I am sorry, the place is all full up". I said, "It is three o'clock. That notice says I can come until half past three". They said, "Oh yes but you have got to come There is an emergency doctor, are you in an emergency?" I had to say, "Yes, I am an emergency". If I had been an emergency I would have been on the ambulance on the way to the hospital. I want to ask, Mr Speaker, is there any training given to clerks with a view to making the public feel that they are not an enemy, that there is not a barrier to overcome to the rights and the services to which they are entitled?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I would like the hon Member to clarify whether he was seeking an appointment to see a doctor or whether he was seeking an advanced appointment with a particular doctor. Can he clarify that, Mr Speaker?

HON P CUMMING:

I wanted to see a doctor that afternoon.

HON MISS M I MONTEGRIFFO:

Mr Speaker, was he denied the right to see any doctor?

HON P CUMMING:

I do understand that after a certain time they have got to level out the numbers. If they say, "No, sorry, you cannot see that one, you have got to see that one", I accept but not "Unless you are an emergency we cannot see you".

HON MISS M I MONTEGRIFFO:

Mr Speaker, we now have a situation where the Minister is asking questions from the Opposition Member.

HON LT-COL E M BRITTO:

Mr Speaker, is the phone on which appointments are made manned or womanned?

HON MISS M I MONTEGRIFFO:

They are at the present moment in time womanned, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, it is a serious question. The question has already been asked by my hon colleague and answered but I am not quite sure whether the Minister answered the thrust of the question or even understood the question. I will repeat what my hon colleague said as a question. Is the Minister aware that considerable delays on a regular basis - not on an exceptional basis - are experienced by people in trying to get an answer on that telephone number to make appointments? Normally the experience is that people get an engaged tone or if there is not an engaged tone then there is no answer. Is the Minister aware of this?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I mentioned and I did clarify the position to the hon Member before, there was a system whereby there was an answering machine. Several systems have been tried by the staff at the Health Centre. The first one was to have an answering machine; the second one was to say if people are coming to the counter they will be given priority and therefore between certain hours they will be seen and therefore between certain hours the people who phone will be also provided with a service. The system that is in place today is that people can ring at whatever time they wish, Mr Speaker, and the information that I have is that it is working properly.

HON LT-COL E M BRITTO:

Mr Speaker, for clarification, I am talking about advance appointments. I am not talking about appointments on the same day.

HON MISS M I MONTEGRIFFO:

That is right, Mr Speaker, I am talking about advance appointments. There was a situation before where there was an answerphone and it did not work, there were certain hours when the staff thought that they could improve the system by actually adhering to certain hours whereby they would look and they would actually take advance appointments for patients who were going there physically and then within certain hours they would also attend to the telephone. At this present moment in time they are attending those persons who are going physically and also the telephone. As far as the information that I am getting is, Mr Speaker, that the staff there now at the Health Centre are adequately looking after the interests of the patients who go there and also the patients who are phoning for advanced bookings.

HON LT-COL E M BRITTO:

Mr Speaker, with your lenience, the Minister will accept that what I am saying is from personal experience in making an appointment on a regular basis monthly for an aged relative. I have seen it for myself by the telephone from my desk ringing on an automatic basis redialling and this is post the answering machine days, this is in the last three or four months when the phones are supposed to be manned. My personal experience, Mr Speaker, would the Minister accept that it is a personal experience, is that the delays continue either on not being answered or usually the phone line being engaged which I presume is being used by other people ringing at the same time and perhaps the Minister would look into it or investigate whether the information she has is accurate.

HON MISS M I MONTEGRIFFO:

What I am telling the hon Member is that the Minister has looked into it, the Minister has actually had meetings with the administration of the Health Centre and what I am telling him is that as a result of that meeting I am satisfied that the procedure now being carried out is a satisfactory one, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, one final point. What I would suggest to the Minister, if the Minister accepts the point, is not to ask anybody but to ring herself on more than one occasion and then at the next meeting of the House she can then tell me whether she still thinks she is right and she still thinks that I am wrong.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I can confirm to the hon Member that I have done that already. I have rang.

28.10.93.

ORAL

NO. 149 OF 1993

THE HON P CUMMING

Will Government explain the circumstances of the recent appointment of an Ear, Nose and Throat Consultant at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in the past, the ENT services were carried out by a GP with an interest in this speciality who had also been sent to the UK to acquire further experience. However, he was also at the time working as a general practitioner. He is now employed as a full-time Associate Specialist in ENT and therefore in effect we have increased the number of medical practitioners by one.

SUPPLEMENTARY TO QUESTION NO. 149 OF 1993

HON P CUMMING:

So his place in the Health Centre has now been filled by somebody else?

HON MISS M I MONTEGRIFFO:

That is correct, Mr Speaker.

HON P CUMMING:

Mr Speaker, is it not right that in the past all the ENT specialists have been part-time so that, for example, there was a morning spent on surgery, an afternoon with the clinic, and two ward rounds of, say, half an hour each during the week was the sum total of the work required? How come that now instead of being part-time it is full-time?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have explained, the practitioner, who was actually providing the services to the Health Authority, was providing three clinics in a week but apart from those three clinics he was also working as a full-time GP, therefore representations were made and the

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Government decided that we would introduce an ENT full-time specialist and that is why I have said that now we have increased the medical practitioners by one and we have replaced that medical practitioner by a GP at the Health Centre.

HON P CUMMING:

If previously it was being done satisfactorily on a part-time basis, what does he now do with the rest of his time? Does he do private practice?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what I am saying is that it was not satisfactory because apart from the services that he was providing as an ENT Specialist he was also working as a full-time GP, having to go into the roster of a GP and being on duty, Mr Speaker. That is why I am telling the House that the Health Authority decided that it needed a full-time ENT specialist and we have increased the number by one and we have replaced him by another GP at the Health Centre, Mr Speaker.

HON P CUMMING:

Does his contract allow him to do private practice?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. The contract that has been entertained between the Health Authority and the new ENT specialist is that there will be no private practice within that contract.

28.10.93

ORAL

NO. 150 OF 1993

THE HON P CUMMING

Will Government say when it intends to replace the consultant dental surgeon in the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Gibraltar Health Authority replaced the consultant dental surgeon working at the Health Centre on the 13 April, 1993.

SUPPLEMENTARY TO QUESTION NO. 150 OF 1993

HON P CUMMING:

When we talk about dental surgeons normally we understand it is a dentist; an ordinary dentist can call himself a dental surgeon, but what we mean by consultant is somebody who actually does oral surgery, that is to say, operations on the mouth; of a higher qualification. Is this the person who has now been replaced?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, and apart from that I can inform the House that from the date that he was appointed the expenses of oral surgery is met by the Health Authority whereas before it was considered as private practice. That is no longer the case, people who require oral surgery will have oral surgery free of charge and the person who is there employed is fully qualified to undertake the services as previously.

ORAL

NO. 151 OF 1993THE HON P CUMMING

Is the Government satisfied that the contracts with six hospital consultants, announced last year and which prohibited private practice, have produced "value for money" and had any effect in reducing waiting-times for surgery and for appointments with consultants?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as the Opposition has been informed on more than one occasion, the reason for the Government phasing out private practice has nothing to do with the following reasons the hon Member suggests - "value for money" or reducing waiting-times on appointments. The Government's policy is based on the human aspect of the situation as we strongly believe that patients should be seen by doctors in accordance with the priorities of their medical condition and therefore doctors who are employed in the public service should dedicate their time to seeing entitled patients.

SUPPLEMENTARY TO QUESTION NO. 151 OF 1993

HON P CUMMING:

Mr Speaker, the theory of what the Minister is saying is excellent and we welcome it but the practice is entirely the contrary. There is overwhelming evidence that the Minister has not phased out private practice at all.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the hon Member is saying that the evidence is not there. I would welcome the evidence from the hon Member and I will investigate whatever information the hon Member ventures to provide to the Minister.

HON P CUMMING:

Mr Speaker, the Minister knows perfectly well the difficulty of producing evidence of the type that would stand up in court. For an adequate supervisory function this is not necessary, there should be some management function of supervision and monitoring to ensure that

these things do not happen and that the public are aware that if they pay one of these doctors any money for their services that they are participating in a serious fraud.

HON MISS M I MONTEGRIFFO:

Mr Speaker, but the allegations are being made by the hon Member. If the hon Member is making an allegation that there are people who are actually paying for the services that are being provided by the consultants who are not supposed to do private practice, I would welcome that evidence, Mr Speaker, that is what I am saying to the House.

HON P CUMMING:

Mr Speaker, surely the Minister is not asking me to put my hand in my pocket and employ a private detective and all that sort of thing?

HON MISS M I MONTEGRIFFO:

But the hon Member is making the allegation, Mr Speaker.

MR SPEAKER:

Order. An hon Member who asks a question in which there is a statement, the hon Member making the question is responsible for the accuracy of this statement. So if it is not accurate then the hon Member cannot make a statement. Next question.

28.10.93

ORAL

NO. 152 OF 1993

THE HON F VASQUEZ

When are the cricket nets at the Victoria Stadium which were removed for the new petrol station going to be replaced?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 155 of 1993

28.10.93

ORAL

NO. 153 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government say whether Gibraltar will be ready to stage the Island Games in 1995?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Yes, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 153 OF 1993

HON L H FRANCIS:

Mr Speaker, we have heard encouraging reports yesterday in the media about the progress that has been made. Without going into the pool, which is the subject of the next question, I suppose there are various things that are still partially up in the air. To mention a few: the ranges which has been said might be sited round the 100 ton gun area and the clay pigeon shooting; the fact that the track at the Stadium apparently needs to be re-laid, for example; throwing and jumping facilities have to be reprovided at Europa Point, so I am told; and the road surfaces have to be improved in certain areas for the cyclists. Will the Minister comment on these areas?

HON MISS M I MONTEGRIFFO:

The hon Member, Mr Speaker, has made various questions. What struck me was the question of the bolidtan track at the Stadium and that I can assure him not that it is in a depleted state, it needs to be repainted and that is going to be done. It is not that it is in a condition that the surfaces need to be replaced, that is not the situation. On the other hand, I must say, Mr Speaker, that I met the international members of the Island Games Association who visited Gibraltar as as the hon Member may have heard them last night, they were very impressed facilities, they are very encouraged, especially with the Victoria Stadium facilities, Mr Speaker, and of course as the hon Member has said, the question of the swimming pool is a subject of another question which I will answering now, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, does the Government intend to provide any backup in administration and in logistics?

HON MISS M I MONTEGRIFFO:

Definitely, Mr Speaker, we have all the resources and all the facilities that the Government has to help the Island Games and we also now have the Gibraltar Information Office that have offered their services as far as the public relations services are concerned. Yes, we will provide them.

HON LT-COL E M BRITTO:

Does that, Mr Speaker, include putting a team of people to liaise and work with the Island Games Committee for a period of time leading up to the games, working exclusively with the Island Games Committee, exclusively dedicated to the running and the administration of the games?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, I can confirm that that is already in place.

HON LT-COL E M BRITTO:

Can the Minister give us any idea, Mr Speaker, what size of team we are talking about?

HON MISS M I MONTEGRIFFO:

The size of team as regarding ...

HON LT-COL E M BRITTO:

Regarding the number of people on it.

HON MISS M I MONTEGRIFFO:

The number of people? Mr Speaker, we are talking about the whole of the civil service if that is what the hon Member is referring to.

HON LT-COL E M BRITTO:

No, Mr Speaker, that is not what I am referring to. I appreciate that in principle the Minister is saying that the civil service has a whole will back the thing but the civil service as a whole has other jobs to do. I am saying whether a specific number of people, be it one, five or 25, will be seconded, as it were, to the Island Games Committee for a period of time? And I am asking, is it going to happen and, if so, how many people will form the team and for how long and will they stay with the Island Games during the period of the Island Games itself to run the games?

HON MISS M I MONTEGRIFFO:

At the moment, Mr Speaker, we have a situation that the Island Games have formed a new committee but with the numerous meetings that we have had I can tell the hon Member that we are talking about the management, the staff at the Victoria Stadium; we are talking about the people involved in the Education Department and we are also talking about the people who are involved in the local Gibraltar Information Bureau and those who are also employed in London.

HON L H FRANCIS:

Just to recap, Mr Speaker, I take it from the Minister's comments then that the areas of the ranges, whether they be at the 100 ton gun or elsewhere, will be made available well in time for the facility to be developed; that the roads which may be necessary to be resurfaced for the cycling events will be resurfaced; and that some of the tennis courts may also be in need to bring up to standard will also be brought up to standard well in time for the event. Can I have the Minister's confirmation on that?

HON MISS M I MONTEGRIFFO:

I think, Mr Speaker, I answered that question when the hon Member said, "Will Gibraltar be ready to stage the Island Games?" and I said, "Yes, Mr Speaker".

28.10.93.

ORAL

NO. 154 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government say when it will deliver its 1988 electoral promise the effect of which was that a swimming pool would be provided for the Gibraltar Amateur Swimming Association?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in our electoral promise we committed ourselves to liaise with the Gibraltar Amateur Swimming Association on the construction of the swimming pool. This was done by introducing a commitment with the developers to provide the land free of charge to enable the reprovisioning to take place so that the construction of the swimming pool could proceed at the developer's expense. I can confirm that the Gibraltar Amateur Swimming Association have accepted the latest plans drawn up by the developers of the site.

SUPPLEMENTARY TO QUESTION NO. 154 OF 1993

HON L H FRANCIS:

This will mean presumably that the pool will be available to the standards required well in time for the Island Games?

HON MISS M I MONTEGRIFFO:

Well, Mr Speaker, I am not going to give a commitment on the part of the developers. I will give a commitment as far as the Government is concerned but as far as the Gibraltar Amateur Swimming Association and the developers are concerned, the Gibraltar Amateur Swimming Association have accepted the plans and therefore it is now up to the developers and the Gibraltar Amateur Swimming Association to get together. As I said in my original answer, we have liaised with them and we have provided the land but I have had experience in the House as a politician for many years now, Mr Speaker, and I will not commit myself to a time-scale or a date by which the developer will say the pool is ready. But on the other hand, Mr Speaker, I can also say that in any event the international members who arrived in Gibraltar are happy, should a pool not be constructed for the Island Games, with the fact that we have the Nuffield Pool as an alternative. So it will not hinder in any way the staging of the Island Games.

HON LT-COL E M BRITTO:

Will the Minister say what the site of the proposed pool is, the size of it, whether it will be covered or not and whether the water will be heated?

HON MISS M I MONTEGRIFFO:

Yes, the site will be opposite what is called "Gib 5" to give the hon Member an idea where the area is; it will be heated and as I have said previously in meetings of this House, the Government's concern is primarily that it should conform to FINA's specifications and all those elements are within the plans.

28.10.93

ORAL

NO. 155 OF 1993

THE HON L H FRANCIS

What effect has the CEPESA petrol station development had on the sporting facilities and amenities available at the Victoria Stadium?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the cricket nets are already in the process of being re-erected in its new site and every effort is being made to ensure that they will be made available for use as soon as possible. The management of the Victoria Stadium is keeping the Gibraltar Cricket Association fully informed of developments.

The other facility relates to pitch No. 2 which previously was purely a hockey pitch. As a result of the new surfaces, in the main pitch, more allocations were available and these were provided to the junior football league, cricket and hockey training. However, as a result of the petrol station development, the Stadium will be reprovided with another synthetic turf pitch, which will again greatly improve and increase the number of allocations available to the users. Also, new changing rooms to very high standards and which will include facilities for ladies - not previously available - will be built by the developers. The new synthetic pitch will be constructed by the same specialist company who carried out the works for the main pitch, that is, KWS Sport. I am sure that these improvements will be greatly welcomed.

SUPPLEMENTARY TO QUESTION NOS. 152 AND 155 OF 1993

HON L H FRANCIS:

Mr Speaker, the improvements the Minister has mentioned are indeed welcome. However, changing rooms have already been demolished and have not been reprovided at the moment..... They have been reprovided? Our information was that people were not being allowed to use the main changing rooms at the Stadium.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what happened was that the management at the Victoria Stadium decided that the way to try and alleviate the problems with the changing room facilities was to provide temporary changing rooms. Unfortunately, at the time, these were vandalised but I am told by the management that they have been repaired, re-sited and that they are being made available for use.

HON L H FRANCIS:

Can the Minister say, Mr Speaker, how long the hockey ground will be out of action?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have had experience with the main pitch and I know that when we are talking about artificial surfaces these are very much conditioned to the weather. The developers have told us that the new pitch would take 60 days to construct but obviously these, again, are dependent on weather conditions because as soon as it rains they have to stop the construction. But I must say that I am very pleased that we have been able to convince the developers that because of the developments at the Stadium that they will reprovide the hockey pitch and that we will have new artificial surfaces installed. So now at the Stadium we will have two pitches, Mr Speaker, that will have artificial surfaces.

HON L H FRANCIS:

So I take it, Mr Speaker, from the Minister's comments that the two advantages that we get for the sporting fraternity to be gained from the development are the resurfacing of the hockey pitch and the reproviding of new changing rooms for the users of that are?

HON MISS M I MONTEGRIFFO:

That is correct, Mr Speaker, new artificial surfaces and first class changing rooms.

HON F VASQUEZ:

Mr Speaker, does the Minister consider it regrettable that the Gibraltar Cricket Association should have found out that the nets were going to be demolished the afternoon they turned up two weeks ago preparing for their training for the World Cup in February, that they should have turned up and realised that the nets were no longer in existence, that they had been bulldozed in the way that they were?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I do not find that regrettable at all because I can tell the hon Member that I was invited by the Gibraltar Cricket Association to see them in action against the MCC that came over from the United Kingdom and I had a frank and open discussion with them and I also informed them of developments at the time, Mr Speaker, and they knew what was going to happen. Perhaps the hon Member should declare his interest because he is either a cricket enthusiast or a cricket player who is trying to play cricket.

HON F VASQUEZ:

Quite simply, Mr Speaker, I was one of the GCA party who turned up.....

HON MISS M I MONTEGRIFFO:

So he is declaring an interest, Mr Speaker.

HON F VASQUEZ:

..... two weeks ago and we realised that the nets had been demolished when we arrived. The nets were simply not there. We turned up for our practice and the nets had been bulldozed.

HON MISS M I MONTEGRIFFO:

Mr Speaker, before the nets were going to be demolished I can give an assurance to the House that the management of the Victoria Stadium were in constant touch with the Gibraltar Cricket Association and they were kept fully informed of developments there.

28.10.93.

ORAL

NO. 156 OF 1993

THE HON LT-COL E M BRITTO

Will Government say how many times there have been unscheduled power cuts in the electricity supply in the last twelve months and what are the reasons for these power cuts?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, in the last year, October to September, there have been 47 occasions on which unscheduled power cuts have occurred. Other than a few occasions when the reason for the power cuts has been as a result of industrial action, the main reason has stemmed from taking electricity from the incinerator plant.

SUPPLEMENTARY TO QUESTION NO. 156 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, I am not sure I understand the last point. Is the Minister saying that when the incinerator plant is connected into the grid this causes the power cut?

HON J C PEREZ:

Not when it is connected. When the level at which it is operating goes down without any warning or when the plant trips off without prior warning then there is an unscheduled power cut to the area concerned.

HON LT-COL E M BRITTO:

Mr Speaker, is there any way of foreseeing the circumstances which the Minister is describing?

HON J C PEREZ:

The contract with In Town Developments Ltd foresaw that there should be a way to monitor this. Since we have given it time to work and it has not, the City Electrical Engineer has informed In Town Developments Ltd that as a result of their disastrous record and non-compliance of the contract we shall be terminating the part of the

contract which deals with electricity forthwith unless they are prepared to come back with alternatives that will not cause it. Obviously hon Members will get to know that through their clients when they go with a letter to them.

HON LT-COL E M BRITTO:

Mr Speaker, what does the Minister expect will happen this winter? Will the situation continue or does he think the new action taken will

HON J C PEREZ:

The hon Member has not understood me. I have told him that the City Electrical Engineer has already written to In Town Developments Ltd and told them that we shall not be taken any more electricity from them because they are not complying with the contract and therefore the unscheduled power cuts that have occurred as a result will not happen any more because we shall not be taking that electricity. If they then come back and can prove to us technically, professionally to the professionals in the station that they have done something to correct the situation and that a continuous supply of electricity is possible between the incinerator and the main grid, then we shall obviously test it but at present, how the situation is today and after having tested it for a considerable time in order to avoid the unscheduled power cuts we are stopping taking electricity from that source.

HON L H FRANCIS:

Is the Minister satisfied that should the supply of electricity be terminated permanently from the incinerator, that there is enough alternative supply to ensure that there will not be other power cuts?

HON J C PEREZ:

Yes, definitely. The incinerator only supplies something like 2.5 megawatts to a normal daily load of something like 21 megawatts and a night load of 6.5 to 7 megawatts.

28.10.93

ORAL

NO. 157 OF 1993

THE HON LT-COL E M BRITTO

Has Government given any consideration to phasing out the public sector generation and/or distribution of electricity?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 157 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware of any proposals which would mean an involvement by Sevillana SA in electricity supply in Gibraltar?

HON J C PEREZ:

No, Sir.

HON LT-COL E M BRITTO:

Does Government agree, in principle, to such an involvement?

HON J C PEREZ:

No, Sir.

HON P R CARUANA:

Mr Speaker, will Government make the necessary capital investments when the time is right to ensure the continuation of power generation in the Government-owned Generating Station or will the future trend be towards privatised supply?

HON J C PEREZ:

Mr Speaker, hon Members complain they do not get information and when they have it they do not use it. At the time of the OESCO contract I came to the House and I informed this House that the demand for electricity for Gibraltar had been contracted out and was covered for the next twenty years at the time of the signing of the OESCO contract. So between now and the next 17 years there is no need for investment in the plant for us to continue to maintain the generating capacity between the Waterport Power Station and that contracted to OESCO. Therefore the matter that the hon Member states does not arise and certainly no other source of electricity is needed.

28.10.93

ORAL

NO. 158 OF 1993

THE HON LT-COL E M BRITTO

Has Government had or expect to have any discussions with the Ministry of Defence for a take-over of the Ministry of Defence electricity generating station?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 158 OF 1993

HON LT-COL E M BRITTO:

If it were offered would Government accept it, Mr Speaker?

HON J C PEREZ:

No, Sir, the Ministry of Defence have their own generating station. They have looked after their own electricity needs and will continue to look after their own electricity needs because we have not taken them into account in our forecast for demand for the future.

HON LT-COL E M BRITTO:

Is the Government aware then of any proposals for transfer of the Ministry of Defence power station to private interests?

HON J C PEREZ:

Mr Speaker, all I am aware of is probably what Mr Netto has been telling hon Members because he has been telling everybody else in Gibraltar about the Ministry of Defence and Sevillana and everything else. All if it is a pack of lies, Mr Speaker, there is no foundation to it.

28.10.93

ORAL

NO. 159 OF 1993

THE HON LT-COL E M BRITTO

Mr Speaker, given the recent telephone price rises after the utility was privatised, what step is Government taking to ensure that privatised utilities do not become ultimately more expensive to the consumer, as regards electricity, water and telephone charges?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 160, 161 and 162 of 1993.

28.10.93

ORAL

NO. 160 OF 1993

THE HON LT-COL E M BRITTO

What control does Government exercise over the ability of privatised utilities to cut off supplies to consumers?

ANWWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 159, 161 and 162 of 1993.

28.10.93

ORAL

NO. 161 OF 1993

THE HON LT-COL E M BRITTO

Does the agreement between Gibraltar Government and Lyonnaise des Eaux include any clauses requiring Government to be consulted before water charges are increased?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 159, 160 and 162 of 1993.

28.10.93.

ORAL

NO. 162 OF 1993

THE HON LT-COL E M BRITTO

Does the agreement between Gibraltar Government and Gibraltar Nynex Communications Ltd include any clauses requiring Government to be consulted before telephone charges are increased?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government does not need to take steps to ensure that privatised utilities do not become more expensive to the consumer than when they were in public ownership because part of the philosophy behind the move is that, in a commercial environment these utilities are run more efficiently and more cost effectively therefore providing a better service and better value for money for the consumer.

Electricity, of course, does not fall into this category because it is not run jointly with a commercial partner as is the case with water and telecommunications.

Government is not consulted on price increases because, as a shareholder of the companies, it both monitors and has a say in any tariff changes. The Government is satisfied that the consumer is sufficiently protected.

The controls by which companies running public utilities cut off supplies to consumers are laid out in the Public Utilities Ordinance.

SUPPLEMENTARY TO QUESTION NOS. 159, 160, 161 AND 162 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, will the Government accept that the first part of that answer is not acceptable to the Opposition? It is not in a commercial free market situation that these utilities are operating but it is in a monopoly situation and therefore as they are not competing directly with anybody there is nothing to keep the prices down. Mr Speaker, does the Minister accept that we have already seen that telephone charges have been drastically increased and will the Government, Mr speaker, despite what the Minister has said, follow the practice in UK and consider appointing, if not three or four independent bodies like OFFER and Ofgas for the different utilities as happens in UK, one watchdog to monitor the prices and, indeed, the service in general of all what were formerly public utilities which have now been privatised?

HON J C PEREZ:

Mr Speaker, I totally accept that the Opposition do not accept what I have said as valid which is what the hon Member has asked me to do. What I do not accept is the contention of the Opposition that there needs to be a watchdog because the Government in participating in the shareholding and having a say in the decisions of the Board of Directors has a manner in which to control the tariff prices. If the hon Member is asking me to commit myself that these charges will not increase to the general public then that answer is no. Water has not increased since 1981 and is not envisaged to increase in the near future and the telephone charges have increased before the last two increases in 1979. I think, that was the last time. If what the hon Member is asking, "Will the Government continue to subsidise these services to the public through other revenue as was the case when they were Government departments?" No, they have to meet their own cost in a commercial environment and they have got to create a profit as well. If what the hon Member wants is an assurance that there will not be big profits at the expense of the consumer; I am telling him that the Government is satisfied that that is achieved by the Government's shareholding and by the fact that the Government participates in the decision to change tariffs.

HON P R CARUANA:

Does the Government participate in discussions or does the Government decide? In other words, does the Government control what the Boards of Directors of Nynex and Gibtel and Lyonnaise des Eaux can all do in relation to their Gibraltar operations?

HON J C PEREZ:

The Government has the voting rights in the Board of Directors which reflects their shareholding and therefore takes part in the decisions, Mr Speaker. He should know, he is a lawyer.

HON P R CARUANA:

What I know as a lawyer is that shareholders do not decide on things like that, they are decided by the Board of Directors. Does the Government have a majority of the Board of Directors on each of these companies?

HON J C PEREZ:

Mr Speaker, the Government exercises the voting rights that it has in each of these companies and is satisfied that with those voting rights and the points in the contract of each of these agreements that the consumer is protected. If the Opposition are not satisfied, they can come up in 1996 and say that they are going to create three or four quangos to monitor this and then they will be able to pay for the quangos. We are satisfied that the method that we have and that our share of participation in the companies and the assurances that we have got in the contracts are sufficient to protect the consumer in these matters. That does not mean and will never mean that prices are not going to increase and I know that every time a price increase is going to come up they are going to come out with a press release against it. Let that be, Mr Speaker.

HON P R CARUANA:

Of course there are going to be price rises but what I am asking is, who decides what those price rises are going to be? Is it approved by the Government or is it just imposed by those who are motivated by a desire to maximise their profits?

HON J C PEREZ:

I have already answered that question, Mr Speaker, and the way prices are increased is not to maximise the profits of the shareholders of the companies part of which are the people of Gibraltar themselves. The hon Member is trying to create the impression that there are exorbitant profits being made in these joint venture companies of public utilities at the expense of the people of Gibraltar and this is not the case. There have been huge investments and huge improvements in the services and these investments and these improvements have to be paid for by the people who are getting that service, Mr Speaker, and we shall continue to strive to provide a better service and at the same time to allow our shareholders and ourselves, who represent the shareholding of the people of Gibraltar, to make a reasonable profit out of those ventures, Mr Speaker.

HON F VASQUEZ:

In the light of those reassurances I wonder whether the Minister can reassure this House that it makes the accounts of these companies available so that the Gibraltarians will be able to see for themselves that these companies are not indeed maximising their profits.

HON J C PEREZ:

Mr Speaker, I would have no objection to that but the solicitors of the companies concerned say that it is normal practice for the solicitors to advise their clients that there should be confidentiality clauses put in these contracts and I have to abide by those confidentiality clauses which are normal commercial clauses that are put in by the solicitors representing the clients.

HON P R CARUANA:

I am sorry, what we have got is a situation where the Government, on behalf of the taxpayer, is a shareholder in a company. The Minister speaks of reasonable profits. We are talking about the monopolistic supplier of public utilities to the people of Gibraltar and the Minister thinks it unreasonable that the accounts of that company should be made available to its owners who are the taxpayers and not the Minister.

HON J C PEREZ:

That is the policy of the Government. The Leader of the Opposition can challenge that in 1996 as well, Mr Speaker.

28.10.93

ORAL

NO. 163 OF 1993

THE HON LT-COL E M BRITTO

Has Government privatised or contractorised all or any part of the Sewers Section of the Department of Trade and Industry?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 163 OF 1993

HON LT-COL E M BRITTO:

Have any proposals been made or has any consideration been given to such privatisation or is there any intention to do so?

HON J C PEREZ:

Mr Speaker, members of the Sewers Section came to see me some time ago and asked for the Government to consider privatising the Sewers Section. Mr Netto then got hint of it and was very angry that his members, without consulting him, had come to the Government to ask to be privatised. He then came out publicly saying that this was another attempt of the Government to try and privatise through the back door - which was explained to him that it was the other way round. Since the incident, the Government has made no proposals at no one whatsoever in response to that because there were manoeuvres afoot, the shop steward was removed and no one really knows clearly whether the people now want the proposals made or not and we do not have it as a priority in our list.

28.10.93

ORAL

NO. 164 OF 1993

THE HON L H FRANCIS

Mr Speaker, does Government consider that the current arrangements for the storage and transportation within Gibraltar of the compressed fuel pellets for the new incinerator, are satisfactory and acceptable?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has made no arrangements whatsoever for this since it does not run the incinerator. However, Government is aware that the fuel pellets being used are unloaded in the Port in an area assigned by the Captain of the Port and that these are transported by lorry and stored in what is generally known as the Brewery Crusher such area having been assigned for this purpose by the Department of Trade of Trade and Industry. We have no reason to believe that this is an unsatisfactory state of affairs.

SUPPLEMENTARY TO QUESTION NO. 164 OF 1993

HON L H FRANCIS:

Mr Speaker, the people in the area of the Port and people who pass through the area at Europa Point do find it unsatisfactory. Principally for the people in the area of the Port because the pellets stink, to put it bluntly, and create a nuisance in that way to people living near in Varyl Begg and the reclamation. The pellets also get blown around all over the place especially at Europa Point where tourists go by every day. There is also a lot of other rubbish at Europa Point but this being one problem.

HON J C PEREZ:

Mr Speaker, I have received no stinker on the matter but I can get someone to investigate it but certainly there is no easy answer for it. The pellets need to be discharged somewhere and stored somewhere if the incinerator is going to continue to operate for the hours that it does.

HON LT-COL E M BRITTO:

Mr Speaker, with regards to the transportation which has not been mentioned so far, they are being transported in open lorries and from personal experience I can tell the Minister that they do fly off the back of the lorry and get deposited all along the road and the route between the Port and the incinerator. Does the Minister think that this is satisfactory and does he consider taking steps?

HON J C PEREZ:

It is not the Minister's responsibility. I will inform the Police about it.

HON LT-COL E M BRITTO:

Is the Minister aware of any danger to health from the pellets because of the smell emanating from it?

HON J C PEREZ:

According to the Public Health no, Mr Speaker.

28.10.93

ORAL

NO. 165 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government say what results (if any) have been obtained by the working commission which it agreed to form with the La Linea municipality to monitor the source of solid refuse and petrol waste which appear on the levanter beaches?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has never agreed to form such a commission with the La Linea municipality. When I met Jose Luis Moreno, a councillor from La Linea, he suggested that such a commission might be formed and I said that the Government would have no objection to forming it. He said he would get back to me with proposals but, to date, he has not done so. This idea came about because, on that occasion, their central complaint to the Gibraltar authorities was that the Spanish authorities had found a dead horse floating in an area adjacent to one of their beaches and it had been claimed that the origin of the carcass was Gibraltar.

When I explained to Senor Moreno how ridiculous the accusation was since we only have one horse in Gibraltar, and even as I speak today, Mr Speaker, it is still alive and kicking, the La Linea councillor suggested the creation of this forum but nothing whatsoever has materialised.

NO. 166 OF 1993THE HON LT-COL E M BRITTO

Will Government say whether any discussions have taken place between Baltica and the Spanish electricity company Sevillana SA about a possible transfer of ownership of the refuse incinerator and will it say whether it would allow such a transfer?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government is aware that In Town developments Limited, the owners of the refuse incinerator, have held discussions with various companies with a view to transferring the ownership of the plant and/or the company.

Of the four parties known to us to have declared an interest in the incinerator, one is partly French, another is Swiss, another Italian and the fourth is Sevillana which is Spanish.

Under the existing contract, Government would have to grant its consent, which cannot be unduly withheld, if it is satisfied that the new owner is prepared to meet its contractual obligations. In Town Developments has not approached the Government as yet on the matter.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1993

HON LT-COL E M BRITTO:

I repeat. Would the Government allow a transfer of ownership to Sevillana?

HON J C PEREZ:

I repeat. We will allow an ownership of any of the companies because it cannot be unreasonably withheld as long as they are going to meet the contractual obligations.

HON P R CARUANA:

Does the Minister think it reasonable to allow the transfer of a public utility of this kind to a company controlled by the Spanish State or does the Minister think that the only criteria that he needs to apply in deciding whether he should allow it or not allow it is whether they are going to dispose of refuse effectively?

HON J C PEREZ:

Yes, that is the only thing that we have to take into account; whether a private company in the European Community, be it 35 per cent owned by the Junta de Andalucia or not - it is only 35 per cent owned by the Junta de Andalucia - is prepared to meet its contractual obligations to burn refuse. Was not the Hon Lt-Col Britto urging me when I did not want to, to take the refuse to Los Barrios as a solution to the refuse problem? Is there any difference in disposing refuse in Los Barrios and having a utility of our own here owned by a European company which is partly owned by the Junta de Andalucia, burning rubbish? I have no objections to it. It has no political implications whatsoever and I see no danger to Gibraltar whatsoever. The person that is saying so is a person who saw political implications in the way that the Mancomunidad was trying to make us go and burn refuse in Los Barrios. On this occasion, Mr Speaker, it is purely a commercial relationship between Sevillana and In Town Developments Ltd and the Government must give its consent if they agree and if that is the best deal for both In Town Developments Ltd and Government of the four people that have approached it on the basis that they are meeting the contractual obligations. There is no other implication to it.

HON LT-COL E M BRITTO:

Mr Speaker, on a point of clarification first of all, when I was urging the Minister to take refuse to Los Barrios was in the context of breakdowns of the old refuse incinerator and of Los Barrios being used as a temporary measure instead of dumping off the cliff face. I challenge the Minister to produce anything from Hansard where I said anything to put Gibraltar in the situation, which he is obviously expecting to put it, of depending on Los Barrios exclusively and doing away with refuse destruction in Gibraltar. I suggested it as a temporary measure. To come on to my question, does the Minister accept, despite what he is saying, that there seems to have been a miscalculation of political effects if at the time of the original contract with Baltica, Government signed a contract which puts it in a position today where it

is unable to stop the sale of the incinerator to a Spanish state controlled company and put Gibraltar, whether the Government likes it or not, in a situation where refuse destruction in Gibraltar could be monitored, controlled and even stopped from Madrid.

HON CHIEF MINISTER:

Mr Speaker, the Government has not invited Sevillana to try and buy the incinerator. The owners of the incinerator made an investment which we have not got the money to make and we did not have the money to make. That is to say, had we not had a private company at the time willing to build an incinerator, the 20 year old incinerator we had which spent eight months of the year broken down, could not and would have been replaced at public expense. Certainly not without increasing the borrowing powers of the Government of Gibraltar to build an incinerator on which we would have lost vast sums of money. Therefore if in 1989 or 1990 instead of the Danes some other nationality had come to build an incinerator here in Gibraltar which would end up employing people in Gibraltar, paying tax in Gibraltar, irrespective of the nationality of the shareholders..... I do not know what the Opposition Member honestly thinks is the risk that the owner of the plant should be of Spanish nationality? We do not think.....

HON P R CARUANA:

State controlled!

HON CHIEF MINISTER:

..... that they would be able to be politically motivated by the Government of Spain telling them to stop burning rubbish because if the Government of Spain told them to stop burning rubbish we would do one of two things. Either we send the rubbish to Los Barrios because Sevillana is not burning it or we put it in the Bay. But let me say that we have absolutely no interest in Sevillana coming along. The only problem we have as a Government is that if In Town Developments Ltd tomorrow say that they are bankrupt and closing down the plant then, since we are not in a position to take it over, we would have to do one of two things. Either we will have to send the rubbish to Los Barrios or we will have to put the rubbish down the chute. At that time we might then have to choose between sending rubbish to Los Barrios or putting it down the chute permanently or allowing a sale to Sevillana. There is, as far as we are concerned, at this moment no decision to be taken and if we would have to take that

decision at that time we would have to consider which was the best option for Gibraltar at the time the decision had to be taken. Let me make it absolutely clear that we have no encouragement, as far as we are concerned, for Sevillana to buy or for In Town Developments to sell to them as opposed to somebody else and we are not asking In Town Developments to see to anybody. We have a contract with them and we expect them to fulfil that contract.

MR SPEAKER:

Next question. I think we have really flogged the horse now. If you are going to ask the same question and you are going to be given the same answer.

HON LT-COL E M BRITTO:

Mr Speaker, on a point of order. I have been asked a question and I would like to be able to answer it. The Chief Minister has said, "How does the Opposition Member honestly think that giving the refuse incinerator to Sevillana is politically dangerous?" I would like to answer that.

HON CHIEF MINISTER:

Well, Mr Speaker, I am not allowed by Standing Orders to ask questions of the Opposition Member. I cannot see what is dangerous, about a plant that burns rubbish being a company that is 35 per cent owned by the Junta de Andalucia, from a party that seems too anxious to do a deal on the airport. That is what I fail to.....

MR SPEAKER:

Order, order. We are going off at a tangent. We do not want to bring the airport into this discussion. That is the end of it. Next question.

28.10.93

ORAL

NO. 167 OF 1993

THE HON F VASQUEZ

What control does Government exercise over international lotteries based in Gibraltar?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, any lottery run from Gibraltar is subject to the provisions of the Gaming Ordinance and any other condition which might be stipulated by Government in granting a licence.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1993

HON P R CARUANA:

Mr Speaker, the Opposition has no objection or difficulty with international lotteries being run from Gibraltar. However, there is one particular international lottery that has conducted a very high profile international marketing campaign through the medium of cable and satellite television which has really associated Gibraltar inextricably from the lottery. In other words, the whole marketing campaign for this international lottery has been Gibraltar with images of the Rock. So if anything untoward were to happen with that lottery as it could happen with any business - I do not expect the Government to foresee when a scandal might happen - but if anything happened, the wider interests of Gibraltar are inextricably linked to this lottery in the minds of European consumers and the European public not because the lottery is defective or because the supervision is defective but because of the intensity of the association with Gibraltar in the media campaign.

HON J C PEREZ:

Mr Speaker, the terms on which the lottery licence has been granted is such that we are satisfied that that cannot happen.

28.10.93

ORAL

NO. 168 OF 1993

THE HON P CUMMING

What steps is Government taking to restore the operation of bus route No. 2 from Eastern Beach to Willis' Road and Flat Bastion Road so as to alleviate the plight of the many elderly residents living in the upper town area who have been left stranded by that bus route's discontinuance?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has only recently been made aware that bus route No. 2 is not operational.

After investigating the matter it has been discovered that the vehicles on the route are both out of order and that the operator claims to be awaiting spare parts from abroad for the necessary repairs to be effected.

It has been very difficult to communicate with the operator because of grave medical problems involving a close relative.

Notwithstanding this Government is attempting to seek a more permanent solution to the problems afflicting bus route No. 2, which are not new.

28.10.93

ORAL

NO. 169 OF 1993

THE HON LT-COL E M BRITTO

Will Government explain why clamping fees have gone up 20% from £25 to £30?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, clamping fees have not gone up at all.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1993

HON H CORBY:

Does Government have any say in the clamping fees going up? Have they got any intervention or can the private company put up the fee?

HON J C PEREZ:

Mr Speaker, Government have the ultimate say in deciding whether clamping fees go up or not. No one but the Government is responsible for the level of fees that are charged.

HON H CORBY:

In as far as the £25 fee is concerned, in my estate anyway, the clamping fee has gone up from £25 to £30.

HON J C PEREZ:

What the hon Member is talking about is a private fee on private property by the management committee of the estate where he lives. That has nothing to do with the public clamping fee for the public highway.

28.10.93

ORAL

NO. 170 OF 1993

THE HON LT-COL E M BRITTO

Does Government have any plans to privatise or
contractorise all or any part of the functions of the
Vehicle Test Centre?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the matter is currently under discussion with
the Union and it would be wrong for me to comment at this
stage.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

28TH OCTOBER 1993
(Volume II)

Nos. 171 to 244

28.10.93

ORAL

NO. 171 OF 1993

THE HON H CORBY

This question was withdrawn.

28.10.93

ORAL

NO. 172 OF 1993

THE HON LT-COL E M BRITTO

Does Government intend to appoint someone to the vacant post of Principal Social Worker?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 172 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, would the Minister be prepared to give a more detailed answer than just no Sir?

HON J C PEREZ:

Mr Speaker when the incumbent of the post sought to leave before retirement age, he asked that we should consider that the post should be abolished. We would not have agreed to let him go were it not that we agreed that the post could be abolished and therefore we have abolished the post and allowed that he should retire and he got abolition of office and he has retired early and we are in the process of restructuring the services so that there is no need for the post although they will all come administratively under the Personnel Manager.

HON LT-COL E M BRITTO:

Does that then mean that in that department there are now a number of people more or less of the same seniority with no one in overall charge?

HON J C PEREZ:

There is one a bit higher than the rest but she has no overall responsibility. The overall responsibility of the operation becomes part of the Personnel Manager's duties.

28.10.93

ORAL

NO. 173 OF 1993

THE HON H CORBY

Will Government explain how use of the facilities at Calpe House is requested and arranged in practice?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, patients of the Health Authority who require medical attention in the UK request the use of Calpe House at the Health Authority. Staff then pass on that request to a trustee of Calpe House who makes the arrangements with their representative in London and accordingly informs the Health Authority of these arrangements.

Patients who do not belong to the Health Authority but want to make use of the facilities put in their request to the trustees of Calpe House directly and this is then given due consideration.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1993

HON H CORBY:

Mr Speaker, are there any plans to make it compulsory for sponsored patients to go to the Calpe House or can they deal with some other bed and breakfast accommodation?

HON J C PEREZ:

Mr Speaker, any person who does not wish to use Calpe House and wishes to take the allowance available to him for him to seek his own accommodation in London is free to do that.

HON H CORBY:

I have got a pamphlet here which I got from the Community Care people regarding Calpe House which I am told is a very good facility. Are they handed over anywhere else so that people can be informed of how it works and so on?

HON J C PEREZ:

Mr Speaker, probably in the hospital, I would say, because most of the people who use Calpe House really are sponsored patients from the hospital. There are very, very few occasions when someone who goes privately wants to use the facility and the trustees, although a bit reluctant for them to use it because they are private, if they pay a fee, I think, will allow the use of the facility when there are no sponsored patients occupying the House. But I presume that those pamphlets are available in the hospital area that deals with sponsored patients and in London.

28.10.93

ORAL

NO. 174 OF 1993

THE HON P R CARUANA

Does Government accept that GBC's current revenue is insufficient to meet its overheads?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Yes Sir, that is why it is attempting to cut its overheads.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1993

HON P R CARUANA:

Will the Minister say whether those attempts to cut its overheads extend to the Minister negotiating the privatisation of radio?

HON J C PEREZ:

Mr Speaker, although it would be another question I am prepared to answer that one. Yes, Sir, in the motion that the hon Member presented at the last meeting of the House, the hon Member himself queried why it was that the GBC restructure was taking so long when we in the Government were so quick about tackling issues of this nature. I said that I would be tackling it energetically from now on but that I had had an arms length relationship before because of the sensitivity of the operation. But I am tackling it now and I have consulted with the Board of GBC who agree that I should be the one to tackle it energetically and the negotiations with a private contractor for the possibility of radio to be separated from television and be commercialised are well advanced, Mr Speaker.

HON P R CARUANA:

Mr Speaker, does the Minister accept that he has no statutory responsibility whatsoever for the negotiation of the sale of part of the Gibraltar Broadcasting Corporation and that indeed, under the terms of the Gibraltar Broadcasting Corporation Ordinance that responsibility belongs to the Board. And does he therefore accept that he is guilty of political interference in the matter of broadcasting?

HON J C PEREZ:

No, Mr Speaker, I do not agree because the Board has instructed me to proceed and His Excellency the Governor has already been told and in the final analysis, once the Board gives approval to the plan, he might be the one who needs to finally give it his consent because of the nature of the Ordinance as it stands today. So I am merely a tool for those whose power it is to solve the problem, Mr Speaker, and in doing so, what I am doing is looking after the public purse as regards the funds that we allocate in this House to the Gibraltar Broadcasting Corporation.

HON P R CARUANA:

Not to say exercising the considerable privilege of choosing the party in whose favour GBC radio is privatised?

HON J C PEREZ:

Mr Speaker, some of the members of the staff that are going over to the private contractor are, in fact, relatives of members of the hon Member's Executive Committee so he could hardly accuse me of controlling anyone at GBC, but when we come to discuss the question of control of GBC.....

HON P R CARUANA:

Will we discuss it?

HON J C PEREZ:

.... we might then discuss the nightly GSD chat show that they have got in the news every night and then we shall talk about impartiality, Mr Speaker.

HON P R CARUANA:

What worries me, Mr Speaker, is precisely that the Minister's preoccupation with privatising may be precisely so that they do not carry on. That is exactly what worries me.

HON J C PEREZ:

I have said, Mr Speaker, that the question of impartiality is for another time. But let me state clearly that being anti-Government is not being impartial; being impartial means exactly that, impartiality.

3.

HON P R CARUANA:

On a more serious note, Mr Speaker. Will the Minister confirm that he is currently engaged in negotiations to privatise and/or contractorise either the operation or management of GBC Radio in favour of Dewmont Securities?

HON J C PEREZ:

Mr Speaker, that is correct, Dewmont Securities is the party that is negotiating with me and I have been authorised by the Board to conduct the discussions with Dewmont and, as I said before, the Deputy Governor has been informed that it could be that under the Gibraltar Broadcasting Corporation Ordinance His Excellency would need to be involved in such a contractorisation which is permitted under the Ordinance as the hon Member will see if he reads it.

HON P CUMMING:

Mr Speaker, is the Minister aware that the nightly chat shows come to the GSD only because the Government refuses to face the people with information?

HON J C PEREZ:

The hon Member might solve the rift now.

28.10.93

ORAL

NO. 175 OF 1993

THE HON F VASQUEZ

Will the Minister for Trade and Industry state why the Gibcomponents Factory has closed down?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 176 of 1993.

28.10.93

ORAL

NO. 176 OF 1993

THE HON F VASQUEZ

Given that the Minister for Trade and Industry is or was the chairman of Gibcomponents Factory Limited, is the Government embarrassed by that company's apparent bankruptcy and inability to pay its creditors?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the reasons for the closure were given by the company at the time it made their position known publicly.

The Government only had a minor indirect interest in the factory and have no contingent liability due to the components factory ceasing operations.

The Opposition Member raised the same matter during the debate earlier this year on the Estimates of Expenditure and I gave the information given to me by the company including answering wider issues.

I have nothing further to add.

SUPPLEMENTARY TO QUESTION NOS. 175 AND 176 OF 1993

HON P R CARUANA:

Mr Speaker, the question is addressed at the Government; the question is whether the Government are embarrassed because it only had a small shareholding and, of course, no one is suggesting that the Government are responsible for the bankruptcy; but does not the Government see that it is inherently embarrassing, wrong and without precedent in western democracies for companies of which Ministers of the Crown are chairmen to go bankrupt and to write letters to creditors saying, "I am sorry we cannot pay you". Is that not a source of embarrassment to the Government of Gibraltar?

HON M A FEETHAM:

Mr Speaker, I listened to the tape when this matter was discussed during the debate on the Estimates in May this year and everything the Opposition are beginning to say at this point in time was answered by me extensively and it was a lengthy debate on the matter. What I am saying

to the hon Member is that having made everything public and everything they are raising has already been discussed, I do not think they have got a right to raise it again, Mr Speaker. It is like flogging a dead horse time and time again in order to continue to create public opinion. If I had not answered what they are saying I would be free to do so now, I think it is a matter of principle. We have gone into that before and if they really want an answer the answer is no, Mr Speaker.

HON P R CARUANA:

My recollection is that at the time that the Minister is referring to the factory had closed, there were redundancies, but the news of its bankruptcy in terms of inability to pay its debts had not yet broken.....

HON M A FEETHAM:

No, Mr Speaker. In fact, the Hon Mr Vasquez actually talked about the inability of the company to pay some of their creditors and, in fact, not only did I talk about the people who had not got paid but about all the work they had got from the company throughout the period that the company was open. I actually detailed right down to the last penny the pros and the cons about the whole issue of the factory to the extent that I thought I had given far too much information in order to be as fair as I could to the House. It is on record, Mr Speaker, if they bother to look back. So therefore, Mr Speaker, I have got nothing further to say.

HON P R CARUANA:

Hansard takes so long to come that we have not yet had it.

HON F VASQUEZ:

Mr Speaker, can the Government confirm that in future they will pursue a policy of disassociating Ministers from private companies precisely to avoid this sort of questionable circumstance in the future?

HON M A FEETHAM:

No, Mr Speaker, because I made it very clear at the time that the fact that I was the chairman of the building components factory was something that was requested of me not only by the shareholders but by the employees of the factory because the components factory was a key

project in order to get the Europort development off the ground. If we had had problems with the setting up of the factory and undue industrial problems in the factory the entire development project of the Government would have come to a grinding halt. It was a matter that actually people requested me, not that I wanted to be, Mr Speaker, they thought that that was a guarantee to ensure that the big investment they were going to put in Gibraltar actually got a safe passage through and the workers themselves said, "Yes, we would like you there because at least you can coordinate things for us and we can be sure we get a fair deal". That is the answer.

HON F VASQUEZ:

Mr Speaker, does not the Minister appreciate that, in fact, there is hardly a private company in Gibraltar that would not dearly love to have the Minister on its board? Of course, any company would love to have a Minister on its board precisely to make sure that all its applications for licences and all its business contacts went through in exactly the way that they should. We in the Opposition, Mr Speaker, believe that is a questionable practice. But in the light of what has happened does not this Government consider that they should review the practice of having Ministers on the boards of private companies? It is unheard of in any other parliamentary democracy, Mr Speaker.

HON M A FEETHAM:

Mr Speaker, I will answer the question again. If tomorrow another international investor comes along and says to the Government of Gibraltar, "We want to put about £100 million into the economy and we would like you to share one integral part of that development", not only would I be but I would be in every company that came along and said, "Will you please do so". In my judgement it was in the interest of Gibraltar to put that on. So as far as I am concerned, if one looks at the whole global thing the fact that I was the chairman of the company is negligible to what the positive aspects were and that is the answer. So, yes, I would do it time and time again, much to the disappointment of the Opposition Members.

HON P R CARUANA:

Mr Speaker, when the Japanese Toyota were investing several hundred million pounds in building a new car plant in Sunderland, I think it was, in the north-east of England which was regarded as the biggest investment coup in the United Kingdom for many years, if they had asked the Secretary of State for Trade and Industry in the United Kingdom to be a member of the board, does the Minister think he would have taken the same view on the matter as the Minister has taken?

HON M A FEETHAM:

Mr Speaker, I do not have to follow UK practice. This territory is two and a half square miles, with 30,000 people competing with a very big market out there and if the chance came along, as long as I am the Minister responsible for that particular part of Government policy, I would do it time and time again. In my judgement it was in the interests of Gibraltar at the time and it is a question of making decisions when the time comes, Mr Speaker, not on hindsight because something may have gone wrong.

MR SPEAKER:

Order, order. I think the Government has made it quite clear what their policy is, what their views are and obviously they are not going to change their minds. Next question.

28.10.93

ORAL

NO. 177 OF 1993

THE HON F VASQUEZ

Mr Speaker, will Government explain what practical results have emerged from the recent trade mission to Beijing?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it would be premature for anyone to believe that as a result of a trade mission or a marketing effort that practical results can be measured overnight or indeed in a matter of months, if by that the Opposition Member means financial investment.

What I can say is that Gibraltar's profile in Beijing has been raised whereas before it was non-existent.

China is an emerging economic power that raises opportunities for Gibraltar and it is up to us to tap into those opportunities. Contacts and discussions indeed continue between local and Beijing business interests.

I must add that these commercial discussions are a matter for the companies involved, not for the Government. My role is to assist in the marketing strategy of promoting Gibraltar, it is for the private sector to build on it and follow through.

I can say that a number of visits to Gibraltar have been made since the trade mission by Chinese nationals looking at our investment potential as well as that a number of companies have already been structured in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1993

HON F VASQUEZ:

Mr Speaker, I am grateful for the answer and we are, of course, aware that to some extent the trips and the missions that the Minister has been to in China has been really at the spearhead of a private group of investors and businessmen. However, we are getting reports that, in fact, Government is intending to mount some sort of educational effort located at Lathbury Barracks for the education of Chinese businessmen or something of the sort. Can the Minister give any indication as to the sort of plans that Government has in that respect?

HON M A FEETHAM:

Mr Speaker, Gibraltar has got very little to offer in terms of actual investment into China because our resources are very limited. We have got tremendous potential as a base to provide services in terms of international markets. I honestly believe that and it is a question of keeping on plugging away and hoping that we can make a breakthrough. So therefore if we go out and we say, "Come to Gibraltar", people do expect, in an international agreement, also to be able to get something from us. Therefore one of the things that I thought was that, being bilingual in Gibraltar, we could offer because of the high quality of our education, to teach English to Chinese businessmen and students, who are going to be going back into companies in China. We have put such a proposal to the Beijing authorities including the provision of accommodation and an agreement is in place. It is a matter for them to take up that agreement when they wish to do so. All the infrastructure in that respect has been agreed. It is not a matter for us to implement, it is a matter for them to do so, Mr Speaker.

HON P R CARUANA:

Mr Speaker, does the Government have any policy to offer in the run up to 1997 and all that in Hong Kong, Chinese families to relocate physically to Gibraltar? If so, has the Government placed a target figure for that and will the Government say whether they have any desire to attract people of Chinese extraction in significant numbers to come and settle in Gibraltar?

HON M A FEETHAM:

Mr Speaker, the mission that we are talking about, as far as Beijing is concerned, is mainland China; trading opportunities, services opportunities with mainland China. I think everybody has been trying to tap into the possibility of relocation of individuals and companies from Hong Kong elsewhere. We have, to some extent, marketed that particular area but we have not set any figures because it would be premature to do so until we actually know what kind of response we are likely to get. I do not think that it is Government policy, in fact, to increase the population of Gibraltar substantially by just bringing in Chinese immigration, Mr Speaker. In any case anyone that we bring in terms of what one could define as immigration would have to be people who are able to sustain themselves; who are able to have a physical presence in Gibraltar and are not going to be a problem, as far as we are concerned, on our social services, Mr Speaker.

HON F VASQUEZ:

At the risk of being accused of being spurious, has the Government stopped, when considering the furtherance of trading links with China, to consider China's human rights record? Is the Government of Gibraltar aware that a number of multi-national companies have actually pulled out and backed off from joint venture arrangements with the Chinese Government precisely because of China's appalling human rights record?

HON M A FEETHAM:

No, Mr Speaker, I have not considered that because as far as I am concerned, when I market Gibraltar I market Gibraltar strictly from an economic point of view. I do not get involved in the political aspects of other countries' human rights records. Margaret Thatcher recently made a visit there, John Major, Nixon, everybody else has gone there and they must have been thinking, like little Gibraltar which has got less chance of succeeding than these other big powers, that there must be something there that they are going to get out of China as China begins to open up. Therefore, Mr Speaker, I think that my philosophy is not to be purer than the puritans. We have got to go where the markets are going to be to try to do the best we can and let us talk less about international philosophy, Mr Speaker.

HON H CORBY:

Will the Minister state whether the schooling of Chinese students will be sponsored by the Gibraltar Government or will they be sponsored by their own funds?

HON M A FEETHAM:

Mr Speaker, what we have agreed to do is to provide education to the required level which is the standard they expect to get if they went to UK; Cambridge level, for example, for the English language and provide them with accommodation at an agreed subsidised rental which is the only thing we are going to give away to get students. That is all that we have agreed to. As far as transport, flights, and other things, it is up to the Beijing municipal government or the private companies who are sending them from China to provide.

4.

HON H CORBY:

But would the Government provide teachers, etc?

HON M A FEETHAM:

No, Mr Speaker, students sent to Gibraltar will be charged a fee which will include the charges for teaching them English in Gibraltar.

28.10.93

ORAL

NO. 178 OF 1993

THE HON F VASQUEZ

Will Government explain why the Gibraltar International Business Development Board was discontinued?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it is not a matter for the Government to explain why the Gibraltar International Business Development Board was discontinued.

The information that I have is that which must have been made available to the questioner as his firm is a member of the Gibraltar International Business Development Board, ie that at the annual general meeting and an extraordinary general meeting held on the same day, members decided to cease operations. I know nothing further.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1993

HON P R CARUANA:

Is it not the case that the whole shooting match came to a crisis because the Minister insisted that the Board should become a unit of the Department of Trade and Industry and should be physically based inside his office?

HON M A FEETHAM:

No, Sir.

HON P R CARUANA:

Did the Minister have a desire for the Board to move its operations within the Department of Trade and Industry?

HON M A FEETHAM:

Mr Speaker, the organisation was set up provisionally for 12 months to see how the thing would function. As it developed I became increasingly disappointed with the level of results and with the way the organisation was being developed. As far as we are concerned, we have no input into the Board; we did not have a representation

on the Board but we were expected to pay pound for pound as was provided by the private sector. That means that we provided 50 per cent of expenditure and if I was going to be dependent on an organisation that seemed to be going nowhere very fast and building up a bureaucracy which was entirely against my concept.....

HON P R CARUANA:

The Minister means he could not control it.

HON M A FEETHAM:

No, what I said was, "I will do my own marketing, you carry on with your own marketing if you wish" because there were an awful lot of people there who continued to support the marketing strategy that I am putting into place. If those people who wish to continue to support it they may be able to use the facilities that I have. I was not responsible for the breaking up of the organisation. I think it was more a personality matter inside the organisation than myself.

HON F VASQUEZ:

Mr Speaker, I do not think the Minister has actually answered the question. Can he confirm or deny that he made it a condition of the Government's continued involvement in the Gibraltar International Business Development Board that the Board had to transpose from its then premises to the premises at his office in the Department of Trade and Industry?

HON M A FEETHAM:

No, Mr Speaker, that was not the sequence of events.

HON F VASQUEZ:

Mr Speaker, the Minister has said that several members of the now defunct Gibraltar International Business Development Board continue to support his marketing efforts. We know that obviously he is the Minister charged with the marketing of Gibraltar abroad. In the past he has expressed publicly his support for the Gibraltar International Business Development Board and made it very clear that that was going to be the principal vehicle for the marketing of Gibraltar abroad. What now are his plans for the marketing of Gibraltar abroad to bring in all the investment that we so badly need?

HON M A FEETHAM:

Mr Speaker, again when Opposition Members do not accept what I am sincerely trying to tell them as being my judgement of the situation, they go off at a tangent. I have told them what my marketing strategy was going to be for the next 12 months when we discussed the Estimates of Expenditure, I made it very clear. If they wish me to repeat it I will do so but I think I am wasting the time of the House by saying something which I already said only a few months ago. The hon Member must check up on his facts.

28.10.93

ORAL

NO. 179 OF 1993

THE HON H CORBY

Mr Speaker, will Government say what plans there are to build a mosque at or near Europa Point in Gibraltar, and give details, such as the size and exact location, of the project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, a development licence has been granted to a Saudi Arabian foundation for the construction of a mosque at Europa to the right of Keightley Way Tunnel.

The foundation has already put into place the infrastructure and Opposition Members will have seen the works being undertaken over the last few weeks.

The Saudia Arabians who are financing the project wish to make a major public announcement when it is ready to proceed.

Under the circumstances it would not be right of me to anticipate that announcement.

SUPPLEMENTARY TO QUESTION NO. 179 OF 1993

HON H CORBY:

Mr Speaker, will the Minister say if any financial gain is to be made through this venture? Is Government selling the land; are they getting anything?

HON M A FEETHAM:

No, Mr Speaker, I think I had better give the history behind this. When we came into office in 1988, some time later towards the end of 1988, the Moroccan Association came to us with an agreement in principle they had with the AACR for the construction of a mosque at a particular site in town. The position that I took was that, in accordance with the development plan that I wished to put into place, that area was not suitable. It was in conflict with what I wanted to do but there was an agreement in place prior to us coming into office and I certainly was not going to renege on that agreement by the previous administration. Therefore after some

time I was able to find what I considered to be a suitable site in the context of my development plan which was allowing them to construct the mosque at Europa Point, Mr Speaker. That is the position and therefore I have kept to what was the previous agreement; the land has been provided free for the construction because this is a religious institution and it is the policy of not charging religious institutions for the land as, indeed, we have not done so, as far as I am aware, with the Hindu community for the building of the Hindu temple, Mr Speaker.

HON H CORBY:

So in essence if the Hon Mr Bossano's strategy is such we might have another empty building if he sends all the Moroccans back to their homeland.

HON CHIEF MINISTER:

Mr Speaker, I resent that the hon Member should preface his remark by saying that my strategy is to send all the Moroccans back to Morocco and I challenge him to say on what basis he considers that it is my strategy; presumably in isolation to the rest of the Government, to get rid of the Moroccans and it is that kind of remark that creates unnecessary racial tensions in our community. I think it is disgusting that he should say that.

MR SPEAKER:

Order, order. That is totally out of order because it has nothing to do with the question.

HON P R CARUANA:

Mr Speaker, the only thing that the Chief Minister has said in the past that could enable people to come to the view that his policy is that the Moroccan labour force should leave Gibraltar is the announcement.....

MR SPEAKER:

Order, order. That has nothing to do whatsoever with the question. Next question.

HON LT-COL E M BRITTO:

Mr Speaker, may I be allowed a supplementary?

MR SPEAKER:

If it is relevant to the question.

HON LT-COL E M BRITTO:

Mr Speaker, does the Government have an idea of the size of the minaret that will be incorporated in this mosque and what is the feeling of the Government about how obtrusive or otherwise it would be in what is generally a very flat area?

HON M A FEETHAM:

I think it is about 35 metres high, Mr Speaker. It has gone through the planning process in terms of the Ministry of Defence. We have looked at it from every point of view and, indeed, it is very much an integral part of the mosque. The mosque without what I, in layman's terms, call the 'tower' is not a mosque, Mr Speaker.

HON F VASQUEZ:

Has the public ever had any opportunity to make any comments?

MR SPEAKER:

We are going back again to the whole question of planning. That is another subject. Next question.

HON P R CARUANA:

That is what the question is about, Mr Speaker.

HON LT-COL E M BRITTO:

The question is about plans.

HON M A FEETHAM:

Mr Speaker, I think.....

MR SPEAKER:

Order, order. I have passed a ruling and that is it. Next question.

28.10.93

ORAL

NO. 180 OF 1993

THE HON F VASQUEZ

Mr Speaker, will Government explain the circumstances and reasons for the cancellation of the Hyatt Hotel project in Europort?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it is not a matter for Government to explain why a developer, at any given time, fails to proceed with a project.

The developers of the Hyatt Hotel in fact made the position known publicly in March 1993.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1993

HON F VASQUEZ:

Mr Speaker, it is interesting now to hear the Minister say that it is not for them to comment. Does the Minister deny that at the time the announcement of the opening was made this was hailed as a great coup for the Government of Gibraltar?

HON M A FEETHAM:

Yes.

HON F VASQUEZ:

If the bringing of Hyatt was a great coup for the Government of Gibraltar does not the Government of Gibraltar owe an explanation as to why Hyatt has decided not to come?

HON M A FEETHAM:

Mr Speaker, I think this is like sour grapes. Let us be clear about it, the hon Member has got the concept completely wrong because it is not a question of the Hyatt Hotel, it is Europort. The Hyatt were going to manage the hotel built by the Danes in the Europort complex.

So it is not the Hyatt Hotel; it is Europort, Mr Speaker. They were only a franchise and as to the slowing down of the finishing of Europort the reasons were made known well enough and it has been aired quite substantially, Mr Speaker. They have made their view known and everyone knows. They have had problems in Denmark and it is known there as well. I cannot say, "Look, you have got to continue to build it". If they ever get into a breach of the leases, Mr Speaker, that is the time when one can start talking about whether, in fact, Government has got any further action to take.

HON P R CARUANA:

Mr Speaker, given that the announcement that the owners would not proceed with the hotel on that site; given that that coincides roughly with the closure of certain other hotels in Gibraltar, does the Minister not recognise that the failure of the Government's tourist policy or the fact that the Government does not appear to have a tourist policy, just might have something to do with the decision not to proceed with the hotel?

HON M A FEETHAM:

No, Mr Speaker, that is totally unwarranted because one thing has got nothing to do with the other. The finishing of the Europort complex which houses the hotel has been slowed down because of the economic problems that have faced investors there, Mr Speaker. If the hotel had been built and subsequently it was not being filled to the required levels then I suppose the hon Member would have a case.

MR SPEAKER:

Order. I have been very liberal because, after all, this is not a matter of administration for which the Government is responsible. I allowed the question the first time because it was of general interest but according to the rules I must tell the Leader of the Opposition who does not agree - the closure of the hotel is not a matter of the administration of the Government and therefore it is not a question that can be asked. We cannot carry on with this. Next question.

28.10.93

ORAL

NO. 181 OF 1993

THE HON M RAMAGGE

Mr Speaker, will Government say whether the MOD has offered to hand over any or all of E Block Old Naval Hospital Road, and E and D Blocks Europa Point?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1993

HON P R CARUANA:

Mr Speaker, will the Government say whether any dispute exists, aside from their desire to charge money for the transfer of freeholds, with the MOD in relation to the transfer of any residential block that the MOD may wish to transfer and the Gibraltar Government may not wish to accept?

HON M A FEETHAM:

As far as I am aware no, Mr Speaker. But I will make a point now so that we understand exactly the view that I am taking on some of the matters of public interest. And that is that we are not going to make ourselves responsible if the Ministry of Defence have got certain properties which they have neglected to maintain over many, many years as, indeed, I found myself when we took over Cumberland Buildings which subsequently had to be demolished, much to the dismay of certain quarters in Gibraltar, and I got all the criticism for it. I will not accept any property coming over to the Government that then requires the Government of Gibraltar to spend public money in demolishing those buildings, Mr Speaker. I will tell the House the buildings I am talking about - the medical centre opposite the Royal Naval Hospital; the block at the end because, as far as I am concerned, there are about five or six other blocks of substance if we have to be responsible for demolishing. Those blocks are beyond economic repair. The MOD have not spent a penny for many, many years on those blocks and I do not see why this Minister should accept those properties and then have to tell the Chief Minister that I have got to demolish them. So there is a dispute about that sort of thing.

As far as freehold is concerned, Mr Speaker, the Ministry of Defence have got freeholds here because they had a military requirement. As far as we are concerned, we will not pay a penny for any freehold property that becomes surplus to requirements to MOD and they wish to pass over to the Government and the Government have to pay them for the privilege of leaving Gibraltar, Mr Speaker. We will not accept that and that is our very clear position.

HON H CORBY:

Mr Speaker, E Block which I think is the one facing the road at Europa Point, was housed by the Gibraltar Regiment only recently so they cannot be in a very bad state. I have been in one of the houses and it was in perfect condition.

HON M A FEETHAM:

Mr Speaker, the hon Leader of the Opposition specifically talked about disputes with the MOD; he talked about freeholds and I made it very clear on the freehold but I also said that there may be disputes and, in fact, I have already made it clear I will not accept any building that I am expected to demolish within 24 hours of taking over. The MOD have to find some way of resolving that one. As far as E Block on Old Naval Hospital is concerned, that is a freehold property and it is boarded up because the MOD have got title to it and they may wish to have a continuing use for it. I am not going to accept it back if I have got to pay for it and on top of that having to maintain it while there is a dispute with the MOD. As far as E and D Blocks at Europa Point are concerned, they have not been offered to the Government of Gibraltar at this point in time.

28.10.93

ORAL

NO. 182 OF 1993

THE HON P R CARUANA

Mr Speaker, to what use is Gun Wharf and its facilities currently being put?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the area is at present being vacated by the companies that had temporary use of it and a number of proposals for its possible future use are being currently studied.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1993

HON P R CARUANA:

Mr Speaker, will the Minister say whether any operators of fast launches have permission from the Government to use the facilities at Gun Wharf?

HON M A FEETHAM:

No, Mr Speaker.

HON P R CARUANA:

Will the Government say whether they are aware whether Gun Wharf and its facilities are being used in connection with fast launch activities?

HON M A FEETHAM:

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

HON F VASQUEZ:

Mr Speaker, can the Minister say who is in occupation of Gun Wharf at the moment and to what use it is being put?

HON M A FEETHAM:

Mr Speaker, I have already said so. We are moving out all the remnants of the companies that were there. One company, for example, was JBS that we are now rehousing as a result of the release of the workshops by PSA at Rosia. That depot is far more adequate for their requirements than the area at Gun Wharf. So we are vacating the area because in our opinion Gun Wharf has got potential for what it was purposely built and at the moment we are looking at proposals. If we get the right deal put forward then we will utilise it for that purpose.

HON P R CARUANA:

Is the Minister's position that there is no one using Gun Wharf at the moment except in connection with emptying out these stores?

HON M A FEETHAM:

That is correct, as far as I am aware.

HON P R CARUANA:

Given that his awareness may therefore be deficient, will the Minister agree to inform himself of what is going on?

HON M A FEETHAM:

No, Mr Speaker, I am not going to be wasting my time. If the hon Member has got any evidence or if he has got something to say please let him say it and we will investigate. I am not going to be running down to Gun Wharf because he has actually saying something which is

MR SPEAKER:

We are coming back again to an hon Member making a statement on a question and he is responsible for the accuracy of the statement. That is the position of the rules of this House and has to be adhered to. If the hon Member has, as he says, information on that he can say so and say based on the accuracy of his statement.

HON P R CARUANA:

With the greatest of respect to Mr Speaker, I know the ruling; he has repeated it several times today; I have made no statement. I have asked the Minister whether he will investigate whether Gun Wharf facilities, contrary to his understanding, is being used for any purpose. That is neither a statement nor an insinuation.

MR SPEAKER:

That is a tacit statement that something is going on at Gun Wharf and therefore the hon Member must come out straight and say so. What we cannot have anymore are imputations, insinuations and inferences which are not allowed under the rules. Order, order, that is the ruling. Next question.

ORAL

NO. 183 OF 1993THE HON F VASQUEZ

Mr Speaker, does Government not consider the dumping at the reclamation south of the Caleta Palace Hotel to be damaging to Gibraltar's tourist image, to the residents of Catalan Bay and to the users of Catalan Bay Beach?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the disposal of building debris is utilised to assist in land reclamation and coastal protection. In the case of the area south of the Caleta Palace Hotel, a limited amount of building debris has been used to help strengthen the area below the road.

Work in this area will continue and even if in the period when this happens it is unsightly, the eventual result is an improvement to the area. Obviously this is true of whatever area is chosen to dispose of the debris.

SUPPLEMENTARY TO QUESTION NO. 183 OF 1993

HON F VASQUEZ:

Mr Speaker, does not the Minister accept that, in fact, the whole of the east side, from Eastern Beach down to the old Both Worlds, is an unsightly mess and has been for a couple of years now of lorry parks, dumping sites, rusty mechanical hulks, machinery, hoardings, etc and is it the Government's intention to grant any priority to the beautification of this area for Gibraltar's tourist industry?

HON M A FEETHAM:

The answer to both questions is yes, Sir, I do think it is unsightly. Yes, Sir, when we have finished the works we will improve the outlook of it, Mr Speaker, but it is not an easy process because if those lorries were not there they would be somewhere else, Mr Speaker. In two and a half square miles where most of the frontal areas are taken up by things which are worth more to the economy than the space that we have produced, then it is a question of the negative against the positive and it is not an easy thing to dispose of debris which has to be put somewhere. So one has got to be patient about this, Gibraltar has to be patient about it; it is unsightly but we will try to improve it when we have finished the dumping of the debris, Mr Speaker.

HON F VASQUEZ:

Yes, but I really take no comfort, Mr Speaker, from what the Minister is saying. Is the Minister saying that, in fact, the east side of Gibraltar is going to continue looking as the tip that it is now until the whole of the east side reclamation is finished?

HON M A FEETHAM:

No, Mr Speaker, until we are unable to reclaim any further land in that area. That is determined by the depth of the water, which, for the comfort of the hon Member, now indicates that we have virtually gone as far as we are able to in this type of protection to reclamation. There will have to do something more sophisticated if we went further out. Incidentally, Mr Speaker, we are trying to be successful in doing the east side reclamation project and the tunnel. Phase I of the area that we have reclaimed was going to be for placing the rocks from the tunnel as part of the major east side reclamation. If we did not have an area for use by the contractor and for placing of rocks for the reclamation for the future we would not be able, in fact, to do the east side reclamation, Mr Speaker.

HON F VASQUEZ:

One final question, Mr Speaker. Can the Minister say whether the long-term idea of the east side around Gibraltar's only sea front hotel is to develop the area touristically or is it going to be developed industrially?

HON M A FEETHAM:

Touristically! It is part of the tourist infrastructure, Mr Speaker, that is in the development plans that I made public two years ago.

NO. 184 OF 1993THE HON P R CARUANA

Mr Speaker, are the Government satisfied with their success to date in achieving their stated aim, for this term of office, of marketing abroad for new customers to use the infrastructure created during their first term of office?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the aim of the Government is to attract new customers to Gibraltar who will make use of the infrastructure created in the first term of office of the GSLP in order to generate economic activity and employment to make up for the loss of such customers arising out of the MOD rundown.

Clearly this has not yet happened and therefore the Government cannot be satisfied with the results until those results bring about the achievement of its stated aim of policy. Having made that clear it has to be said that the very nature of marketing Gibraltar in international markets, in competition with similar marketing efforts by Governments from other countries in competition with ourselves, means we are not able to guarantee how quickly or in what volume new businesses are going to come to Gibraltar.

The Government is however fully satisfied that the strategy of investing to create the necessary infrastructure to be able to offer potential customers Gibraltar as a location in the EC, was the correct and indeed only alternative open to us, and that the efforts to attract new businesses must continue however tough the competition may be. The Government is concerned that the most important element in the success of this strategy is being able to ensure that there are no doubts cast over our membership of the Community and our ability to operate as a self-governing European territory able to offer competitive facilities to what is available in the other 12 member States.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1993

HON P R CARUANA:

I distinguish between the theory and the practice, Mr Speaker. Is the Minister aware that the marketing effort, nearly two years into this term of office, has yielded any fruit at all? In other words, to his knowledge, have any new businesses come to Gibraltar from abroad in this two year period?

HON M A FEETHAM:

Mr Speaker, in fact, again during the debate on the Estimates I actually listed the number of new businesses that had come to Gibraltar during the course of the previous 12 months. If the hon Member wants an honest answer, because that is the only way I can express it, I will say that I will never be entirely satisfied with my efforts or with anybody else's efforts because I am very conscious of the crisis that we are in of trying to make Gibraltar self sufficient in keeping with the programme of the British Government to continue to reduce its presence on the Rock. So therefore, as far as I am concerned, the personal commitment of the Government is to do everything that is possible. I am not entirely satisfied, I will not be entirely satisfied until we have filled up Europort; until we have filled up the industrial park; until every lawyer in Gibraltar is doubling his business; that is when I will say, "At least we have done something". In the meantime we will just have to continue.

HON F VASQUEZ:

Mr Speaker, does Government think now in the light of the apparent lack of success in attracting new businesses to Gibraltar over the last couple of years, that the expenditure of almost £30 million of taxpayers' money on the New Harbours development was a justifiable gamble?

HON M A FEETHAM:

Yes, Sir. As far as I am concerned, it was a justifiable investment. During the debate on the Estimates I said that we were 40 per cent take-up capacity in warehouses and workshops, I can happily say that we have got now 51 per cent of space in the warehouses and workshops taken up. It has given a lot of Gibraltarian businesses an opportunity to expand their capacity, to take advantage of the new opportunities as a result of the opening of the frontier and other possibilities of diversification. So I am quite happy, Mr Speaker, and time will tell.

HON F VASQUEZ:

Mr Speaker, one final question. We are now hearing that 51 per cent of the warehouses and workshops have been let. What proportion of the entire area of New Harbours, including all the offices that have been constructed, have now been let?

HON M A FEETHAM:

I think in that respect it is about 41 per cent.

HON F VASQUEZ:

Of the entire... ?

HON M A FEETHAM:

Yes, it is three months since it opened.

ORAL

NO. 185 OF 1993THE HON M RAMAGGE

Mr Speaker, will Government comment on the state of -

- (1) Calpe Quarters
- (2) No. 15/20 Town Range
- (3) Police Barracks

and say what plans, if any, it has to improve the living conditions of or rehouse the tenants?

ANSWERTHE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, investigation of the three properties referred to by the hon Member has taken place and the advice submitted to my department by the professionals was that they do not represent any immediate danger to the tenants.

Nevertheless the process of decanting 15/20 Town Range has already commenced.

A decision will also be taken in due course by the Housing Allocation Committee on the possibility of rehousing some tenants from Calpe Quarters.

With regard to the Police Barracks, these are currently being used to temporarily house social cases. These cases will eventually be rehoused on the basis of their pointage.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1993

HON H CORBY:

Mr Speaker, I visited the Police Barracks when we raised the petition and there are people there who are not in a decanting sort of situation but who have been there for quite a number of years.

HON J L BALDACHINO:

Mr Speaker, I have already said that some of the tenants, I think there are about three of them, who are still there from the AACR days will obviously be decanted on the basis of their pointage when their time comes up on the waiting list and it is something that the Housing Allocation Committee will take into consideration when they allocate houses.

HON H CORBY:

Does the Minister have any problems with Town Range because I believe there is a minority who do not want to leave Town Range?

HON J L BALDACHINO:

Mr Speaker, I understand that there are people in Town Range who do not want to move but obviously if the thing gets worse and they are in danger, the Government, as a good landlord, will have no other option but to move them.

HON LT-COL E M BRITTO:

Mr Speaker, in November 1988 in answer to a question from me, the Minister said that it was Government policy to demolish Police Barracks. I will produce Hansard if he likes but that is my recollection of the answer. My question then is, is it still Government policy or has it changed and if it still is how much longer will it take before it is demolished?

HON J L BALDACHINO:

Mr Speaker, I have a good recollection of what I say in this House and if the hon Member can produce Hansard then obviously if I have said that - which I have not - then obviously I will give him an apology. What I said was that the Police Barracks would cost in the region of about £1.8 million to refurbish and that the Government would not see it viable to spend £1.8 million on 28 houses. That is what I said. I never mentioned anything about demolishing the place. Obviously, as the hon Member must also be aware, there have been questions in this House - during budget time - that some developers were interested in the Police Barracks to convert into luxury flats. That is also in Hansard but I have never mentioned that the Police Barracks would be demolished. If I remember correctly, I said that it would be virtually impossible to demolish the Police Barracks due to its location.

HON LT-COL E M BRITTO:

If I remember rightly, Mr Speaker, it was a question of redevelopment which by implication means the demolishing and rebuilding but we shall leave it until we look up Hansard, Mr Speaker.

NO. 186 OF 1993

THE HON LT-COL E M BRITTO

Is Government satisfied with the security arrangements at the airport?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, considering the two incidents we had this summer that broke the security arrangements, will Government say what improvements there have been to security to make them now satisfied because presumably they could not have been satisfied before?

HON J E PILCHER:

Mr Speaker, the question was, "Is Government satisfied with the security arrangements at the airport?" None of the two incidents which the hon Member is referring to have anything to do with the airport, ie the air terminal but have to do with the Ministry of Defence side because we have an open airport and therefore I am not answerable in this House for the security arrangements of the RAF in relation to their side of the airport.

HON LT-COL E M BRITTO:

Mr Speaker, the Government may not be answerable for the security arrangements but it is Gibraltarians who are boarding aircraft and therefore, surely, the Government has a responsibility and an interest for satisfying themselves that the arrangements are adequate and if they are not considered adequate then they have a responsibility for taking up matters with the RAF to make sure that they are adequate. Will the Minister accept that two incidents of that nature indicate that there is something wrong with the security arrangements and I would have thought they would have taken an interest.

HON J E PILCHER:

Mr Speaker, the question, "Is Government satisfied with the security arrangements at the airport?" I take it that this means 'Is the Government satisfied with the security arrangements at the airport now?' The answer to question was, "Yes, Sir". The two incidents on the supplementary were two incidents that happened two months ago at the airport, in fact, one of which affected the hon the Chief Minister.....

HON P R CARUANA:

This is why we are so worried about it.

HON J E PILCHER:

Yes, I accept that that is why the Opposition are so worried about it. Those incidents have already been discussed between the parties concerned, Mr Speaker, and we now have a security handbook which relates to all those areas; and what I was trying to inform the hon Member is that none of the two breaches of security were aspects of the responsibilities of security within the RAF complex on which we have no jurisdiction. But we have discussed this matter with the RAF authorities and we now have a security handbook, Mr Speaker, that covers all the eventualities. The hon Member must understand that because of the situation in which the airport and the airfield find themselves it is a very difficult area to secure because it has got a road going across it; it has got the Fire Brigade just in front of it and it has got various entrances and fences around it and therefore security is a difficult road but one on which I am satisfied and this is why I said, "Yes, Sir" that today that security has been addressed by all the parties concerned.

28.10.93

ORAL

NO. 187 OF 1993

THE HON LT-COL E M BRITTO

Will Government explain the new arrangements for immigration control at the Airport?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the arrangements for dealing with immigration control at the Airport are unchanged.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, have there been any changes in the personnel that control persons arriving at the Airport and entering Gibraltar?

HON J E PILCHER:

Yes, Sir.

HON LT-COL E M BRITTO:

Then, Mr Speaker, the arrangements for immigration control at the Airport do not remain unchanged.

HON J E PILCHER:

No, Mr Speaker, the 'arrangements' is the system or the law that is in place at the Airport that deals with immigration. That has been unchanged. What the hon Member is asking is whether we have changed the manpower arrangements that service the immigration, Mr Speaker, as indeed the hon Member knows that there has been and what I would suggest is that in future the hon Member asks the question that he wants answered.

HON P R CARUANA:

Will Government explain the new arrangements?

HON LT-COL E M BRITTO:

Is the Minister asking Opposition Members to contact them first and ask them how to word the questions? He knows perfectly well what the question is, is he prepared to answer it?

HON J E PILCHER:

Mr Speaker, if the hon Member is asking me whether there are new arrangements then the answer is there are no new arrangements.

HON P R CARUANA:

Does the Minister really think that he is being anything other than pedantic when he suggests that transfer of the control of immigration from the Police to another entity is not new arrangements?

HON J E PILCHER:

Mr Speaker, exactly, the Minister is not being pedantic because we have not passed the control of immigration from the Police to a company. Mr Speaker, the word that has been used by the hon Member is that I am being 'pedantic' because we have passed the control of immigration from the Police to a private company.

HON P R CARUANA:

No, I have not said 'private company, I said 'other entity'.

HON J E PILCHER:

Immigration, Mr Speaker, is the prerogative of the Commissioner of Police by law. The Commissioner of Police has appointed certain people to do the functions previously carried out by the Police so instead of having appointed the Police he has appointed other individuals who, by the way, are not individuals, as the hon and gallant Col Britto said in the Chronicle, who "are untrained individuals appointed in the typical GSLP style of giving jobs to those who they consider are friends and supporters". Mr Speaker, the Commissioner of Police, after conducting interviews and training, has appointed a number of individuals to carry out the function of immigration under his prerogative as the Commissioner of Police. What is pedantic and scandalous are those types of allegations about people, Mr Speaker, who are doing a job at the Airport and to whom the Opposition Member referred to.

HON LT-COL E M BRITTO:

Mr Speaker, if the Government were more forthcoming in information then maybe we would not be misled by press reports as we appear to have been.

HON J E PILCHER:

No, Sir, because I also have the.....

HON LT-COL E M BRITTO:

I am still on my feet, Mr Speaker. Now that we are getting some information, will the Minister clarify whether those persons appointed by the Police are public servants as employees of Government or whether they are employees of a private company?

HON J E PILCHER:

They are employees of a private company; Terminal Management who have the contract to run the operations of the air terminal; the security at the air terminal and the immigration at the air terminal. A totally private company and not a joint venture as, again, the hon and gallant Colonel Britto wrongly stated in the Gibraltar Chronicle.

HON LT-COL E M BRITTO:

Mr Speaker, are we then saying that the Commissioner of Police is deciding who the staff of Terminal Management is?

HON J E PILCHER:

No, what we are saying is that the Commissioner of Police, having interviewed and trained these people, is satisfied that they can do the job at the immigration counter at the Airport equally as well as one of his policemen can do.

HON P R CARUANA:

Is the Minister satisfied that it is entirely proper for the control of immigration into Gibraltar to be in the hands of persons who are not public servants; who are not bound by General Orders or Standing Orders as they affect public servants; in effect they are just private individuals, employees of a private company and they decide who can come into Gibraltar and who cannot?

HON J E PILCHER:

Mr Speaker, the first part of the question is yes, Sir, I am satisfied that the people appointed by the Commissioner of Police are doing the job that they should. But the immigration schedules and operations are a part of a law so the persons there are there to implement the law, not to implement their own desires.

HON P R CARUANA:

The law gives the immigration officers a very large measure of discretion on the spot as to who they let through and who they do not let through and this discretion is now being exercised by employees of a private company.

HON J E PILCHER:

No, Sir, that is incorrect. The flexibility is not on the person who is at the Airport or the frontier or anywhere else; it is in the Principal Immigration Officer who retains that function, Mr Speaker.

HON P R CARUANA:

The Principal Immigration Officer does not go to the Airport every time an aeroplane lands.

MR SPEAKER:

Order, order. I think we now know; the information has come out as how immigration is controlled. That is what I think the question was seeking. Next question.

NO. 188 OF 1993THE HON LT-COL E M BRITTO

Will Government explain what arrangements exist for an emergency supply of electricity to the air terminal to maintain service to the public during a power cut?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, emergency lighting automatically switches on and is available for up to six hours.

Arrangements also exist to connect generators to supply electricity to the air terminal, for prolonged periods, if necessary.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, is this a new arrangement since there was an incident last summer when a cable was cut and there were prolonged interruptions to the supply to the airport?

HON J E PILCHER:

Mr Speaker, I dare say that the incidental which is being referred to by the hon Member was an incident where a major power cable was actually cut by a construction company working, Mr Speaker, and obviously the emergency supply came in for six hours but at the end of that it was a major power cut which I think, in fact, was in the region of 10 days, if I am not mistaken. Electricity generators were taken there and minimal supplies were maintained but obviously nowhere near the supply that would have to be met for this eventuality. We are not geared up for long power breakdowns of this kind because this was not a normal thing. This was a major accident which occurred in the area.

HON LT-COL E M BRITTO:

Precisely, Mr Speaker, the Minister may not have realised that the thrust of my question was aimed at a major power cut in what is, after all, the lifeline out of Gibraltar and reports coming back to us in the Opposition were of considerable inconvenience to tourists due to the heat and the lack of things like air conditioning working.

Therefore, Mr Speaker, my question is will the Minister consider what emergency power supply can be had as a back-up in case of a similar occurrence because, again, Mr Speaker, the power generators that were in use at the time were inadequate, did not have enough supply to maintain the whole of the services of the air terminal?

HON J E PILCHER:

Mr Speaker, I am afraid I cannot give that guarantee because emergency lighting system is adequate to cater for power cuts and minor disruptions of service. There is no way that the airport can cater for major disruptions of service in an accident because we do not expect that we will have many of those, Mr Speaker. The hon Member is right when he said that the air conditioners were not on because obviously one cannot supply enough power through generators to keep the air terminal running as if we had a normal power supply. So the lights were on but things like air conditioning systems absorb too much power and we were unable and would be unable, anyway, to provide that kind of back-up because that would cost a fortune, Mr Speaker, and it is not warranted given an accident every

HON LT-COL E M BRITTO:

What worries me, Mr Speaker, as a final question is that on this occasion we had the occurrence at the airport but it is conceivable that there could be a similar occurrence somewhere else like a hospital which would involve long-term interruption of power supply. It seems to me that it would be prudent for the Government to have some sort of portable generator back-up on supply in the case of an interruption to say the hospital.

HON J C PEREZ:

Mr Speaker, it is not possible technically. One would have to have for each of those facilities a generating station of its own and that is impossible. The only thing one can have is small generators for emergency lighting which is what the airport has for lighting and for baggage handling. When one has two sources of generation one could argue that the RAF should act as a standby but they have refused to do that on many occasions in the past. I am sure the hon Member is not suggesting we should connect to Sevillana as a standby.

MR SPEAKER:

We have gone off now from the air terminal to emergency supply of electricity in Gibraltar generally.

28.10.93

ORAL

NO. 189 OF 1993

THE HON F VASQUEZ

Does Government consider the recent marketing campaign in Spain to encourage week-end shopping trips to Gibraltar to have been a success?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1993

HON F VASQUEZ:

Mr Speaker, can the Minister say then whether there has been a marked increase in the number of shoppers in Gibraltar on a Sunday and can he indicate to the House how many shops are open on Sundays in Main Street?

HON J E PILCHER:

Mr Speaker, there has been a slight increase in the number of Spanish nationals staying in hotels over the week-end and there has been a marked improvement in the Saturday market in Main Street. The Sunday shopping has not been very successful because there was not a very encouraging back-up by shops to the campaign which, incidentally, was launched by the Chamber of Commerce and the Gibraltar Information Bureau. One thing that the Hon Mr Vasquez has to take into account is that these type of campaigns and these type of programmes are not successful overnight, it takes at least two or three years for these types of programmes to become part and parcel of what is being offered in a particular country as regards another destination. So yes, the Chamber of Commerce is happy, the Gibraltar Information Bureau is happy and I think the hotels have shown that the Spanish element, although still very small, has grown slightly this year, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, the Minister has said that there has been a little more shopping on Saturday; Gibraltar has always experienced busy Saturday shopping and virtually nothing happening on Sunday. What are Government's intentions in this respect? The campaign so far has actually had very little effect of improving. I do not see hoards of people shopping in Gibraltar on Sundays which I think was the idea when the campaign was initiated.

HON J E PILCHER:

Well, I am not sure if the hon Member is here on week-ends to see it. I have answered his question, I have answered his supplementary and he can draw his own conclusions. We feel it is successful and together with the Chamber of Commerce we will continue the programme into next year.

NO. 190 OF 1993THE HON F VASQUEZ

Given the official announcement in the UK that the travel industry is out of recession and given also the high occupancy rate enjoyed this summer by hotels on the Costa del Sol, to what does Government now attribute Gibraltar's continuing failure to attract significant numbers of overnight tourists?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, as is usual with Mr Vawsquez's questions and statements on tourism, this is totally unresearched and contains wide-sweeping statements which are incorrect. Since the whole basis of the question is flawed, I do not believe that the question merits an answer.

SUPPLEMENTARY TO QUESTION NO. 190 OF 1993

HON F VASQUEZ:

Is the Minister saying, Mr Speaker, that he is satisfied with the performance of Gibraltar's overnight tourist industry?

HON J E PILCHER:

No, Sir, the Minister is not saying that.

HON F VASQUEZ:

So then to what does he attribute the lack of success, he is the Minister in charge of the industry. Can he explain to this House to what he attributes his lack of success? We are seeing a continued degeneration in the overnight stay tourist industry in Gibraltar. What does he plan to do about it and to what does he attribute the unprecedented failure of Gibraltar's overnight hotel industry?

HON J E PILCHER:

Mr Speaker, I have already on two Budgets, maybe on three, discussed the overall policy of the Gibraltar Government on tourism. In fact, I will repeat what my hon colleague said; we discussed this matter on the Budget not too long

ago; what I will not do, Mr Speaker, is go into a debate with the hon Member. He has got every right to bring a motion to this House during which I will be glad to discuss the policies of the Gibraltar Government. What I will not do, Mr Speaker, is answer the question which is totally flawed because the UK market is still not totally out of recession; the Spanish hotels are only full in August and part of September because there is also a major recession in Spain as any Gibraltarian who goes to the Costa del Sol now will see, Mr Speaker. We have not had a total failure because the overnight market grew by about four or five per cent last year and has grown again this year. Although we are still not growing fast enough to catch up what we lost, we are growing and therefore, fine, that may be termed as a failure by the Hon Mr Vasquez but it is not termed as a failure by me or all those people in the tourist industry who are working very hard to get back to where we were, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, I am amazed to hear the Minister claim that the hotel industry is growing in Gibraltar and that everyone in the industry is perfectly satisfied with his performance. Is the Minister not aware that, in fact, two hotels have closed in the last year. I know the Minister keeps saying, Mr Speaker, that I keep raising the question but the fact is that we have had another unsuccessful tourist season since the last time I raised the question and I think it is about time that we got satisfactory answers to these questions. He is saying that all the operators in the industry are satisfied with this performance and he is claiming that the industry is growing, which I consider a view totally detached from reality. My question is how does he then react to the statements made by Mr Gary David, who I think was the chairman of the Gibraltar Tourist Association, who said on the 21st October - a week ago - Mr Speaker, "Alas, all this work is in vain if the Gibraltar National Tourist Office is only given a shoestring budget with which to promote the Rock. Gibraltar needs a national advertising campaign linked to sustain public relations work. It appears that there will be no increase in the budget for the next 12 months as so the Gibraltar National Tourist Office and the GIB will have to continue at half pace which means no dramatic improvement to local tourism." What is the Minister's reaction to that statement, Mr Speaker?

HON J E PILCHER:

I do not have a reaction to that statement, Mr Speaker. I have already said what I had to say.

NO. 191 OF 1993THE HON LT-COL E M BRITTO

Will Government undertake to extend the bathing season as from 1994?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister explain why?

HON J E PILCHER:

Yes, Mr Speaker, because in 1988, when we came in, the summer season which was operated then by the previous administration was one which was not related to the utilisation of the beaches. In 1989, Mr Speaker, we started the system of beautifying the beaches; we started the operation of proper lifeguard services, proper cleaning services and we started to curtail the summer season. What we realised was that the summer season was really geared towards the school term. So when the children were on half days that was when most of Gibraltar started to go to the beach, Mr Speaker, and a week after the children went back to school full day, that is when most of the beach goers stopped going to the beach. Although there is a percentage of people who go to the beach before and after, mainly at weekends, what we do normally, Mr Speaker, is that we clean the beaches in advance of the summer season; we clean the beaches at the end of the summer season for as long as it takes for the people to either stop going or start going. So there is a mechanism by which the beaches and the changing rooms are cleaned. The changing rooms are open during these periods but there is not the operation of the beaches such as the lifeguards and the total cleaning services because that is costly, Mr Speaker. It is not necessary when there are only 50 people on the beach. It is necessary when the beach is full. That is why we are not extending it. We have tried this now for three years and it has worked, Mr Speaker, and in this particular year we opened the changing rooms at least four weekends before the official start but we did not put in the lifeguards, etc because that is a very costly affair.

HON LT-COL E M BRITTO:

Mr Speaker, will the Government accept that what the Minister has just said is not entirely accurate? Whilst agreeing that the majority of people use the beaches within the parameter dates of the school term, one cannot dismiss, as the Minister has done, the use of the beaches by about 50 people outside the parameters of the school term. Will the Minister accept that much greater numbers than 50 people use the beaches from as early as Easter; that the cleaning of the beaches never starts early enough; that people use the beaches and they are still unclean, with the possible exception of last year when cleaning started earlier than previous years; that it is undesirable for people to be using beaches that are unsafe for them to be using without lifeguards - costly as I appreciate the Minister's comment is of having the lifeguards in; and that in general terms in a place with a climate like Gibraltar, it is to the benefit of a fair number of people that the facilities of the beaches be available from much earlier on than two or three weeks before the beginning of the school holidays?

HON J E PILCHER:

There are various points that have been made by the hon Member. First of all, I think he used the word 'discarded'; at no stage am I discarding any of the users of the beaches. He said how could I discard all the users of the beaches, I am not. I think the second point is whether it is 50 or 70, I put a figure of 50, Mr Speaker, because what I was trying to point at was the fact that there is a much lower utilisation of the beaches prior to the ending of the school term. Mr Speaker, the hon Member then said 'except for last year'. But he forgets that last year was the last summer term and what I have told him, Mr Speaker, is that over the last three years we have been monitoring the trend and we have improved on the system every year. So last year we started cleaning the beaches earlier on so that people could use them in advance of the summer season. We will continue to do that next year. But, Mr Speaker, although in general I accept the comments that the hon Member has made, at the end of the day, like everything else, it is a matter of expenditure. We now have a system whereby if there is no flag flying it means that there is no lifeguard. If the hon Member says it is dangerous to swim when there is no lifeguard, well then I suppose we will have to provide lifeguards for the 12 months of the year because we do get people swimming in New Year's Day in Catalan Bay. We have to provide the services and I think this year, Mr Speaker, we have provided a good service to the Gibraltarians in the beaches and that is the most that we can afford.

NO. 192 OF 1993THE HON LT-COL E M BRITTO

Will Government ensure that beach cleaning arrangements operate throughout the year in order to prevent coastal pollution, environmental hazards and eyesores on our beaches and to render the beaches available to the public during the non-summer months?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 192 OF 1993

HON LT-COL E M BRITTO:

A predictable answer, Mr Speaker, and as the Minister has covered his reasons which obviously in the Opposition we do not agree with, I see no validity in extending the question except to ask him to appreciate that we do not agree with the viewpoint; that we think that in our limited spaces in Gibraltar beaches are a valuable recreational area, as obviously is Camp Bay which is very heavily used in the winter and that we feel that some effort should be made in this direction.

HON J E PILCHER:

Mr Speaker, the answer is "No, Sir". The hon Member, I think, is talking about maintaining the cleaning arrangements we have during the summer months throughout the year. That is why the answer is no, Sir. In any case, I have already given him the explanation in the previous answer. That in no way means, Mr Speaker, that there is not cleaning of the beaches during the winter months with particular emphasis on Little Bay and Camp Bay because those two beaches are used as beaches in the summer and promenades where people go to picnic and to take their children to playground areas during the winter. So Little Bay and Camp Bay are cleaned during the winter as, indeed, are some of the other beaches but not to the extent that they are cleaned during the summer months. So I think the hon Member will realise, if he did not do so last year, that during the winter months certainly Little Bay and Camp Bay are cleaned thoroughly and regularly and serviced regularly and have the toilets open and are serviced with wastepapers etc but the beaches on the east side are cleaned less regularly because they are not used during the winter months.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister appreciate that the question does not ask for maintaining of the same service during the winter as during the summer? It just says, "Will Government ensure that beach cleaning arrangements operate" - and I appreciate that they cannot be the same during the winter but it would appear to the Opposition, that whatever arrangements there are for cleaning mainly Eastern Beach during the winter are not sufficient enough because the beach tends to remain littered for long periods in winter.

HON J E PILCHER:

Then, Mr Speaker, given the clarification which the hon Member has made, I will change my five letter answer to six letters and I will say, 'Yes, Sir'.

NO. 193 OF 1993THE HON LT-COL E M BRITTO

Does Government have any plans to provide adequate car parking facilities for users of Sandy Bay?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, there are no plans to increase the existing car parking facilities at Sandy Bay.

SUPPLEMENTARY TO QUESTION NO. 193 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, are the Government satisfied with that situation and do they not think that it would be a good idea to try to change it?

HON J E PILCHER:

Mr Speaker, of course the Government are not satisfied with those arrangements, it is just that those are the arrangements that there are. There is no further space in that area for extra car parking and it is not possible, without going into huge expenditure, to produce car parking facilities. If we were to decide that perhaps we would then be told, "Do not do it and spend it on the handicapped centre instead".

HON LT-COL E M BRITTO:

I think, Mr Speaker, that the Minister has genuinely misunderstood my question. Will he appreciate that by adequate car parking I do not mean car parks that do not exist. I am not suggesting that he dig up half of the sand out to provide car parking or to reclaim to provide car parking. What I am suggesting to the Minister, if he will consider it, is a reversion to the situation that existed and has always existed in that area for many, many years in which traffic - mainly during the summer months - went in one direction only at least at weekends when the beaches are more heavily used; that the posts that are on the pavement be removed and that parking be allowed on the pavements in that area so that people can park in the way they have parked for years. Traffic has always been able to move as long as there is a one way flow of traffic and not two way as there has been since the Queensway closure some time back.

HON J C PEREZ:

Mr Speaker, at the beginning of the summer season I put the same point of having a one way system to the Traffic Commission who considered it on two occasions and turned down the request on the advice of the Police. The Police retained a certain amount of leeway to change the system at short notice, if need be, but they thought that the flow of traffic in Gibraltar generally would best be served by having a two way system. We have had problems with very heavy vehicles passing through that area during the hours when the beach was used. Let me also say that the practice of parking on the pavement, which is what the hon Member would like us to continue to allow, is illegal. The pavement is normally beside a retaining wall; the weight of the vehicle on the pavement damages the pavement and sometimes the retaining wall and even if we reverse the flow of traffic there has to be a greater and stricter control of vehicles by not being allowed to park on the pavement. I know that the pavements in that area are in a very bad condition and not worth preserving but the effect that it can have on the structure of the retaining walls could be very serious indeed and that is why we ought not to encourage the parking of vehicles on the pavements. There have been some new parking spaces created past the gate towards the tunnel which did not exist prior to 1991 and therefore the situation has somewhat been alleviated by that. Perhaps if we continue with the reclamation in the area which the hon Member was complaining about, we might get to a stage when we might be able to provide parking facilities in new reclaimed land but at the moment it is impossible to create more parking spaces than the ones that are available.

NO. 194 OF 1993THE HON F VASQUEZ

Is Government making available to the Gibraltar Heritage Trust any of the income it is deriving from Gibraltar's historical sites and, if so, how much has been paid to the Heritage Trust in this way in 1993?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Gibraltar Tourism Agency provides the Gibraltar Heritage Trust with a percentage of the income derived from the Gibraltar Museum. During the period 1 January 1993 to 30 September 1993, £738.10 has been provided to the Trust.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1993

HON F VASQUEZ:

Mr Speaker, may I remind the Minister that section 7 of the Gibraltar Heritage Trust Ordinance provides that the funds of the Trust shall consist of any monies received from the Tourism Agency by way of royalties on ticket sales for admission to any properties on which the Trust has any interest by virtue of schedules 1 and 2 and which are administered or managed by the Agency. Schedules 1 and 2 set out all the historical sites. Does the Minister not agree that the intention of the Ordinance was that the Trust should draw an income by way of royalty out of all the income the Tourism Agency was deriving from all the historical sites and does he think that this paltry amount of £700 afforded by the Museum constitutes sufficient compliance with that section?

HON J E PILCHER:

No, Sir, the Minister does not believe that that was the spirit in which the Ordinance was written because I together with the Heritage Trust drafted the new Ordinance in 1988/89 and the agreement with the Heritage Trust was, at the time, that as regards any sites in which the Heritage Trust had an involvement we would agree what would be the percentage that they would obtain from the ticket sales. I will give the hon Member an example. At the moment we are developing, in conjunction with the Heritage Trust, the Parsons Lodge site. If that were ever

to become a tourist site then obviously the Heritage Trust would get a substantial percentage of the ticket sales. In fact, in the case of Parsons Lodge they possibly would get 100 per cent of the ticket sales because they are doing the project and we are just liaising with them. That was the spirit under which that particular section was drafted, Mr Speaker, and we have kept to the letter of the law and certainly the spirit of the law and that has been discussed with the Heritage Trust in the past.

HON F VASQUEZ:

Mr Speaker, I am interested to hear the Minister say that that was the spirit and that that was the intention of the Ordinance. The fact is, Mr Speaker, that that is not what the Ordinance says. The Ordinance makes it very clear that the Heritage Trust was going to derive an income out of sites managed or administered by the Tourism Agency and the sites from which it was to derive such an income were the sites set out in schedules 1 and 2 of the Ordinance which include all Gibraltar's historical sites. I am referring him to the wording of section 7 of the Ordinance. Is the Minister saying in this House that Government is complying with its undertaking and with its obligations under that Ordinance, Mr Speaker?

HON J E PILCHER:

Yes, Sir.

28.10.93

ORAL

NO. 195 OF 1993

THE HON L H FRANCIS

Will Government establish a permanent exhibition of Gibraltar memorabilia to enhance Gibraltarians' sense of identity and illustrate Gibraltar's history for the benefit of current generations of Gibraltarians and visitors?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, as we have announced publicly and in this House, the Government is no longer responsible for the operation of the Gibraltar Museum. However, the Museum Board has already agreed, as part of its overall programme, to establish a Gibraltarian Gallery which will contain Gibraltar memorabilia. This Gallery will be the central theme of the "Gibraltar Experience" within the Museum which is meant to illustrate the history and culture of the Gibraltar people and their identity.

28.10.93

ORAL

NO. 196 OF 1993

THE HON L H FRANCIS

Mr Speaker, will the Minister for the Environment ensure that the public is consulted before any permanent remodelling of the Piazza takes place?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir, at this stage there is no remodelling of the Piazza but rather a demolishing of what is there at the moment and an opening-up and beautification of the residue.

SUPPLEMENTARY TO QUESTION NO. 196 OF 1993

HON L H FRANCIS:

I quite understand that but as far as I understood from previous interventions by the Minister in the House and, I think, in the press, the remodelling of the Piazza will take place over two phases, the first of which is the demolishing and beautification of the area and the second of which will be a more involved process with a new Piazza in the centre of town. What I am referring to is the second phase of the development. Will the Minister ensure that when that comes to be done that there is public involvement in whatever plans are drawn up to replace what we have there at the moment?

HON J E PILCHER:

Mr Speaker, public involvement will happen through the various mechanisms that we have in support of the Town Planner and the Development and Planning Commission where we have the Nature Heritage Commission made up of representatives of the Heritage Trust and of the Gibraltar Ornithological and Natural History Society. All the Government plans in this area are sent to these councils for their opinion before the Government proceeds to take it as a matter of course to the Development and Planning Commission and therefore, Mr Speaker, in that, as I have just explained, there would be public consultation. But if the hon Member means public consultation, ie getting everybody in Gibraltar to look at the plan and make comments, that is not the Government's intention.

HON L H FRANCIS:

Considering what the result was of the previous planning process, which is the Piazza we have now which most people dislike intensely, I would ask the Minister to reconsider that because it is the heart of the city and therefore should be something that reflects what people want in the centre of their city. It is not too much to ask. We did have an exhibition of various plans at one stage of what.....

HON J E PILCHER:

The Piazza was, in fact, included within that.

HON L H FRANCIS:

That is right. There is no reason why that could not happen again and for people to express what their preference was.

HON J E PILCHER:

If there is a change to that City Plan, Mr Speaker, then the Government will take into account what the thoughts of the hon Member are.

28.10.93

ORAL

NO. 197 OF 1993

THE HON L H FRANCIS

Does Government agree that the continuing dilapidated state of "the boulevard" is an eyesore in the centre of town which leaves a poor impression in the minds of visitors?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, I agree that it is an eyesore and it will be tackled when funds are available.

SUPPLEMENTARY TO QUESTION NO. 197 OF 1993

HON L H FRANCIS:

Mr Speaker, would it not be an idea to hand over the maintenance of some public areas to a successful and energetic company such as Greenarc who would not only take care of the vegetation and of planted areas but also of the physical fabric of the area, in this case the boulevard, where we have balustrades missing, etc. They seem to have done a good job on the flora and fauna; they might extend that to the actual physical fabric.

HON J E PILCHER:

Mr Speaker, the hon Member is making - I do not know how to put it - a mistake as, indeed, other people do. In fact, there was an article only the other day in the Chronicle which spoke about the great work that Wildlife Gibraltar Ltd is doing at the Alameda Gardens. I do not want to detract from the great work that Wildlife Gibraltar Ltd is doing at the Alameda Gardens; I do not want to detract from the great work that Greenarc is doing all around Gibraltar, in fact, they are two of the contractors of the Gibraltar Tourism Agency for which I have nothing but praise. But what I think the hon Member is forgetting and what indeed a lot of other people in Gibraltar are forgetting, is that as Government contractors we have to pay them. So if they take on the Line Wall Boulevard we have to pay them to do it, so I take the hon Member back to the answer which is, "It will be tackled when funds are available".

2.

HON L H FRANCIS:

The key word in what I said before, Mr Speaker, is maintenance. If we maintained the areas we would not have to spend so much money in completely refurbishing them again after years of neglect.

HON J E PILCHER:

Maintenance costs money, Mr Speaker.

HON L H FRANCIS:

Less money than a complete refurbishment.

HON J E PILCHER:

Mr Speaker, when I have the money to refurbish I will be more than happy to discuss and include it in the contract of Greenarc or any of the other contractors.

28.10.93

ORAL

NO. 198 OF 1993

THE HON H CORBY

Will Government say which streets in Gibraltar are washed down with brackish water by hose pipe and how often this is done?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question No. 199 of 1993.

28.10.93

ORAL

NO. 199 OF 1993

THE HON H CORBY

Will Government confirm that all of Gibraltar's streets are swept by hand or by mechanical means and how often this is done?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government runs various programmes in parallel with each other and which encompass the sweeping, general clean-ups and flushing of all of Gibraltar's streets. These are:-

(1) SWEEPING

- (a) Nine districts are covered every day (Mondays to Saturdays).
- (b) Three districts are covered three times a week.
- (c) Eight districts are covered twice a week.
- (d) Eight districts are covered once a week.

There are 28 districts that encompass the whole of Gibraltar.

(2) GENERAL CLEAN-UPS

- (a) Nine districts (litter control areas) which cover 24 streets, are done once a week.
- (b) Eighteen districts which cover 46 streets/areas are done every four months. Many of these areas are also flushed.

(3) CLEANING AND FLUSHING

- (a) Thirteen districts which cover 57 streets are done every six weeks.

If the hon Member wants I have a total breakdown of every single street but it would be very, very difficult to be able to read all that out so I have tried to give him as enhanced an answer as possible.

SUPPLEMENTARY TO QUESTIONS NOS. 198 AND 199 OF 1993

HON H CORBY:

Will the Minister please state if supervision by foremen or supervisors is undertaken to see that the work is done to a high degree of cleanliness?

HON J E PILCHER:

Yes, Mr Speaker.

28.10.93

ORAL

NO. 200 OF 1993

THE HON LT-COL E M BRITTO

Will Government start again the door to door collection of refuse in Irish Town and, if not, will it say how long the present experiment will continue and what criteria will be used to decide if it has been successful?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir, door to door collection of refuse in Irish Town will not start again until after the completion of the trial which is presently being undertaken.

The criteria being used to determine the success of the new system is -

- (1) the feelings of the majority of the citizens of the area together with
- (2) the overall cleanliness of the area, and
- (3) the cost implications.

All three are important and no single element will determine the success or failure of the trial.

SUPPLEMENTARY TO QUESTION NO. 200 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister say how the measure is more economical?

HON J E PILCHER:

Pardon, Mr Speaker, I did not get that.

HON LT-COL E M BRITTO:

The Minister has said that cost is one of the criteria to be used. Is the centralised collection more economical in any way?

HON J E PILCHER:

Not necessarily the one in Irish Town, Mr Speaker. The exercise we are doing in Irish Town we have successfully accomplished in other areas and we will look at further areas in order to try and see how we can centralise refuse collection in Gibraltar. Mr Speaker, in the area of Irish Town in particular the problem was a twofold problem. One was the difficulties which the Gibraltar Industrial Cleaners lorries were having in getting into Irish Town. This was something which was discussed with the Police but however many systems of clamping or towing away that we put, there were always difficulties which meant that because the refuse was put at the doorsteps, when the refuse collection vehicle could not go in, all the refuse was then strewn in Irish Town. This was the main thrust of the institution of the trial system but, as I say, there are the three areas; there is the cost implication, the cleanliness of the area and the feelings of the citizens, Mr Speaker. I think the citizens sometimes do not understand what the law says in relation to litter; something which is important. The law says, Mr Speaker, that rubbish cannot be put on the public highway until 10 o'clock at night, ie rubbish can be put on the public highway between 10 at night and six o'clock in the morning. I understand that people put the rubbish out earlier but that is breaking the law so as we have been implementing more and more control on litter we have realised that people put their rubbish out at six o'clock in the afternoon. So perhaps, Mr Speaker, when people look at the new systems rather than think that they have to walk 50 yards to deposit their litter when they used to deposit it at night, they could do like a lot of the privatised areas in Gibraltar are now doing. These people take their bags with them when they are going to work and put them in the central collection system. That means that they are not placing litter in the public highway and that is what we are trying to do; the Litter Control Authority in trying to beautify Gibraltar. Mr Speaker, my message to every single citizen is that we should all try and help to be able to do that one day.

HON LT-COL E M BRITTO:

Mr Speaker, the first point that arises out of that answer is a failure to see why Irish Town has been singled out when, in fact, Irish Town is the one street, as far as I can recollect, of the whole of the town area that is pedestrianised as from six o'clock in the morning.

HON P R CARUANA:

Purely to victimise the Leader of the Opposition who lives there.

HON J E PILCHER:

Correct, Sir.

HON LT-COL E M BRITTO:

If it is pedestrianised perhaps the Minister could explain why it is that the refuse collection vehicles have difficulty in going down Irish Town to collect the rubbish? Mr Speaker, as expressed by Mr Pepin Delgado on GBC television, one of the aims of the exercise was to improve the environment. If the Minister is saying that by centralising the collection of rubbish he intends to encourage people to take litter out earlier in the evening we are going to end up with what is already happening in places like Cornwall's Lane and Line Wall at the top of Irish Steps, where throughout the day there is a permanent eyesore of bins piled up with rubbish. So instead of improving the environment does the Minister not appreciate that the effect might be counter-productive in that sense?

HON J E PILCHER:

That may well be the case, Mr Speaker, that is why we are undergoing a trial.

28.10.93

ORAL

NO. 201 OF 1993

THE HON F VASQUEZ

Did Government invite any tenders for the location of the petrol station at the Victoria Stadium?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question Nos. 202 and 203 of 1993.

28.10.93

ORAL

NO. 202 OF 1993

THE HON F VASQUEZ

Is Government satisfied that the building of a petrol station at the Victoria Stadium is in compliance with the Town Planning Ordinance?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question Nos. 201 and 203 of 1993.

28.10.93

ORAL

NO. 203 OF 1993

THE HON F VASQUEZ

Is Government satisfied that the location of the CEPSA petrol station so close to the runway does not constitute a safety hazard?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government did not invite tenders for the location of the petrol station at the Victoria stadium in keeping with its established policy since 1988. The overall project has obtained planning and building permission in total compliance with the Town Planning Ordinance.

As part of this process the plans were sent to the Civil Aviation Authority through the Royal Air Force before final approval was given.

SUPPLEMENTARY TO QUESTION NOS. 201, 202 AND 203 OF 1993

HON F VASQUEZ:

Mr Speaker, I hope you will grant me some latitude in the making of supplementaries since there are three questions rolled into this.

MR SPEAKER:

Yes, I know, as long as they relate to the question.

HON F VASQUEZ:

Dealing with Question No. 201, Mr Speaker, is it not Government's policy and aim in the farming out of any of these important development sites to get the best possible deal for Gibraltar especially given the present circumstances of financial difficulty that Gibraltar is encountering?

HON J E PILCHER:

Yes, Sir.

HON F VASQUEZ:

Then, if that is the case, did not the Government of Gibraltar think it was pertinent to farm this area out and find out whether there was anybody else who was prepared to offer Gibraltar a better deal for the development of this site?

HON J E PILCHER:

No, Sir.

HON F VASQUEZ:

Why not? Will the Minister please explain why if his aim is to get the best possible deal for Gibraltar he thinks he can give it to CEPESA without first finding out whether anybody else was prepared to give him a better deal? May I remind the Minister, Mr Speaker, that this morning we have had a demonstration downstairs of people whose livelihood are going to get affected by this decision and does the Minister think that he can so blindly write off their interest like that by giving the site to the first person that crosses his doorstep?

HON J E PILCHER:

Mr Speaker, I have already answered the questions of the hon Member.....

HON F VASQUEZ:

No, he has not.

HON J E PILCHER:

..... I have answered. He asked, "Did the Government consider (a)?" - and I said yes; "Would the Government consider (b)?" and I said no. The fact that there were people there this morning, Mr Speaker, has got nothing to do with the question here and it is very common of the hon Member who incites people to demonstrations by saying that the Government is not caring for them. We saw the demonstration this morning; the people who were there this morning have already been informed that they will be seen by the Government.....

HON F VASQUEZ:

This is a bit late, is it not?

HON J E PILCHER:

..... and it has got absolutely nothing to do with this question, Mr Speaker. With your latitude, Mr Speaker, I will answer any question that I feel is pertinent given what is in the paper. But the persons who were there exercising their democratic right to demonstrate this morning, have got nothing to do with whether the Government allocated it to CEP SA or put it out to tender and allocated it to anybody else.

HON F VASQUEZ:

Mr Speaker, I am now immune to the suggestion that every time that anybody expresses a complaint or frustration against a Government decision and that everyone who demonstrates against Government does so at the instigation of the Opposition. So I am going to ignore that comment, Mr Speaker. Let me ask the Minister this question, was there any particular reason that CEP SA had to get that site?

HON J E PILCHER:

I do not know, Mr Speaker. They put a good offer which the Government accepted, given what I said in the initial answer which is that the Government does not invite tenders but accepts direct proposals and if the Government feel that that is a good proposal it then acts on it as we have done since 1988, Mr Speaker.

HON F VASQUEZ:

The Minister says Government got a good proposal; he has said that it is Government's policy to get the best possible deal for the farming out of Gibraltar's valuable assets. Why, if they are trying to get the best possible deal did it not occur to the Government of Gibraltar to see whether the other petrol station operators might improve the offer and not only secure more money for the Government of Gibraltar but protect the livelihoods of the people who are employed in those businesses?

HON J E PILCHER:

The Government did not feel it pertinent at the time, Mr Speaker.

HON F VASQUEZ:

I hear the Minister and I think Gibraltar itself will judge whether those answers are satisfactory. Turning to the next question, the question was whether Government were satisfied that the building of the petrol station at the Victoria Stadium is in compliance with the Town Planning Ordinance. And I got the blithe reply, Mr Speaker, that it had got planning and building permission from a committee in which Members of the Government figure prominently. I have before me, Mr Speaker, a copy of the Gibraltar Development Plan which constitutes the City Plan for the purposes of the Town Planning Ordinance. I would like to remind the Minister of the opening comments made by the Minister for Trade and Industry at the beginning of that document where he says, "This plan sets out what we as the Government aim to achieve in the various planning zones and provides the local public and international investor alike, with guidelines. It identifies where major developments will be permitted and sets out detailed planning policies". I think the Minister will be aware that this document is binding on the Development and Planning Commission, that they can only award planning permissions that are compatible with this plan and if they do not they are acting ultra vires. I turn to zone five as set out in this plan, Mr Speaker, and I see that the whole area of the Victoria Stadium including all the area bounded on the north by the runway, on the east by Winston Churchill Avenue, on the south by the Glacis Estate and on the west by the area of the canneries and the old cinema, etc; all that area is delineated as playing fields and open areas. And so I turn to schedule eight of the plan for some explanation as to what on earth playing fields and open areas mean and that section makes very clear that the playing fields and open areas are designed as leisure and recreational areas. And policy LR3 states very clearly, "That the existing provision of parks, playgrounds and informal open spaces will be retained and enhanced for public use" and it goes on to make very clear and specify "that it is important to secure the retention of the existing level of provision and to enhance them for use by the public" that being the open areas. The City Plan was produced by this Government and this Government always say that the public of Gibraltar has the opportunity to make representations on planning decisions by making representations as to the City Plan. Well, here is the City Plan and the City Plan says, "This area will be playing fields and open area" and the Government says very clearly that it is important that we retain what open areas we have in Gibraltar. Can the Minister then say how he considers that the putting of a petrol station in the middle of this area is consistent with the City Plan?

HON J E PILCHER:

Mr Speaker, the Government have often said that the City Plan is a forward-thinking by the Government but has to be flexible given the different circumstances at a particular time in the economic development of Gibraltar. The hon Member is wrong in saying that the Development and Planning Commission acts ultra vires when it goes outside the City Plan. Mr Speaker, the Development and Planning Commission can move outside the City Plan in a specific instance like it has done in various instances over the last year. The decision that the Development and Planning Commission took was that that was in keeping with the area, given the economic circumstances at the time, and planning permission was given.

HON F VASQUEZ:

I am interested to hear that and I have to point out to the Minister that he is entirely wrong because there is Gibraltar case law that has made it very clear that when the Development and Planning Commission steps outside this plan it has no power in law because the Development and Planning Commission exists to put this plan into operation and only this plan. It does not have the power to say, "To hell with the Town Planning Ordinance, we are going to decide whatever we want". It just simply does not have that power. The Development and Planning Commission does have the opportunity to step outside this plan if it changes the plan under section 13 of the Ordinance and that entails, as the Minister is well aware, advertising the scheme exactly so that the public of Gibraltar can make its own representations and make its views felt. We have heard it so often from the Minister, from the Minister for Trade and Industry and from the Chief Minister himself; they keep telling us, "Well, what are you complaining about? Every five years we produce a City Plan and the people of Gibraltar can go and make their views felt". Does the Minister accept that what the Development and Planning Commission - it is not the Development and Planning Commission, Mr Speaker, I think we have to be quite clear about that, it is the Government acting through the Development and Planning Commission because we all know who controls the Development and Planning Commission-have done flies in the face of all the reassurances that this House and the public in Gibraltar have received that we do, in fact, have a democratic planning process? Does he accept that what he is saying is, in fact, that we have no democracy at all in planning decisions in Gibraltar?

HON J E PILCHER:

I do not know what the question is, Mr Speaker, I thought we were in Question Time. leeway is one thing.....

HON P R CARUANA:

Is the Minister asking for the Chair's help then?

HON J E PILCHER:

No, the answer is I have already given the hon Member the answer, Mr Speaker. I gave him the answer at the start; I have answered a couple of his supplementaries and he can stand up and sit down all night and he is still going to get the same answers, Mr Speaker.

HON P R CARUANA:

Mr Speaker, will the Minister accept that the procedures provided by law for enabling the Development and Planning Commission to disregard the content of the City Plan have not been followed in the case of the site on which this petrol station is going to be built?

HON J E PILCHER:

No, Sir.

HON F VASQUEZ:

Well then can he identify on the City Plan where the City Plan allows the development of a petrol station on a football field?

HON J E PILCHER:

Mr Speaker, the hon Member should know, if he is so knowledgeable about law, that, irrespective of his initial comments that the Development and Planning Commission is just a board controlled by a couple of Ministers it is a statutory board which operates under the law. If the Opposition Members feel that the Development and Planning Commission has acted ultra vires then they know what course they have to take, Mr Speaker.

HON P R CARUANA:

Yes, we or the operators of other petrol stations.

HON J E PILCHER:

Anyone who feels that anything done in Gibraltar is ultra vires can have recourse by law. I have given in this House, Mr Speaker, the answers from the Government to the questions that I have been asked. If it is ultra vires then, Mr Speaker, whether it is the Opposition, whether it is any other petrol operator or whoever wishes to do that. They are free, Mr Speaker, to take whatever action. That is why we are a democracy.

HON P R CARUANA:

Is it not the reality, Mr Speaker, that in the hands of this Government there is no physical part of Gibraltar that does not appear to be up for sale to the highest bidder?

HON CHIEF MINISTER:

Mr Speaker, in the hands of the Government, which is the Government elected by the majority of the people of Gibraltar, all the property that is public property will be used to the maximum advantage to secure the political and economic future of Gibraltar's people. That is the job we have been asked to do by the people in an election. The hon Member does not agree with it; right he has got to persuade people that he can do a better job than us.

MR SPEAKER:

That is the position on the matter which has been made quite clear. We must go on to the next question because you are just going to ask the same question and you will get the same answer. We are getting into the rule of repetition which I have allowed to go through but I cannot go on like this all night.

HON F VASQUEZ:

Mr Speaker, I did ask for latitude and you will appreciate that there are three questions rolled into this one answer.

MR SPEAKER:

Yes, that is why, go on to the other one.

HON F VASQUEZ:

Three questions which are totally unrelated. The Government are always the ones who are saying that here we are crying foul play, misdeeds, corruption, etc. How can the Minister satisfy the public of Gibraltar that this decision to grant the petrol station to CEPESA was one taken on proper consideration and under the proper criteria? We have just heard the Chief Minister say that his duty is to get the maximum possible out of the raw material that we have. How can he say he is getting the maximum if he is not putting it out to tender and finding out whether anyone else is prepared to pay more?

HON J E PILCHER:

Mr Speaker, the hon Member has come 360° to ask the first question he asked when he stood up.

HON F VASQUEZ:

As I said I have not got an answer to it, Mr Speaker.

MR SPEAKER:

I am afraid that you have exhausted now the replies and that is it. Next question.

HON F VASQUEZ:

Mr Speaker, there is one other matter, the question of the safety which is the third question. It certainly seems unusual and I have never seen a petrol station within 50 yards of a runway, can the Minister.....

HON J C PEREZ:

There are petrol stations all over Gibraltar back to back with housing estates.

HON F VASQUEZ:

Yes, I notice the interjection. Housing estates do not constitute 300 tons of metal travelling at 200 miles an hour. Can the Minister please satisfy the House as to what information was sought, who the matter was referred to so that the Government of Gibraltar has been satisfied that the location of a petrol station so near a runway does not constitute a safety hazard?

HON J E PILCHER:

Mr Speaker, the Government of Gibraltar is not responsible for the decision of whether the petrol station in its location is safe or not safe. The Government of Gibraltar employs a number of people to deal with these matters. The plans, because they were related to an airport, were sent through the Royal Air Force, Gibraltar to the Civil Aviation Authority in the UK who had their experts look at it and sent a report back saying that the petrol station in no way interferes with the airport, the air terminal or the safety of the area. That is what the Civil Aviation Authority said, Mr Speaker. So the Government and the Development and Planning Commission are happy that the Civil Aviation Authority know what they are talking about.

MR SPEAKER:

That is your answer.

HON F VASQUEZ:

Thank you, that is all I wanted, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, if I heard the Minister correctly he has said twice that the CAA were approached through the RAF. Does that by implication mean that the RAF were approached first here in Gibraltar and that they said that they had no objection to the CEPSA petrol station in its present location?

HON J E PILCHER:

That is the normal system, Mr Speaker. The Ministry of Defence are represented in the Development and Planning Commission, they make the point in there and then all the details are submitted through the RAF to the Civil Aviation Authority.

ORAL

NO. 204 OF 1993THE HON M RAMAGGE

Will Government say how much money it has received each year since 1988 on the sale of ex-MOD residential properties and will Government list all ex-MOD properties so sold and the price obtained for each?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government embarked on the sale of ex-MOD residential properties late in 1992. To date the Government has sold 14 properties on long leases and five properties on short leases. The total amount collected is £1.908 million.

SUPPLEMENTARY TO QUESTION NO. 204 OF 1993

HON P R CARUANA:

Mr Speaker, as the question appears to request, will the Minister identify the properties stating how much was obtained for each?

HON J E PILCHER:

No, Mr Speaker, the Minister is quite prepared to list the properties but I do not feel that it would serve any purpose in actually identifying who bought the house and for what price, Mr Speaker, because this is a matter related to a tender procedure which the Opposition Member feels should be the best way forward and we feel that the purchase of a property by an individual on a tender basis is commercial in confidence.

HON P R CARUANA:

Mr Speaker, these are public assets. What the Minister is saying to the owners of an asset is, "I have sold it on your behalf and I will not tell you how much I have sold it for". That is what the Minister is saying. This property does not belong to the Minister or to the Government or to the Development and Planning Commission or to the Tender Board, it belongs to the people of Gibraltar and they have a right to know how much they have been sold for and to whom precisely so that they can establish whether the Government have exercised properly their public duty to sell it for the best possible price that that property could have obtained.

HON J E PILCHER:

Mr Speaker, I have said I am prepared to list the properties and I am prepared to advise the Opposition Members of the money we have got from the properties.....

HON P R CARUANA:

For each of them?

HON J E PILCHER:

No, Mr Speaker, in general. We feel, as I have mentioned before, that this is an individual commercial in confidence agreement between an individual and the Government. What we are prepared to do is say, we have sold 49 Europa Road; 11 Town Range; 47 Europa Road; 317 Main Street; 306 Main Street; 1 to 5 Humphrey's Bungalows; 3 Rosia Parade; 4 Rosia Parade; 2 Sandpits; the Officers' Mess and the five short leases of the Rock WT Estate Nos.1 to 4 and 29B Hospital Ramp for £1.908 million.

HON P R CARUANA:

Will the Government say whether there are any of those properties to which the Minister has just referred that have been sold other than for payment in one go at the beginning? Are there any sales that have been subject to lengthy payment terms and payment by instalments?

HON J E PILCHER:

Not as far as I am aware, Mr Speaker, but I am prepared to look into the matter.

HON P R CARUANA:

Is the Minister aware of the payment terms of all of the properties that he has got on that list?

HON J E PILCHER:

Yes, Mr Speaker, there are no special agreements, I am sorry.

HON P R CARUANA:

Mr Speaker, finally, will the Minister say whether this tender process that he says has been operated in this case, had as a rule that the property would necessarily go to the highest bidder? Have any of those properties been sold to a party who did not initially submit the highest bidder?

HON J E PILCHER:

Mr Speaker, in any tender process there is always a caveat that it does not necessarily have to go to the highest bidder.

HON F VASQUEZ:

Mr Speaker, is that why the Minister refuses to disclose how much each property was sold for, precisely because of.....

HON M A FEETHAM:

Mr Speaker, as far as I am aware there has been one particular case where I intervened and said that it ought to go to the second on the list because the second on the list was a Gibraltarian; the bid for the first one was someone from outside Gibraltar and was going to use his company to buy it; and it just happened that the difference in price was so little that we gave it to the second. And, lo and behold, the person who actually got that property happens to be a direct relative of the Hon Mr Vasquez. No. 2 Rosia Parade was the property that Mr Vasquez got and he was the second one on the list as far as the bid was concerned.

VARIOUS HON MEMBERS

(Inaudible)

HON P R CARUANA:

They have manipulated the tender system and when they have been caught out manipulating the tender system they think they can throw their usual red herring into the ring by referring to Mr Vasquez's uncle.....

INTERRUPTION

HON P R CARUANA:

..... they run a tender system, people are entitled to assume that it will go to the highest bidder and by their own admission.....

VARIOUS HON MEMBERS

(Inaudible)

MR SPEAKER:

Order, order, order, order. One at a time.

HON J C PEREZ:

Mr Speaker, we have not manipulated the tender system; we do not run a tender system. When the things used to go to tender they used to cost the Government of Gibraltar dearly and we changed all that when we came into office and we stood for election in 1988 and in 1992 reaffirming the view held in 1988 that we would carry on doing it without the tender system and we have defended it in this House before. The hon Member can go in 1996 and say, "I will reinstate the tender system" and people can vote for him if they want it.

HON P R CARUANA:

No, no, the Minister for the Environment and Tourism has said not three minutes ago that the Government had operated a tender system on the sale of these properties. The Minister for Government Services cannot now stand up and give the Chief Minister's speech on his behalf just because he is out of the chamber and ignore what the Minister for the Environment and Tourism has just said.

HON M A FEETHAM:

Mr Speaker, I did not intend to intervene. The point was made by Opposition Members that we had given a property to somebody who was not the highest bidder and I just made the point that in our judgement it would have been unfair not to have given it to a Gibraltarian, it does not matter whether it was Mr Vasquez or Mr Restano or whoever, the decision would have been the same but ironically the only person who has been second in line and has got a property, as far as I am aware, was Sir Alfred Vasquez.

HON P R CARUANA:

A very noble sentiment. Will the Minister give the list of prices, yes or no?

HON J E PILCHER:

Mr Speaker, I have already said that I will not.

MR SPEAKER:

The Opposition must not keep on asking the same question because they are going to get the same answer.

HON J E PILCHER:

Mr Speaker, I have given the number of properties; I have given the sale price and because Gibraltar is a small place everybody knows who got the property, what they paid for it and what everybody else paid.

HON P R CARUANA:

Well, then tell us.

HON J E PILCHER:

But we genuinely feel that that is a matter which is confidential between the person buying the property.....

HON P R CARUANA:

And the person selling it and that is us.

HON J E PILCHER:

Mr Speaker, the hon Member knows that that is a confidential matter between the person who buys the property and the person who sells the property.

HON P R CARUANA:

But that is the taxpayer, the person.....

INTERRUPTION

MR SPEAKER:

Order, order. One at a time.

HON J E PILCHER:

Mr Speaker, if we do not put it out to tender we lose; if we put it out to tender we lose. I have given the answer, with the exception of the one that my hon colleague has just mentioned, all the others have gone to the highest bidder. He can take that as true or he can take it as not true but that is the answer.

MR SPEAKER:

That is the end of the question. Next Question.

NO. 205 OF 1993THE HON F VASQUEZ

Does Government approve of the decision of the Development and Planning Commission to allow the Bayview Crescent development to proceed in the face of widespread public opposition?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the decisions of the Development and Planning Commission are determined on the criteria they apply for a particular development in question. It is not a matter necessitating Government approval.

SUPPLEMENTARY TO QUESTION NO. 205 OF 1993

HON P R CARUANA:

Will the Minister say whether the Minister sitting on the board for that application, voted in favour or against the granting of the planning permission?

HON J E PILCHER:

Mr Speaker, the Minister, if the hon Member is referring to me, as the chairman of the Development and Planning Commission.....

HON P R CARUANA:

Yes, I am.

HON J E PILCHER:

It is a matter of policy in the Development and Planning Commission that the way the members of the Commission vote is not a matter for disclosure. However, Mr Speaker, I will tell the hon Member that the people who put in the petition and came to see me know exactly how I voted because in my usual way I told them exactly what I felt when they brought the petition to me. So he may not know but the members who appealed and came to see me do. If he wants to find out all he has to do is find out who are the people who came to my office to talk to me and ask them what I told them. The hon Member must understand that it is not right for members of the Development and Planning Commission to say which way they voted.

HON P R CARUANA:

Is it not easier for the Minister just to tell me now to save me ringing these people at home?

HON J E PILCHER:

I have explained to the hon Member that I will tell him outside but as a matter of policy it is not something which the Development and Planning Commission feel should be made public, Mr Speaker. It would be very easy for me to say, "I voted no" which means the others have voted yes.

NO. 206 OF 1993

THE HON L H FRANCIS

Does the Government plan to introduce any new environmental legislation within this term of office?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, it is not the policy of the Government to announce its plans to introduce legislation either on environmental matters or any other matter until it is ready to do so.

SUPPLEMENTARY TO QUESTION NO. 206 OF 1993

HON L H FRANCIS:

I take it from the reply that that means no, Mr Speaker. I was asking, because this administration has been making the right noises at least, with the environmental awareness campaign and the heritage and environment commission etc, whether it was actually going to put anything in practice in environmental terms on what was suggested by the Opposition during the last session of the House of Assembly. We did have a brief debate on the matter.

HON J E PILCHER:

Mr Speaker, this Government's track record on environmental legislation, I think even Opposition Members will agree, is beyond question. It is not Government policy to announce legislation until we are ready to do so. The answer, Mr Speaker, was not meant to be anything other than the fact that, of course, we have certain responsibilities related to EEC directives; we have our own ideas on the environmental and nature protection that we need to do but we cannot announce that until we are ready to do so.

NO. 207 OF 1993

THE HON H CORBY

How many vacant dwellings does Government have that are not for allocation by the Housing Allocation Committee and which are they?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, at present there are two vacant dwellings which are not identified as being for allocation by the Housing Allocation Committee. These are 18/2 South Barrack Road and 26/5 Town Range.

The Government keeps a number of properties vacant needed at short notice to put short-term contract officers into accommodation.

SUPPLEMENTARY TO QUESTION NO. 207 OF 1993

HON P R CARUANA:

Mr Speaker, will the Minister say whether Artillery House in Cannon Lane has been handed over to Government and why it is not.....

HON J E PILCHER:

Mr Speaker, Artillery House was part and parcel of the number of properties that went out to tender about four or five weeks ago.

HON P R CARUANA:

And it has been sold?

HON J E PILCHER:

No, it is still being considered by the Tender Board.

HON H CORBY:

The two vacant dwellings that the Government are putting people in, will they be available to the public for tendering?

HON J E PILCHER:

Mr Speaker, there are, as we have announced publicly, two systems for the allocation of houses. One is to pass the houses as Government housing stock and allocate them through the Housing Allocation Committee, the other is to determine whether those houses can be sold or allocated either in long or short-term leases. We have not decided what we are going to do with these two properties at the moment, nor do we have to because, as the answer says, we need to keep two or three properties vacant in case we have doctors, contract officers or people like that who we may have to bring out at short notice and we need to put them somewhere, Mr Speaker. Sooner or later, we will take a decision and then the two properties will either go to the Housing Allocation Committee for allocation or be put up for sale.

28.10.93

ORAL

NO. 208 OF 1993

THE HON M RAMAGGE

Will Government say what changes have been made to the system of allocation and exchanges of Government housing since the present Minister for housing allocation took over this portfolio?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, no change has been made to either the system of allocation or to that of exchanges since housing was passed under the Ministry of the Environment.

SUPPLEMENTARY TO QUESTION NO. 208 OF 1993

HON P R CARUANA:

What is the system presently in operation in relation to tenants of different Government houses who wish to exchange?

HON J E PILCHER:

Mr Speaker, the system that has always operated which is that if two persons in Government accommodation agree to exchange, then an application has to be made to the Housing Manager for him to give authority.

HON P R CARUANA:

Does the Housing Department maintain a list and act as a sort of broker of people who want to exchange or do these people have to find each other now entirely privately?

HON J E PILCHER:

Mr Speaker, persons in Government accommodation have to find the exchange. The Housing Allocation Unit does not involve itself in trying to identify exchanges for any Government tenant.

28.10.93

ORAL

NO. 209 OF 1993

THE HON H CORBY

How many empty flats does Government have for allocation?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, at present there are 21 empty flats for allocation.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1993

HON H CORBY:

Can the Minister state when these flats will be handed over to people purely on a rental basis?

HON J E PILCHER:

Mr Speaker, I have already made various public statements in relation to the empty flats which the Government now hold and I have said that since we are doing various exercises at the moment in relation to the medical category list; the social advisory list; the problems related to various decanting exercises like Town Range and the fact that Gib 5 is coming on stream shortly; the Government at this stage prefers to deal with these properties not under the housing waiting list but to decant - I think it is another question on the Order Paper - the people at North Gorge; the people at Town Range; the social cases and the medical cases. I must advise the hon Member, in case he gets the wrong impression, that of the 21 empty flats that I was talking about, some 16 of those are pre-war flats. They are not post-war flats that we could utilise for the housing waiting list.

28.10.93

ORAL

NO. 210 OF 1993

THE HON M RAMAGGE

When will the remaining tenants of the Filipinos hostel temporary units be rehoused?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the tenants of the Filipinos hostel are being rehoused at present.

28.10.93

ORAL

NO. 211 OF 1993

THE HON M RAMAGGE

When does Government envisage that the temporary housing at NOP Queensway will be vacated and the tenants rehoused?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, it is not possible to give a date by which all the present tenants will be rehoused nor is it possible to say when the houses will be vacated since it is used as a decanting centre for people with housing problems.

SUPPLEMENTARY TO QUESTION NO. 211 OF 1993

HON H CORBY:

Mr Speaker, does the Government have any difficulty with rehousing these people because some of them are social cases who have been put into the system and who are not in the housing waiting list?

HON J E PILCHER:

This, Mr Speaker, is part of the problem. The Queensway pre-fabs are a decanting centre which should be utilised as a temporary facility for moving people with problems there and out once they are allocated a house by the Housing Allocation Committee. In some instances, Mr Speaker, we have had to put people into the temporary houses at Queensway because of extreme social problems and therefore this is why at this stage I cannot give a definite answer as to the time by which everybody there will be rehoused. It is, notwithstanding that, Government policy to rehouse every single person there and to utilise the area as a decanting centre only.

NO. 212 OF 1993THE HON M RAMAGGE

In the light of rising unemployment, recession and the Government's policy to encourage home ownership, what contingency plans does Government have to assist or rehouse families who are unable to meet their mortgage payments?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the level of home ownership in Gibraltar is around 25 per cent which is amongst the lowest in Europe. Therefore, although there may be instances of some home owners having problems in maintaining their mortgage payments, this is not expected to become a major problem.

In the event of a lender taking possession of a property, this will be dealt with in the normal way problems of homeless persons are dealt with.

SUPPLEMENTARY TO QUESTION NO. 212 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, the Minister says there are no expectations that could become a major problem but has Government got any indications whether a problem could be beginning?

HON J E PILCHER:

I think, Mr Speaker, that this aspect of the question was covered this morning in another question on supplementary benefits. I am tackling it, Mr Speaker, not from that aspect but advising the House that if this were to happen the existing systems for the allocation of houses does cater for people who because of not being able to pay mortgages will become homeless and therefore will be opted. There is a social system which will enter into play before the person is actually homeless.

HON P R CARUANA:

Mr Speaker, the Government will be aware that in the United Kingdom when a similar policy was adopted to encourage greater home ownership the advent of the next recession left many buyers without a job or with reduced incomes because one of the two in a married couple lost his or

her job. The result was literally hundreds of thousands of people who had assumed mortgage debt that found themselves unable to meet their obligation. Appreciating the fact that there is an element of hypothesis in the question, if something like that were to happen in Gibraltar, would the Government then consider some form of mortgage relief policy or would it require people to sell their homes?

HON CHIEF MINISTER:

Mr Speaker, there is absolutely no parallel between the situation the hon Member is describing that happened in the United Kingdom and the situation of home ownership in Gibraltar. Therefore, there is no reason to suppose, even hypothetically, that the problems that were created in the United Kingdom would happen in Gibraltar. In the United Kingdom people bought houses at the top of the property boom and then during the recession they found that the value of the property was less than the value of the mortgage and the equity in the property then became minus and a lot of people were caught out in that situation. The other aspect was that the Conservative controlled Local Authorities virtually drove into home ownership council estate tenants who did not particularly want to become home owners and who found that because they were in council estates when they wanted to sell their property which they had bought as sitting tenants, they could not find any buyers and when they could not pay the mortgages they could not find any way of handling the situation. That is the history of the problems of the last couple of years in the United Kingdom and there is no parallel with the situation in Gibraltar where we have got something like a quarter of the population as property owners and where the bulk of the new property owners have got property at something like 60 per cent of the open market value. People have bought a property in Westside for £40,000 which is identical to a property sold in the open market for £60,000 and on top of that they have had to pay for 50 per cent of the property. Frankly, I do not think there is a more generous system anywhere in Europe in terms of making it easy for people to enter into home ownership and therefore the other side of that coin is that if the cost of being a home owner is relatively low then the cost of remaining a home owner is not at such a high risk. So we are confident that that scenario is extremely unlikely; I cannot say it is impossible because nothing is impossible.

HON P R CARUANA:

Finally, Mr Speaker, I cannot say that I agree entirely with the hon Chief Minister's scenario because the fact that one's property falls in value becomes pretty irrelevant provided that one is making the mortgage payments. The problems were not caused by falling property prices, the

problems were caused by people losing their jobs through redundancies and then not having any money out of which to make their mortgage payments; and the fact that one has bought one's property cheaply and that therefore one's mortgage payments are lower than they might otherwise have been, if one loses one's job then one loses the ability to pay a mortgage of any size, large or small.

HON CHIEF MINISTER:

No, Mr Speaker, I am afraid the hon Member is wrong. The problem was not created because people lost their jobs and could not pay the mortgage; they lost their job, they could not pay the mortgage and they could not sell the house. The houses were repossessed because they could not sell them. If one has got a situation where one has bought a house for £20,000 and one can sell it then one finishes up having an asset which, in fact, if one resells one is able then to move into either rented accommodation or cheaper accommodation or different accommodation. The problem that was created in the United Kingdom was that having had difficulty in maintaining the mortgage payments, the home owner was trapped in a property which was worth less and for which he would get less than the money he owed to the bank so he could not pay the bank; so this is why.

HON P R CARUANA:

So he could not sell the property?

HON CHIEF MINISTER:

He could not sell the property and that is why he was kicked out.

MR SPEAKER:

Order, order. Let us get back to the question which is "What contingency plans does Government have to assist or rehouse families?" That is the question and that is what we want an answer to. Is the Opposition Member satisfied with the answer about the contingency plans?

HON P R CARUANA:

No, Mr Speaker, because the answer is that they have not got one.

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HON CHIEF MINISTER:

The answer is that we do not need one because he decides to invent an Armageddon situation which is not going to happen. We do not need a contingency plan for his fantasies.

MR SPEAKER:

Next question.

NO. 213 OF 1993THE HON H CORBY

Will Government make a statement detailing the criteria to be used in the allocation of the Gib 5 housing units and to decide who is entitled to the so-called Option c?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, I have already made a public statement explaining how we propose to proceed with the units in the Gib 5 complex.

For the benefit of the Opposition Member, the position is that we are seeking to maximise the benefit to the housing waiting list in the disposal of these units and at the same time taking into account the need to alleviate the requirement of our senior citizens who in the past have received less attention to their housing problems. For this reason, in the design of the estate, a high proportion of small units was included.

The policy of the Government is to give the opportunity of home ownership to the greatest number of citizens who can afford to enjoy this and to retain a reasonable stock of rented property for those who cannot.

In achieving this objective and in addition to the facilities that have been provided of 50/50 ownership, a new scheme, still at the experimental stage, has been introduced to allow persons to own their own home at a cost that is not too far removed from renting. This is what we have called Contract to Purchase Option or Option C.

It is not possible beforehand, to predict to what extent these proposals will succeed in reducing the housing waiting list for rented accommodation.

In the process of interviewing applicants for these units, account will be taken of their ability to purchase and the yield that will be obtained which will be available for further investment in housing.

Once the process has been started and applicants interviewed, we will be in a better position to make an assessment of the effects of the new proposals and when I am in such a position, I will make a statement to the House or publicly, whatever comes first.

SUPPLEMENTARY TO QUESTION NO. 213 OF 1994

HON H CORBY:

Mr Speaker, who will undertake the interview of prospective tenants?

HON J E PILCHER:

Mr Speaker, we have set up an interviewing mechanism; we have employed four people who have now been briefed exactly on how the systems operate, what the different options are, what one needs to do. These people will be the ones who will be interviewing, initially, all the applicants in the housing waiting list to do the assessment which has been the answer to the question that I have given.

HON H CORBY:

Will this committee not be the Housing Allocation Committee?

HON J E PILCHER:

No, Mr Speaker, the Housing Allocation Committee has got nothing to do with the sale of properties at Gib 5. The Housing Allocation Committee is there to allocate Government stock. Gib 5 is not Government stock, Mr Speaker.

NO. 214 OF 1993

THE HON M RAMAGGE

What percentage of purchasers in -

- (a) Montagu Gardens
- (b) Harbour Views
- (c) Brympton

have returned vacant possession of a Government flat?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, the total percentages of purchasers who to date have returned their flats to the Government housing pool is as follows -

- (a) Montagu Gardens - 12 per cent
- (b) Harbour Views - 10.9 per cent
- (c) Brympton - 8.5 per cent

SUPPLEMENTARY TO QUESTION NO. 214 OF 1993

HON P R CARUANA:

Will the Minister say whether this is in line with Government's expectations? In other words, have all the people that he was expecting to return a flat, returned a flat?

HON J L BALDACHINO:

With the exception of 0.05 per cent, Mr Speaker.

28.10.93

ORAL

NO. 215 OF 1993

THE HON P R CARUANA

Will Government state when it expects the position of Financial Services Commissioner will be filled and whether a political disagreement exists with Her Majesty's Government in relation to the appointment?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the person that is to be appointed has already been identified by agreement between the Gibraltar Government and the United Kingdom Government.

Her Majesty's Government wishes to see some amendments introduced in the operation of the Commission to reflect that the standards of supervision in Gibraltar match those of the United Kingdom. In addition the United Kingdom wishes to see reflected in the Ordinance its overall responsibility within the EEC as the member State with responsibility for Gibraltar's external affairs.

There are differences on points of detail between Gibraltar and the United Kingdom which still have to be resolved and the matter is currently under discussion.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1993

HON P R CARUANA:

Mr Speaker, given that I expect a lengthy reply although I may not get one, I will link two supplementaries together. Will the Chief Minister say whether this whole area has been one in which he has been in dispute with Her Majesty's Government? If so, does he feel able to say what the areas of dispute have been and how they have been resolved?

HON CHIEF MINISTER:

Well, I do not know, Mr Speaker, whether 'dispute' is the right word. If we have got a view which is different from the view of the British Government and the hon Members calls that a 'dispute', then yes, we disagree. But I imagine that unless he expected the Government of Gibraltar not to have a mind of its own, then I can tell the Opposition Member that everything that I do in relation with the United Kingdom then is a dispute. I have just been in dispute

with them because they did not warn me on the 23rd September that the European Parliament was going to consider a motion on Gibraltar and therefore I do not accept that I have got a dispute with the United Kingdom. What I accept is that the United Kingdom has asked for certain things which I do not believe that they are entitled to ask and therefore until we resolve that to the satisfaction of the Government of Gibraltar it will not happen.

HON P R CARUANA:

Mr Speaker, I do not know how much the Chief Minister is going to want to tell me on this but can I ask him whether the dispute relates basically to who rules the roost? In other words, to whom the Financial Services Commissioner is really answerable: to the Governor and through him to the Gibraltar Government, to the Governor and through him to the United Kingdom Government? Is that the nature of the dispute and, if so, how long does he think it will take to resolve and if that is not the nature of the dispute, will he say what is the nature of the dispute to which he has made a reference?

HON CHIEF MINISTER:

Well, Mr Speaker, I have to say I do not accept there is a dispute.....

HON P R CARUANA:

Well, all right, a disagreement.

HON CHIEF MINISTER:

..... and therefore the nature of the difference of view between ourselves and the United Kingdom Government is not as to who is responsible for the financial services of Gibraltar, which is a defined domestic matter, and if they were to say it was not a defined domestic matter then we would be going retrospectively back to the situation prior to 1969 in our constitutional relationship. There has been a public statement. The United Kingdom Government in November 1992, approved a statement issued following a meeting with the Foreign Secretary where it was said that the transposition of Community obligation into the laws of Gibraltar was a matter for the Government of Gibraltar to do by bringing legislation to the House or by introducing subsidiary legislation under the powers of the European Communities Ordinance; the same as they do in the United Kingdom. However, the way the Commission does its job seems to some officials in the United Kingdom to be below the standard that they consider to be British

standard. I am not really entirely qualified to exercise a judgement on that, the Opposition Member as a user of the service may be in a better position than me. But what I am trying to do is to protect people like him from the imposition of standards which will put him out of business to such an extent that he may even be more voraciously interested in doing me out of my job than he is at present.

HON P R CARUANA:

Mr Speaker, very slowly we are getting there. Is the difference of opinion with Her Majesty's Government as to the extent of influence or control over or Her Majesty's Government's requirement as to how the Commission is to do its job? In other words, is it a question of the extent of the hands-on that they have got on the work of our Financial Services Commission?

HON CHIEF MINISTER:

Let me give the hon Member an indication of what has happened. We had a situation where in November last year we had agreed that the United Kingdom - as far as the Government of Gibraltar is concerned we have made this clear to them - has got a legitimate right, as the member State responsible for Gibraltar's external affairs and the member State that has to answer for the proper transposition into our national laws of Community obligations, to have the ability to know that this is happening. We accept that without question. However, our Financial Services Ordinance licenses and controls activities, because we have chosen to do so in Gibraltar, which are not required to be controlled under Community law. Therefore we do not accept that the United Kingdom has got the right to tell us how we license businesses that they do not license in the United Kingdom and that the other eleven do not license. So that is one area where we had a disagreement. There has been, for example, a wish on the part of the United Kingdom to see reflected in some way a commitment that our standards would match their standards. At one stage they talked about the Commissioner ensuring that the way businesses and institutions and professional people were controlled and supervised was in accordance with the laws of the UK. I can tell the hon Member that we rejected that totally because we said, "Look, if we say to the Commissioner that he must act in accordance with the law of the UK then what does it matter what we put in the law in Gibraltar? At the end of the day the man will have a legal obligation to ignore the law of Gibraltar and implement the law of the UK". After a lot of toing and froing, that eventually was changed to say it should match the provisions in the UK. We have now come back and said, "Well, no, if it has got to match it, it has to match it in an area where the failure to match

it can expose the UK to the possibility of infraction proceedings because the non-matching is creating a failure to comply with Community obligations". Frankly, all this was something that I left to the Commission to sort out with the Treasury, the DTI and the Bank of England after my November meeting where I had a political agreement. I had to get involved personally again because after nine months we were no nearer resolving the differences where at that time the dispute was not between me and the Foreign Secretary but between the Commissioner and the Bank of England, the DTI and the Treasury. At the last meeting that I went to in London at which I had the Financial and Development Secretary, the Governor and Mike Constantine with me, I said, "Look, my experts tell me that they do not agree with your interpretation of certain things". One of the things that we have just done in the Ordinance - which I will come to in a minute - shows that kind of difference. We put in our Banking Ordinance everything their experts from the Bank of England told us to put in. When we finished putting everything in then the Treasury said it did not agree with the advice we had had from the Bank of England. We have done something on foreign branches which according to the professional view and advice I have got in Gibraltar is not something that is required by Community law; is not something that other member States are doing; is not something the UK itself does, but it is something that the Treasury insisted on. I have taken the political decision to disregard that advice and do what the Treasury wants in a way to put them to the test. I have said, "If we do everything you say what is your next excuse for not actually going and notifying the Commission that Gibraltar has got the right to be the thirteenth competent authority in the Community?" - which is what we have got the right to be. We have not yet got that and I cannot tell the hon Member how soon we will get it. What I can promise the hon Member is that the resolution of our differences will not be acceptable to the Government of Gibraltar unless it fully protects the interests of the people who have to earn their livelihood in the finance centre.

HON P R CARUANA:

Mr Speaker, the Government obviously enjoy the support, for what they might think it is worth, of the Opposition but I ask him this finally. To what extent does the Chief Minister think that the position of Her Majesty's Government in this respect is caused by some lack of trust in what we might subsequently do in relation to the enforcement and application of these regulations? They must have a conceptual difficulty clearly since it is not one of detail as he has just explained.

HON CHIEF MINISTER:

Well, frankly I do not know why Her Majesty's Government does not trust the Commission or the Commissioner or the staff because when we created the Financial Services Commission Ordinance we actually created something at arms length to the Government which is not the case in other areas. The chairmen of the Financial Services Commission in Jersey, Guernsey and in the Isle of Man, all of which have been given designated status under the Financial Services Act of 1986, are politicians. The Commission is chaired by a politician who is a member of the Government. In our case we said, "No, we want the Commission to be independent of the Government". Our job is to bring business and the job of the Commission is to license them and supervise them and we thought, from the point of view of maintaining standards, it is better that we do not have the responsibility of maintaining the standards because we might be tempted, in a situation where closing somebody down creates redundancy, to try and be lenient. So to avoid that temptation let the person that has to police be an impartial policeman. I cannot understand why with the system which we created, which is different from the one that the UK has which is selfregulating, which is different from the other UK territories which have been given designated status and where there is total political control, they should have less trust in our system than in the others. But certainly if it were controlled by the Government and if they did not trust the Government that would be the explanation. It would appear that they do not trust the professionals that are running the show, I do not know why.

28.10.93

ORAL

NO. 216 OF 1993

THE HON P R CARUANA

Will Government bring to this House legislation to amend the Gibraltarian Status Ordinance so that the children of Gibraltarian women have the same right to register as Gibraltarians as the children of Gibraltarian men?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there are technical problems in relation to this Ordinance which I have explained in confidence to Opposition Members when the matter was previously raised in the House and which I am happy to explain to the questioner outside the House. It is the same explanation I was given when I raised the issue myself many years ago.

We have also explained the position to the Gibraltar Women's Association and currently we are discussing with them how best this and related matters can be progressed.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1993

HON P R CARUANA:

Mr Speaker, really I had almost assumed that the Chief Minister would link this question with the next one which is really where my supplementaries would come. So can I pass on supplementaries to the next question which is on a related issue and I thought he was going to answer them together but he has not.

HON CHIEF MINISTER:

Mr Speaker, if he asks the next question I will answer it.

HON P R CARUANA:

Yes, but it has got to be called.

28.10.93

ORAL

NO. 217 OF 1993

THE HON P R CARUANA

Will Government say what official use, if any, Government makes of the Register of Gibraltarians maintained under the Gibraltarian Status Ordinance?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, as far as I am aware the only practical use made of the Register of Gibraltarians is the granting of additional points in respect of housing applications.

SUPPLEMENTARY TO QUESTION NO. 217 OF 1993

HON P R CARUANA:

Mr Speaker, is it not the case that a stamp from the Registry of Gibraltarians is required in relation to certain non-statutory supplementary benefits and certain functions of the Employment and Training Board?

HON CHIEF MINISTER:

No, Mr Speaker. It is true that people who say they are Gibraltarians may be asked to obtain such a stamp to prove that they are Gibraltarians and it is true that in the administration in these areas there appears to be, occasionally, a misleading impression given to people but the reality of it is that a British Dependent Territories Citizen, by virtue of the connection with Gibraltar, who is not a Gibraltarian or a British citizen who has been a long-term resident of Gibraltar, is treated under all our legislation the same as a Gibraltarian. To my knowledge the only official document that I have ever seen which actually says a Gibraltarian is entitled to something that a non-Gibraltarian is not entitled to is the one on the additional points for a housing application.

HON P R CARUANA:

Mr Speaker, although I will avail myself of the Chief Minister's offer to brief me in private on what the technical reasons are why this is so problematical, the issue is not particularly important at a time that the Gibraltarian Status Ordinance was really almost sort

of a cosmetic product. In other words, no one's legal rights depended on their ability to gain access to that register. But if, as is my information, greater and greater use is being made by the administration it will rapidly become important to people whether or not they can access the register. In the context where people's positive rights depend on it, it becomes slightly more important as to whether or not, on balance, it ought to be amended or not, regardless of the technical difficulties it might bring.

HON CHIEF MINISTER:

I agree entirely with the Opposition Member. But as I have just said, to my knowledge, there is this distinction of 100 points and I can tell the hon Member that there have been many occasions, historically, where in a housing application where the wife is Gibraltarian and the husband is not, the application invariably is put in the name of the wife in order to get the 100 points. Certainly if we develop the system where a whole range of rights depended on whether one was a Gibraltarian or was not a Gibraltarian, I agree entirely with the point that he is making that it would be totally wrong to say to somebody, "Notwithstanding the fact that you were born in Gibraltar but of United Kingdom parents and you are a Gibraltarian in every sense of the word you are going to be deprived of those rights". But I am telling the hon Member that that should not be happening; it is not the intention that it will happen in the future but what I cannot guarantee to him is that it never happens or that that impression is never created because I know for a fact that in the public administration people sometimes get told the wrong thing. When that happens we take action to correct it but I can tell the hon Member that the benefits and the rights and so on are related to being a British Dependent Territories Citizen (Gibraltar) which is the nationality that we have under the British Nationality Act 1981.

HON H CORBY:

The Chief Minister says there is only one use for it, is the Register of Gibraltarians used to obtain the ID card at the moment?

HON CHIEF MINISTER:

No, Mr Speaker, a Gibraltar identity card is issued to a British Dependent Territories Citizen of Gibraltar not to somebody who is a Gibraltarian. It is irrelevant whether one is a Gibraltarian or not.

28.10.93

ORAL

NO. 218 OF 1993

THE HON H CORBY

Will Government explain its plans for a consumer protection unit or an alternative thereof?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government intends to set up an office, in the City Hall, to provide a citizens advisory service. The office would be charged with providing advice and investigating complaints in relation to consumers of both private and public services. In addition the office would be acting in an advisory capacity to guide citizens in any area of the public administration where they may need help or need to be put in touch with an appropriate person to deal with their problem.

Clearly the setting up of this service is one which will have to be monitored and reviewed in the light of experience once it is operational.

SUPPLEMENTARY TO QUESTION NO. 218 OF 1993

HON H CORBY:

Mr Speaker, will the Chief Minister please state when this will come into effect?

HON CHIEF MINISTER:

I hope that it will come before the end of this year. Frankly we had aimed for October but the pressure of work in other directions has made it impossible for us to get it going. We have got the offices ready to start but we have not wanted to make an announcement until we have got the people that are going to manage it and we have briefed them so that people will be ready to deal with customers, as it were, the day we open.

HON P R CARUANA:

Mr Speaker, will the Chief Minister say whose employees will they be; will they be civil servants or what?

HON CHIEF MINISTER:

They will not be civil servants given the fact that I have already said that their job is to put them in touch with the proper officer in the public administration that is to deal with that issue. If somebody has got a problem that requires the involvement of an Environmental Health Officer then the advisory service will get him in touch, if necessary, make an appointment for him and put him, as it were, in the right route to deal with the public administration. They are not a part of the public administration and they will be employed in a 100 per cent Government-owned company that will be contracted to do the work.

HON P R CARUANA:

Will the Government be certain to appoint people that will have no hesitation to confront Government on behalf of the users of this service should that need arise? In other words, are these people entirely independent of the Government and the governing party of the day or not? I have to say that there are names being mentioned as to who is going to run this. If it is going to provide the function that the Chief Minister has described and, in addition, hopefully, the consumer protection function as well which is more connected with the private sector rather than confronting Government, these will have to be people who will not shirk, if necessary, from crossing swords with this or any future Government on behalf of legitimate complaints?

HON CHIEF MINISTER:

I think, Mr Speaker, what the hon Member seems to forget is that we eight are not behind the counters that deal with the public and therefore we certainly would not be saying to the people in the unit, "Your job is to come out tomorrow criticising a policy decision" - that is the job of Opposition Members who are the political voice of the alternative to the Government. But if there is a policy decision and I say here in this House that one does not need to be a Gibraltarian and bring a stamp in order to get an identity card then I think, frankly, that should not be a political issue because I have already said this is what is happening. What tends to happen? What tends to happen is that if somebody is asked to produce the stamp he goes to the Opposition Member and the Opposition Member raises it politically and then I tell him that it is not happening and he says to me, "Yes, it is happening because there are people coming to me complaining that it is happening". I think the independence of that system is so that they can say to the person, "No, the Government has made a public announcement saying you do not need it

so who has told you that you need it?" "So and so in such an office". "Well, wait a minute I will call them up and find out why they have told you that because this is not what the Government has said in the House of Assembly". Frankly, the people who have got to do that have got to be independent of the system. We will have to see how it works and whether we have problems with it or we do not have problems with it. But I think until we start testing it we will not see whether we are giving citizens a better public service and also providing a mechanism to ensure that they are also getting a service for which they are paying in the private sector. But I think the system, ideally, has to work to protect the consumer of both areas.

HON P R CARUANA:

I think the Chief Minister has said that this would provide the services that used to be provided by the consumer protection unit and that that gives certain powers; the consumer protection department had not a lot but some powers in relation to action that they could take. Those powers in the hands of public servants who are subject to the discipline and the control of the public service was one thing. Does the Chief Minister intend that this new body, being, as they are, a company albeit Government-owned but not public servants and not subject to General Orders, will enjoy these almost administrative powers against companies in the private sector?

HON CHIEF MINISTER:

Mr Speaker, the purpose of the exercise is to provide a service to consumers. I do not know what the hon Member thinks there is in General Orders.....

HON P R CARUANA:

Discipline and accountability!

HON CHIEF MINISTER:

Well, yes, discipline and accountability! If the hon Member has got a knowledge of the operation of the General Orders which I have never had in the 21 years that I have dealt with it, I would be happy to be enlightened on it. But certainly I can tell the hon Member that we are operating in a number of areas in providing a service to people through the use of entities like the Employment and Training Board and as far as we are concerned, we are satisfied that the service that is being given is satisfactory notwithstanding the absence of General Orders.

NO. 219 OF 1993THE HON P R CARUANA

Is the Government aware that the permanent Moroccan protest outside No. 6 Convent Place has become a spectacle to the point where tourists can regularly be seen photographing the banners, and what action is Government taking to resolve the situation in a manner that will result in the ending of the protest?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government is aware that the permanent Moroccan protest has been regularly photographed by tourists since the day they started. As far as the Government is aware from the statements made at the beginning by the protesters to the press, the purpose of the protest is to obtain employment or alternately for the protesters to be paid back all the income tax and social insurance contributions they have paid since they first arrived in Gibraltar. The Government is not able to meet either of these demands in order for the protest to end.

SUPPLEMENTARY TO QUESTION NO. 219 OF 1993

HON P R CARUANA:

Mr Speaker, given that the point of a demonstration of that kind is to try and persuade the Government to adhere to one's demands and given that the Government have made it clear that they neither will nor indeed can adhere to those demands, the protest is in a sense futile as far as the protesters are concerned. Does the Government consider that it is a proper use of the right to protest to have a permanent, as opposed to a mobile, protest located in between the Governor's residence and the Government's central office in a way which, I think, brings considerable discredit to this community as a whole, quite apart from the fact that certain of the banners may expose themselves to legal action? But leaving that to one side; given that the interests of the community are a bit wider than some of the demands of the Moroccan workers, is there nothing that the Government feel that they can do to end the protest? Perhaps the question was too subtly phrased the last words are "that will result in the end of the protest" - obviously the dispute will not go away; but the ending of the protest?

HON CHIEF MINISTER:

Well, Mr Speaker, we are limited in our ability to end the protest. I agree with the hon Member that certainly the protest is futile but we have tried to send the message to the protesters that they can stay there till kingdom come and the answer will not be that I can produce jobs. If I was able to produce jobs for people who went with a placard outside my office saying, "This is not Somalia" then we would have 2,000 people down there saying, "This is not Somalia" in order to get a job. But, for example, it was brought to my attention that there was a collection box there and I asked the police if it was legal to have a collection box there because I always thought that it was not. When this was brought to the attention of the organisers of the protest the response was that they would have to have a general meeting of the entire Moroccan community in Gibraltar to vote on whether the collection box was removed or not. We have had one incident where one person, having been legally deported under the laws of Gibraltar, in a situation where that person, frankly, had little right to be here - he was not a longterm resident or anything - had been out of work for a very long time; he was a young man and could go elsewhere, the Moroccan community were encouraged to take over the airport. When I raised the matter with the British Government the response was that although they were constitutionally responsible for the internal security of Gibraltar, they did not have the resources to handle it. If I am not able to finish something my philosophy is that I do not start it. Trying to get those people to move from where they are forcible could lead us to a pitch battle which we might not be able to bring to an end and lead to a worse situation than the one we have got now. But I accept entirely what the hon Member says that really it is totally unreasonable. They have made their point; they are not going to get anywhere with it; we are trying to see whether we can do something for those that we employ, which is all that we have ever been able to undertake to do; to look at the employment and the position for the future of the employees of the Government of Gibraltar. We do not see why the taxpayers of Gibraltar have got to pay money to people who have been made redundant by the MOD.

NO. 220 OF 1993THE HON F VASQUEZ

Is Government committed to the attainment of full employment in Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the target of the Government is to bring down the level of unemployment of Gibraltarians to an average of 300 which is the level at which it stood up to July 1991.

SUPPLEMENTARY TO QUESTION NO. 220 OF 1993

HON F VASQUEZ:

The question is asked, Mr Speaker, because of various statements that the Hon Mr Pilcher made at the CPA Conference, which I will quote briefly, and really which seemed to give the impression that all hope had been lost of ever attaining employment and was suggesting that young people should not expect even to find jobs. He said, in a discussion on the question of employment, amongst other things, "the age of technology is such that I do not think that we will be in a situation of full employment ever. One thing that we can do in the protection for future generations is start thinking about the leisure ethic and not the work ethic because there will not be full employment. We need to address the situation of having more leisure orientated societies and we have to stop mentalising children that they are a failure in life if they do not get a job; we need to start now teaching children and putting in our curriculum what happens if you are unemployed." All this seems to suggest that the Minister had actually, as it were, almost given up hope that young Gibraltar school leavers could expect to find a job and I would be grateful for confirmation from the Government that, in fact, Government have not abandoned the ideal of full employment. I certainly accept that 300 unemployed constitutes full employment, if 300 are unemployable and that really Government have not abandoned the notion of full employment for Gibraltarians in Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, I think the answer is quite simple. When Members of the Government and the Opposition go to Parliamentary Conferences they are not making policy statements on behalf of the Government of Gibraltar. They are generally debating, in a rather esoteric framework, philosophical matters and I think the quote that the hon Member has made is that philosophically the Hon Mr Pilcher was saying, "In the western civilisation we are going to have to be looking at a different approach to work". Given the nature of our manufacturing industry I cannot see what new high technology is going to start putting our people out of work. We happen to have a service economy and in a service economy the reality of it is that it is still the most labour intensive area. I think what we have, in fact, in Gibraltar to come to terms with is that the kind of work which we in the past were privileged to be able to say, "That is not for me, that is for a foreigner to do", we need to do ourselves. That is the kind of cultural change our society will have to go through and it is not going to be a painless one but there is, at this stage, no choice. If it was possible for me to say that we could achieve 300 unemployment where the Gibraltarians were all foremen and all the guys digging the holes were Moroccan, Spanish or Portuguese, that would still be the ideal that we would all want because that is what we have been used to in the past. In the future there will be one Gibraltarian foreman and 10 Gibraltarian labourers digging the hole and when we get there, I believe we will be able to bring down the level of unemployment. Obviously the smaller the job market the tougher it will be to meet our target and the bigger the job market the easier it should be for the reasons that I have explained. But we have not given up on that target and it is still our hope and intention to get there.

28.10.93

ORAL

NO. 221 OF 1993

THE HON H CORBY

In view of the continuing increase in the level of unemployment, will Government now give serious consideration to improving the system of unemployment benefit to alleviate hardship in affected families?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government has continued to monitor the situation since the hon Member last raised it in April 1992.

The recent increase in local unemployment this year is almost entirely due to the closure of PSA. The position of local workers is that once their unemployment benefit is exhausted they can claim means-tested social assistance. The eligibility to this is clearly affected by the level of redundancy payments but the scheme is designed to alleviate hardship when such payments become exhausted.

In respect of recent redundancies clearly those affected are only just emerging from the 13 weeks unemployment benefit period. As regards the long-term unemployed which is defined in Community law as 12 months if one is over 25 and six months if one is under 25 - the Government introduced a community projects scheme which I explained to the House at Budget time and earlier today.

The scheme is proving reasonably successful although there have been instances of individuals preferring to remain unemployed and receiving social assistance, the response has so far not been bad at all. Means-tested social assistance is not granted for a limitless period. It is designed to alleviate hardship and it can be terminated if those in receipt refuse to take up employment when it is offered. The situation will continue to be monitored in order to assess what other measures, if any, need to be taken from time to time.

SUPPLEMENTARY TO QUESTION NO. 221 OF 1993

HON H CORBY:

There are cases which the Chief Minister must be aware of where a Gibraltar woman with children and married to a non-Gibraltar man experiences great hardship because the only persons who can claim social assistance are the children and the mother. The benefits fall well below the poverty line and they have a lot of grievances.

HON CHIEF MINISTER:

I do not accept that we have a poverty line as such, as they tend to have in other countries. All I can tell the hon Member is that the level of benefits in Gibraltar, limited as they are, in our experience still produces resistance. We have had people turning down the community scheme because they say, "Well, if I am going to be working for 39 hours and I am going to finish up earning £10 or £20 more than I get on social assistance I would rather stay on social assistance". We have had that on quite a number of cases. So if there are people who are below that level then when we get to them the answer is we will see what happens when we offer them the opportunity to increase the money they take home by being given the chance to participate in this community project.

HON H CORBY:

When they are on social assistance and they ask for rent relief if they live in Government rented accommodation; it is taking quite a long time for that rent relief to be processed. Will the Chief Minister comment on that?

HON CHIEF MINISTER:

Not really, Mr Speaker, because, frankly, the problem is that the hon Member is making reference to specific instances of individuals having problems in the administration of the system. I looked at the question and I provided an answer on the basis of the policy; are we going to change the policy that we have got? The fact that the policy that we have got may, in situations, mean that people instead of getting an answer in a week get an answer in three weeks. I think that we can look at any case when the hon Member says, "Look, there is this person having a problem and they do not give him an answer".

3.

HON P R CARUANA:

Has the Chief Minister noticed or detected an acceleration in the last three or four months in the incidence of redundancies from the private sector?

HON CHIEF MINISTER:

We have had, I think, in the last three or four months, an acceleration of redundancies in the construction industry where a number of firms that had been in existence for some years in one particular case there was a firm that went bankrupt in 1991 and reappeared with the same original name plus 1992 in brackets which has now gone bankrupt in 1993. So there has been a number of these people going bankrupt and the increase of construction workers has been due to redundancies that have been quite large in the last three or four months. This has been reflected more in the non-local labour which is not reflected in our unemployment figures. Between June and September there has been a greater job loss than is reflected by the unemployment figures because the number of people who have become unemployed has been greater than the number of people who have registered because a larger chunk of them were resident on the other side and have registered over there.

28.10.93

ORAL

NO. 222 OF 1993

THE HON LT-COL E M BRITTO

Does Government consider that it would be in the best interests of Gibraltar to seek to improve its relationship with the Trade Unions?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government believes in maintaining good relations with the Trade Union Movement, for this reason, it rarely comments on the press releases issued by a union when there are industrial problems since it believes that such public statements tend to make the finding of a solution to a dispute more difficult.

SUPPLEMENTARY TO QUESTION NO. 222 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, with respect, that does not answer the thrust of the question which is asking the Government to improve rather than maintain, as it is doing, by not commenting on union press releases.

HON CHIEF MINISTER:

Mr Speaker, as far as the Government is concerned, our relation with the Trade Union Movement is dependent on the relationship that certain people in the Trade Union Movement want to have with us and, obviously, if the District Officer of the TGWU appears on television waving a piece of paper as if he was about to have a heart attack and saying that he has just discovered a secret agreement with Sevillana which immediately is reflected in questions from the Opposition Member about whether I have got a secret agreement with Sevillana, it is quite obvious that my relationship with him is not as good as the hon Member's. Perhaps if he tells me what is the secret of his love affair with the District Officer I may be able to learn something from him.

HON P R CARUANA:

The answer to that question is an ordinary ability to communicate with people, to listen to people and not simply to deal with people on the basis that I give them no information and that I impose my will on them with the same arrogance as the Government does. That is the secret of the success.

HON CHIEF MINISTER:

All I can say is that we believe that improving our relationship with the Trade Union Movement or with the TGWU or with the District Officer requires an effort on both sides. From our part we have tried to maintain the cordial relationship which we have had in the 14 years that we spent in adjoining offices. In order to try and do that, we have refused to counteract statements that have appeared with monotonous regularity which we would have had little difficulty in killing because in many cases they were either exaggerated or distorted. Occasionally, like in this particular last instance with Sevillana, we felt we had no choice but to come out and point out that the secret agreement he had travelled all the way to Sevilla to gain, had, in fact, been published in the Chronicle on the 14th May. He was then, as we said in the Government press release, downstairs just finishing a hunger strike which may, I suppose, with 48 hours without eating, given what we see with the people who compare us to Somalia outside No. 6 Convent Place, make one miss press conferences because one gets blurred eyes and all that kind of thing. So we have tried to be as understanding of his problems as we can but in responding, what more can we do?

28.10.93

ORAL

NO. 223 OF 1993

THE HON P R CARUANA

Since when has the Chief Minister believed that Union strike action could wreck the economy?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the effect on economic activity of industrial action is directly related to the nature of the structure of the economy. The structural changes that have taken place in the economy with the reduction in the size of the public sector and the expansion of the private sector makes Gibraltar more vulnerable today to the consequential economic impact of the withdrawal of labour than it was in the past.

SUPPLEMENTARY TO QUESTION NO. 223 OF 1993

HON P R CARUANA:

Several supplementaries arise I am sure the Chief Minister foresees. Mr Speaker, does the Chief Minister continue to adhere to the view that the worker has a legitimate right to withdraw his labour in support of a claim and that he is free to do that without being stigmatised as some sort of traitor or underminer of the future of the whole community of which he is a part, for doing so? Because if going on strike is going to attract the label of almost treachery then really the right becomes nominal and does not become one that has any value in practice.

HON CHIEF MINISTER:

Mr Speaker, I do not know why the hon Member thinks that the effect of a strike on the people who are not on strike actually has any effect on people who withdraw their labour. I think I know a little bit more about this business than the hon Member does so perhaps I can educate him on the subject. We introduced in the laws of Gibraltar the right of postal workers to withdraw their labour in May 1988 which they had been deprived of before there was a GSLP administration. We feel that the fact that we gave postal workers that right does not mean that because they never had it before they now have to use it constantly to make up for its absence before we came into Government. Therefore we feel that there is an excessive use of the right but,

nevertheless, they have the right. But people who have the right to stop the mail of everybody in Gibraltar, for example, must accept that the blame for people not getting their mail must rest with them and not with anybody else. Therefore, as far as we are concerned, the right to withdraw the labour is there and we have defended it and extended it in the legislation of Gibraltar where it did not previously exist. But the consequences of withdrawal of labour are inescapable and have to be faced and if people choose to face it openly then the rest of the community is entitled to know that if they are going to have to pay the price for the withdrawal of labour then they are entitled to know how reasonable is it that they are having to pay that price.

HON P R CARUANA:

In whose judgement?

HON CHIEF MINISTER:

In the judgement of the people who are provided with the information. If Opposition Members accuse us sometimes of not providing enough information and sometimes of providing too much.

HON P R CARUANA:

Mr Speaker, it remains the case, surely the Chief Minister agrees with me, that all industrial action has a detrimental effect on the economy in which it is conducted. There is no industrial action that does not do some damage to the economy because the effect of that would be that these workers were engaged in some futile activity. Is it therefore now the Government's policy that any worker who goes on strike in Gibraltar is undermining the economy and the Government will tell the general public so?

HON CHIEF MINISTER:

Mr Speaker, there are a number of industrial disputes at the moment on which we have not made.....

HON P R CARUANA:

Industrial action?

HON CHIEF MINISTER:

Yes, there are quite a number going on at the moment on which we have not drawn the public's attention. We draw the public's attention when we feel it is our responsibility, as a Government, to say, "Look, this has these consequences". We do not say that people cannot do it. If somebody goes on strike in a private firm then if the firm closes because they lose their customers, the people who have gone on strike go on strike knowing that this is the case. In a situation where we had a Naval Dockyard the decision of the British Government whether to send ships to be repaired here or not was only marginally determined by the state of industrial relations. I can tell the hon Member that if Kvaerner found that it started losing money because it was having industrial problems all the time, it would go away and if Kvaerner went away the effect today would not be simply on the workers in Kvaerner, the effect today would be on the income of the Government of Gibraltar and on the workers in the private sector. Those things have got to be said because they happen to be true of our circumstances and people need to understand that. If what the hon Member wants me to do is to say, "Look, there is no risk and therefore you should all go on strike whenever you feel like it at the drop of a hat because it does not make any difference". Well, if he feels he can deliver that kind of message then I suggest he goes to the next election campaign on a manifesto saying, "If we get elected we will encourage everybody to go on strike". Maybe they will vote for him.

HON P R CARUANA:

Mr Speaker, is this the view that the Chief Minister had in relation to the Government of Gibraltar and Appledore between 1984 and 1988 when as Leader of the Opposition and as a union member he had more than a passing connection with industrial action which could not then have been more damaging to the prospects for the local economy?

HON CHIEF MINISTER:

Mr Speaker, I do not really think the hon member is entitled at Question Time in 1993 to ask the Government of Gibraltar on something that Standing Order says is to elicit information and facts about the Government. What I did or I thought in 1984 as the Leader of the Opposition is none of his business and what happened here before he got elected is none of his business. If he was a citizen in 1984 who wanted to declare where he stood, he should have stood out then and said it. In 1993 the Leader of the Opposition has got the right to say to the Government, "We want information about the Government" and he has asked a question about a statement made by the Government and

4.

I have given him the explanation about that statement. He is not entitled to ask me what did I think as a union official anymore than I can ask him what he thinks as the lawyer that represents Kvaerner.

HON P R CARUANA:

Absolutely not. Except that he is the Chief Minister and the people of this community are entitled to know the extent to which he has changed his principles.

HON CHIEF MINISTER:

Well, Mr Speaker, my principles are unchanged and the people of Gibraltar who voted for me in 1992 are the same people who voted for me in 1988 and the ones who voted for me in 1984 and, obviously, they believe that I am a man of principle notwithstanding the fact that the Opposition Member and his colleagues are doing everything in their power to convince them of the opposite. They can keep on trying.

MR SPEAKER:

Next question.

NO. 224 OF 1993THE HON P R CARUANA

Mr Speaker, I think this question is almost redundant. I think we dealt with it in a supplementary to a question this morning. But just for the record.

Does Government agree that, given the TGWU's public denial that they requested the passing of the 1st July law which singles out British subjects from amongst other EC Nationals for discrimination, Government need not consult the TGWU before repealing that unpopular law?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government received a petition, on 1st May, which asked that Gibraltarians first, existing long-term residents second and that other newly arrived individuals, should be given priority of employment in that order.

At the meeting held with me I explained to the TGWU that the priority for Gibraltarians could only be achieved by obtaining a derogation from the EC to allow the requirement for permits for newcomers. I informed the TGWU that in actual fact the overwhelming majority of these new entrants competing for jobs with Gibraltarians and other long-term residents, came from UK. I also told them that this fact meant that it was difficult to make a case for restricting all EC nationals but that UK had confirmed that the Gibraltar Government could introduce a permit system for UK nationals and this would not be in conflict with EC law. I told the TGWU that if no progress was made with a general derogation we could proceed with UK nationals whilst pressing the case for the rest. In May the matter was still under discussion with UK and had been since August 1992 when the previous representations had been made to me by the TGWU.

At this meeting the strategy as spelt out above was welcomed by the TGWU representatives in spite of their subsequent denials. In view of the fact that the TGWU has subsequently denied its support for the measure introduced on 1st July, the Government does not feel it has to consult with the TGWU on this matter again. The latest views of the TGWU made public by them have been noted.

The matter continues to be monitored by the Government and at the end of the first year of operation a decision will be taken whether to continue with it or not.

28.10.93

ORAL

NO. 225 OF 1993

THE HON P R CARUANA

Will Government tell this House how much money is owed to banks by companies wholly owned by Government?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position is as stated in answer to Question Nos. 43 and 45 of 1991 and Nos. 117, 118 and 119 of 1992.

SUPPLEMENTARY TO QUESTION NO. 225 OF 1993

HON P R CARUANA:

Mr Speaker, I am aware of the fact that there is a ruling in the House which does not require the Chief Minister to answer that question. But will the Chief Minister answer it notwithstanding that he is not obliged to, in accordance with the ruling, quite voluntarily, on the basis that it is information of interest to the general public in Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, I have already given him the answer to that question not because of any ruling of the House but for the reasons explained in Question Nos. 43 and 45 of 1991 and Nos. 117, 118 and 119 of 1992 and I do not see why I have to repeat the same answer every time he chooses to repeat the same question. What I will tell him is that the position has not changed since the last time he asked the question.

28.10.93

ORAL

NO. 226 OF 1993

THE HON P R CARUANA

Have any public funds been invested in the Gibraltar European Investment Trust Ltd, and if so, what amount as at 1st October 1993?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the sum invested by the Gibraltar Investment Fund in the Gibraltar European Investment Trust Ltd as at 1st October 1993 was £7.93 million.

SUPPLEMENTARY TO QUESTION NO. 226 OF 1993

HON P R CARUANA:

Mr Speaker, will the Chief Minister say in what nature of investments - I do not expect him to list the investments - that money is invested?

HON CHIEF MINISTER:

The whole of that money is deposited in cash in the Gibraltar Savings Bank.

HON P R CARUANA:

Mr Speaker, will he say whether he does not feel that some of the income from those monies could not be allocated on an interim basis to the cost of running the St Bernadette's Residential Home?

HON CHIEF MINISTER:

No, Mr Speaker, that is total and complete nonsense. The Government of Gibraltar was elected on an electoral programme which does not require that the operation of the school should be dependent on the performance of the Gibraltar European Investment Trust Ltd. If we have got a scheme which is supposed to provide a long-term protection for our people, what we called in our manifesto "the rainy day fund" and we start putting our hand in the pot before the storm clouds and the rain have started, I do not know what he would expect to do. So this is not this kind of operation. What we said was that within the budget voted by the House this year, there is already a provision for operating that school provided we can come.....

HON P R CARUANA:

The Residential Home?

HON CHIEF MINISTER:

Yes, we said it in the Estimates and we said it at Question Time.

HON LT-COL E M BRITTO:

The Chief Minister is saying "school".

HON CHIEF MINISTER:

..... provided we can come up with a cost of operation which we consider to be a tenable level of public spending in providing residential care on a temporary basis for respite cases and permanent care for two or three exceptional cases where there is no alternative. Provided we can find a way of running such an operation at what we consider to be a bearable cost which we can repeat in the Budget every year, the money is there. We do not need to put our hand in the Gibraltar European Investment Trust Ltd to do that. That is a safeguard for our long-term future. We have not mobilised those funds and therefore they are still on deposit in the Savings Bank but that is based on a very clear strategy of what we want to do with that money and we are not going to use it for anything else.

28.10.93

ORAL

NO. 227 OF 1993

THE HON M RAMAGGE

Will Government say which housing estates owned by Government or by a company wholly owned by Government have been mortgaged and to whom?

ANSWER

THE HON THE CHIEF MINISTER

None, Mr Speaker.

ORAL

NO. 228 OF 1993THE HON F VASQUEZ

Will Government publish the agreement between them and Companies House (Gibraltar) Limited?

ANSWERTHE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 228 OF 1993

HON P R CARUANA:

Mr Speaker, I am sure with the memory that he enjoys, the Chief Minister will recall that shortly after coming into power, the Government had occasion to comment in this House in relation to the Gibtel agreement, that of course they would never withhold information on the privatisation of a public asset but this agreement had been signed by the AACR with a confidentiality clause in it and now they were stuck with it and since they were stuck with it they could not publish to the House the terms of the Gibtel agreement. Either those were crocodile tears or the Government Members have had a change of heart because it seems to me that they are now, with or without the clause - I do not know if the agreement contains a confidentiality clause or not - they are now doing exactly the same thing. What is the commercial justification for not publishing the terms; there is only one Companies Registry, it is not as if the next chap who wants to privatise the Companies Registry is going to have access to sensitive information.

HON CHIEF MINISTER:

Mr Speaker, I do not think they were crocodile tears because we were not crying, they may have been crocodile something else but not tears. The justification for not publishing it is that in 1988 the Government took a policy decision on the degree of information we would publish about commercial arrangements we entered into and we have maintained that policy and repeated it every time the question has been asked in the case of every agreement. Whether it is Land Property Services; the agreement with Europort; the agreement at Companies House, in each case the answer is, we came in, we took a policy decision and that is what we have done. In the case of Gibtel what the

hon Member is quoting out of context is that the information that was being asked of us we could not give to the people who were asking it because they had signed a clause saying we could not give it to them and that is what we told them.

HON F VASQUEZ:

And he said he would not do the same.

HON CHIEF MINISTER:

No, Mr Speaker, what we said to them was, "You are asking us for information which we cannot give you because you agreed, when you negotiated before we came into office, that this information should not be given and here you are asking us to give it to you".

HON J C PEREZ:

Mr Speaker, if I can clarify that. It is that there was this odd clause in the Gibtel agreement which was not a normal straightforward confidentiality clause. It said that even after the agreement was up there would be a lapse between five and 10 years before any information about the agreement would be able to be made public. I replied in this House to the hon member who had actually been a participant in signing the agreement that that is what he had signed. How could he be the one asking me questions about the agreement?

HON P R CARUANA:

And the Government Members also said that they would not have signed an agreement with a confidentiality clause in it.

HON CHIEF MINISTER:

That is right and the agreements that we have signed have not got a confidentiality clause. We choose not to tell them.

HON P R CARUANA:

..... they never do give the information.

HON CHIEF MINISTER:

Mr Speaker, we said we would not sign an agreement with a confidentiality clause and we have not. We do not give them the information because we do not want to, not because we do not have.....

HON P R CARUANA:

A policy decision, is it? The philosophy of the policy of this Government taken in 1988 and adhered to ever since, is not to give information to the people of Gibraltar about their conduct of the affairs of the people of Gibraltar on behalf of the people of Gibraltar. That is the philosophy of the policy. I accept that it is a policy and the fact that they have adhered to it for three years is not going to prevent us from asking the same question in relation to each new contract that the Government signs in order to highlight it. We think that it is wrong that the Government of Gibraltar should conduct commercial arrangements on behalf of the people of Gibraltar, privatising public services in effect and then refuse to tell the people on what terms they have done so.

HON CHIEF MINISTER:

Mr Speaker, the fact that the Opposition Member thinks it is wrong does not make it wrong.

HON P R CARUANA:

I am not saying that it is wrong.

HON CHIEF MINISTER:

..... because he does not happen to be the conscience of Gibraltar or of the Government of Gibraltar. He happens to be the Leader of the Opposition elected to this House after an election where he fought the campaign on this issue. He does not seem to understand that if one goes to an electorate on a platform and loses, the party that wins the election is not required, as a result of the election, to implement the manifesto of the Opposition. It is required to implement the manifesto on which it got elected and the Opposition Member constantly brings to this House complaints to the effect that we are not doing what the GSD want us to do. Well, they did not even vote for us why should we do it?

MR SPEAKER:

Next question.

NO. 229 OF 1993THE HON P R CARUANA

Given the Chief Minister's statement that he would sue anyone who publishes such libels in Gibraltar, what steps will Government take against the publishers of the Independent on Sunday newspaper who published in August of this year, that Scotland Yard are investigating allegations that bribes were paid to a senior member of the Gibraltar Government in return for lucrative building contracts?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, in dealing with this matter on the previous occasion that the Opposition Member raised it in relation to other foreign newspapers, I have made clear that the Government would not, at this stage, be suing the newspaper concerned for the libels they have published such as the one referred to in the question, but that I reserved the right to do so at some future date.

The libel published by this particular newspaper which refers to the same investigation into allegations concerning Baltica, as the libels published by the others appears to be deliberately fed to the press by persons unknown to us who are, for reasons best known to themselves, maliciously fabricating these stories. If we are able to identify who in Gibraltar is responsible for inventing the stories in the first place we will sue.

SUPPLEMENTARY TO QUESTION NO. 229 OF 1993

HON P R CARUANA:

But how does the Chief Minister know it is in Gibraltar? First of all, the Chief Minister assumes that the source is in Gibraltar. Well, that is called a rampant imagination at work. But given that he did indeed make the threat which the question eludes to and refers to, what Government is really saying is that the threat only applies to Gibraltarian citizens and to the Gibraltarian press as an attempt to intimidate them into not airing this issue for local domestic purposes because this newspaper is circulated in Gibraltar. Why should the Government sue me if I say it outside this House and not sue the Independent on Sunday that is sold down Main Street to anyone?

HON CHIEF MINISTER:

Because, Mr Speaker, if the Opposition Member is constantly saying that these libelous and malicious fabrications are bad for Gibraltar, I would expect him not to go round saying it but I might not be able to prevent the Independent on Sunday, who does not care about Gibraltar, from doing it.

HON P R CARUANA:

The Chief Minister can sue them.

HON CHIEF MINISTER:

Therefore, since I would expect him not to do it unless he cared more about damaging the Government than about the good of Gibraltar, then he must run the risk, if he has the courage, to repeat publicly and where he can be quoted, the things he may be saying privately.

HON P R CARUANA:

No, I do want the Chief Minister to protect the interests of Gibraltar but everyone except the Chief Minister understands that the interests of Gibraltar require him to sue this newspaper which is what all aggrieved victims of libel do and to the extent that he does not he is lending credibility to the allegation to the detriment of the reputation of Gibraltar.

HON CHIEF MINISTER:

No, Mr Speaker, I am not lending credibility because if that newspaper reported what the hon Member says in this House, it was a thing that he said in this House that that newspaper would be quoting. Not that they are true but the constant innuendos and insinuations which we see today in Question Time when hon Members say, "Well, if the Government do not give us an answer that must be that there are grounds for thinking that the Government are corrupt" and if tomorrow somebody publishes it, "Well, they must be investigating corruption in Gibraltar". In 1992 there was an election campaign where almost every other sentence of the Opposition party dealt with corruption where I had to stand up and say to the Opposition Member at the end of the election, "You have come within an inch of committing libel and if you keep on like this the day we catch you we will take you to the cleaners." I told him that immediately after the count. I told the Opposition Member that he had two choices in front of him - either the election was now over and we worked together for the good

of Gibraltar and in 1996 we went to the people, or he could carry on fighting an election campaign from then until 1996. He has chosen to carry on fighting it and he has chosen to carry on fighting with the same gutter politics that have marked him since the day he arrived in this House and therefore that is what the international press is reflecting, the dirt that they spread.

HON P R CARUANA:

That is absolutely pathetic, Mr Speaker. The fact remains that we have never said any of these things. The fact is that they are being said and the fact is that they are not being said by us. The Government cannot blame us for the fact that this is what people are saying; people do say it and they choose not to sue them when they can, frankly. Does the Chief Minister think that in any mature, civilised democracy, other than in a one-party State, he seriously expects the elected Opposition to allow the Government of the day to be accused of corruption and sit here silently so as not to damage his reputation?

HON CHIEF MINISTER:

Mr Speaker, my reputation.....

MR SPEAKER:

Order, order, order, order. There must be no insinuation against a Member and the Leader of the Opposition must withdraw what he has just said.

HON P R CARUANA:

What?

MR SPEAKER:

That it will be harming his personal reputation and that is not allowed in this House.

HON P R CARUANA:

Of the Government.

MR SPEAKER:

You said the Chief Minister.

HON P R CARUANA:

Well, if I said the Chief Minister I withdraw. Of the Government of Gibraltar.

MR SPEAKER:

Withdrawn and now I think we have reached the point where the matter has been sufficiently ventilated. Next question.

NO. 230 OF 1993THE HON P R CARUANA

Will Government bring legislation to this House to prevent Gibraltar based companies undertaking in other parts of the world activities which could reflect badly on Gibraltar's image?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, it is not possible to prevent Gibraltar registered companies undertaking activities in other parts of the world which could reflect badly on Gibraltar's image since there is no way of knowing beforehand that such activities are going to take place.

SUPPLEMENTARY TO QUESTION NO. 230 OF 1993

HON P R CARUANA:

Yes, Mr Speaker, but I have in mind the case, which I am sure the Chief Minister has been made aware of, of a Gibraltar incorporated company, with no more connection with Gibraltar than that, proposing to be heavily involved with pornographic satellite transmission to the UK and elsewhere and that there appears to be no provision in the Gibraltar law that would enable some authorities in Gibraltar, without saying at this stage which authority, to say, "No, this operates against the public interest and we will deregister you in order to break what is no more than a brass plate link".

HON CHIEF MINISTER:

Mr Speaker, pornography is not my strong card so I am not familiar with the case which the hon Member wishes to bring to my notice. But I have given an answer taking literally what the question says. Can we do something to prevent the company doing something? I do not know if we can do it to prevent it. I think once a company has done something which is wrong and it has happened we may be able then to do something about deregistering it.

HON P R CARUANA:

I accept that. The question is loosely phrased in that respect.

HON CHIEF MINISTER:

Well, that is a different issue. Then I can tell the Opposition Member that as regards being able to deregister a company where the behaviour of the company is one that will bring damage to Gibraltar's image but it means after the event, it has to happen first, then we are looking at what provisions can be introduced into the Companies Ordinance to be able to do that.

NO. 231 OF 1993THE HON P R CARUANA

Who drafted Government press releases Nos. 48/93 and 27/93?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, all press releases are drafted by the Press Office.

SUPPLEMENTARY TO QUESTION NO. 231 OF 1993

HON P R CARUANA:

Mr Speaker, press release No. 27/93 has, after having explained to the media what the Government's position is in relation to the Moroccan workers demands, as a final paragraph, "As regards Mr El Fatuaki it should be known that he is, in fact, an employer and not an unemployed worker and that the business of which he is the owner is currently in liquidation for failure to pay PAYE deducted from its employees". Mr Speaker, as far as I know, all of that information is true but what purpose does it serve in that press release other than to try and lower the public esteem of Mr El Fatuaki, a man who is the leader of a representative body then in conflict with the Government of the day. Is it not a form of intimidation?

HON CHIEF MINISTER:

Mr Speaker, Mr Larbi El Fatuaki, according to the Moroccan Workers' Association is not a leader of such a body. Mr Larbi El Fatuaki was interviewed on television and he presented himself as one of the Moroccan protesters who was protesting about being unemployed - one of the people that the hon Member thinks have now overstayed their welcome outside No. 6 Convent Place. In May this was in reply to Mr El Fatuaki's statement on television with the placards about Somalia downstairs where he said to the people of Gibraltar, "We unemployed Moroccans want either work or our income tax back". We thought the people of Gibraltar ought to know that the person pretending to be an unemployed worker was not an unemployed worker; that the person claiming that the Moroccans should be given back the PAYE was the person who actually pocketed the PAYE of his workers. How can somebody have the audacity to go on

television and say, "The Government of Gibraltar is stealing the PAYE of the workers"? And it turns out that he has taken the PAYE of his workers and putting it into his pocket and we are supposed not to tell the people of Gibraltar that. We are supposed to let the people of Gibraltar continue to believe that Mr El Fatuaki is the protector of the downtrodden. The information that we drew the attention of the public to was already public, in fact, because the putting into liquidation of the firm had happened in February and we drew the attention of the public because the person concerned was actually on our public television misrepresenting things to influence public opinion and the Government of Gibraltar is entitled to put the record straight. We do it as infrequently as we can because we do not believe in exacerbating relations either with Moroccans or with unions or with anybody else. But then comes a point when we say enough is enough. If somebody comes out and starts throwing stones; there is an old English adage that people in glass houses must not throw stones. Therefore I advise all those who live in glass houses, without any intention of intimidating them, that they really need to be looking that they do not have the glass falling on their heads.

HON P R CARUANA:

Mr. Speaker, in relation to press release No. 48/93, is the Chief Minister aware of any precedent for the Government singling out for mention by name a particular employee of the Government who has carried out some act pursuant, presumably, to an industrial action. The Government went into the trouble of issuing a press release saying, "This morning Maurice Key, an ACTSS member employed as a PTO, who is not taking any form of industrial action and is on full pay, left Waterport Power Station without permission and without informing the City Electrical Engineer, made his way to the old King's Bastion Station and himself physically took the necessary steps to withhold electricity from an area of our City". What was the point, what was the motivation, what moved Government to single this worker out for mention by name in an official Government press release?

HON CHIEF MINISTER:

Mr Speaker, this worker is actually the manager.

HON P R CARUANA:

I do not care and it does not make any difference. Does he not have the right to go on strike?

HON CHIEF MINISTER:

We think that if the manager abandons his place of work and goes off somewhere and switches off the electricity, the consumers of the electricity are entitled to know why they had been left without electricity. Let me say that this particular manager is one of three managers who are currently in dispute because they are not happy with something they signed and agreed to in 1991. It may well be that if tomorrow, as a result of this particular dispute affecting three people, we have people being left without electricity and people being affected, we might need to mention who the three people are; how much money they are earning; what they agreed to in 1991; that they have reneged on what they signed and what it is they are asking for. I do not think the individual was happy to see his name. I doubt if he is happy to see it being repeated now by the Leader of the Opposition, because I do not think he was particularly glad of the publicity.....

HON P R CARUANA:

That is why the Government did it.

HON CHIEF MINISTER:

No, the hon Member is doing it all over again, he has just read the whole paragraph, so he has just read that, "Maurice Key, an ACTSS member, employed as a PTO..." We are telling the whole of Gibraltar three times.....

LAUGHTER

HON P R CARUANA:

That is why the Government put it in the press release in the first place. I am glad that the Chair finds it amusing. This is precisely why the Government put it in the press release in the first place.

HON CHIEF MINISTER:

Mr Speaker, then is it that the Opposition Member is trying to intimidate Mr Maurice Key by bringing the question to the House? Of course not. It is a matter of public interest and we thought it was a matter of public interest that people should know how the cut happened and it is our prerogative, as the Government, to bring to the notice of the public the things that we think they ought to know and we thought they ought to know this.

HON P R CARUANA:

And let everybody in Gibraltar now know that the Chief Minister thinks that if somebody exercises the right to strike, the Chief Minister reserves the right to single them out for particular action even though his action may be pursuant to the actions of a wider group in order, presumably, to isolate him for public criticism and for public score. That, precisely, I am putting it to the hon Chief Minister, is why he included this paragraph in this press release.

HON CHIEF MINISTER:

Mr Speaker, the point that we made in the press release was, in fact, that the gentleman was not on strike, that he was getting paid by the Government to do a job and he went off and did something else, which is very peculiar. We have a manager in charge of a shift in the Generating Station and we find that the manager, who is supposed to make sure that if there are people on strike he breaks the strike to keep the supply going - that is what managers normally do in other parts of the world - went in solidarity with the people below him. He was not involved in any dispute and he had no claim, this was at the time when there was a claim for the low pay. Let me say that although we are not at this stage saying how much he earns, he earns of the order of four or five times what the low paid get paid. So I suppose he had pangs of conscience and that is why he was identifying himself but at the end of the day he was the manager on duty and we thought, "Well, people ought to know that it is not that there is a strike in the Generating Station; it is not that the workers in the dispute have gone home and shut the engines; it is that the manager has gone and switched off a district. Look, the manager is not on strike and the manager is being paid by the Government". This is a very abnormal situation. In any other part of the world, General Orders would have come into play and instead of being in a press release he would have been in front of the Deputy Governor. Of course, we did not do that.

MR SPEAKER:

Next question.

28.10.93

ORAL

NO. 232 OF 1993

THE HON P R CARUANA

Will the Government introduce legislation in the House to require a creditor to give his debtor a minimum period of notice of intention to advertise a winding-up petition?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government has not received representations from anyone for new legislation to be introduced.

SUPPLEMENTARY TO QUESTION NO. 232 OF 1993

HON P R CARUANA:

Mr Speaker, Government Members may not be aware that in the United Kingdom rules require a creditor to give notice of intention to publish a petition precisely because it is the act of publication of the petition that can very often cause, on a domino effect basis, the failure of a company in the context where the debt may be in dispute. If one is a company that is on shaky financial ground, one of its creditors issues a petition, gives no notice, as the law of Gibraltar, as opposed to the law of the United Kingdom, does not require him to do; the first thing that the businessman finds out when he opens the Chronicle in the morning is that a petition to wind him up has been advertised and the effect of the advertising of that petition is that his bank will freeze the account, suppliers will freeze credit and the pack of cards will come down. Mr Speaker, that has happened very recently in Gibraltar in the case of the last hotel that was publicly said to have had financial difficulties and it is precisely the reason - I will mention by name : White's Hotel - why in the United Kingdom there is a rule which for some reason has not been extended to our legislation which requires the issuer of the petition to give, I am not sure if it is seven or 10 days notice of intention to publish, to give the company petitioned, if he considers that the petition is spurious, the opportunity to go to court and get an injunction to prevent the petition being advertised.

HON CHIEF MINISTER:

Mr Speaker, I am advised that section 123 of the Insolvency Act 1986 requires a creditor to give three weeks notice to a company asking it to pay the sum due and that this is the same as is provided in the winding-up provisions of the Companies Ordinance in Gibraltar. I am told that under the Insolvency Rules 1986, the provisions for proceeding with advertising a winding-up do not contain a requirement for prior notice to the company which is the subject of the advertisement. But if the hon member wishes to write to me and bring what he has to my notice I will certainly look at it again.

NO. 233 OF 1993

THE HON P R CARUANA

Mr Speaker, will the Government introduce legislation in the House to make jury service compulsory for women in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 233 OF 1993

HON P R CARUANA:

Is that out of the conviction that women do not make good compulsory jurors or out of some other conviction which the Chief Minister may now wish to explain to us?

HON CHIEF MINISTER:

Mr Speaker, the hon Member may not have been here in 1989 when the matter was previously raised and I gave a detailed explanation of our views or when for the second time running in 1991 the hon and gallant Lt-Col Britto raised the matter and we gave him again the same explanation. I am sure he can ask his colleague to tell him what the answers then were because the position has not changed.

HON P R CARUANA:

And the position has not changed even in the light of the recent representations made in public by the Women's Association?

HON CHIEF MINISTER:

The two previous times that the Opposition raised it was because the Women's Association had made representations and it did not make any difference and it does not make any difference now.

NO. 234 OF 1993THE HON P R CARUANA

When does Government intend to organise a supplementary Electoral Register?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, no date for this has yet been fixed.

SUPPLEMENTARY TO QUESTION NO. 234 OF 1993

HON P R CARUANA:

Would the Government address their minds to the question of a date and I think there was a vote in the Estimates this year for this purpose? Does that mean that we might have one during the course of the current financial year?

HON CHIEF MINISTER:

We put a token sum this year in case we could start the process this year. Frankly we have not really given it a great deal of attention. Our views, as I think we expressed at the time after the election, were that we thought it would be better to see the big movement of people into the new housing estates taking place rather than to do a supplementary register and then find that many people have changed addresses and we have to start all over again. So we might wait for the Gib 5, which is 580 units, to be out of the way.

HON P R CARUANA:

The timing is not essential except in the context of the next general election. Does the Chief Minister agree that if possible it would be preferable to avoid the confusion that arose last time from having this exercise too close to a general election and too close to the conduct of a census - which presumably will not happen again for some time - and people getting confused as to whether they had registered for voting or filled in their census forms?

HON CHIEF MINISTER:

Mr Speaker, I have always been of the view; I think I am expressing really a personal view rather than a policy decision on the part of the Government in this matter; since I arrived in the House in 1972 that it not ought to be beyond the wit of man to have a system that could be regularly appraised.

HON P R CARUANA:

Absolutely! So do I.

HON CHIEF MINISTER:

But I do not have the answer. I can tell the hon Member that these have been my feelings.

HON P R CARUANA:

Well, Mr Speaker, certainly in the Opposition we would be supportive of a system that operated in that way. As I understand it operates in the United Kingdom.

28.10.93

ORAL

NO. 235 OF 1993

THE HON P R CARUANA

Is Government aware of the widespread belief that Gibraltar based fast launches are increasingly being used in the cross straits drug trade?

ANSWER

THE HON THE CHIEF MINISTER

The Government is aware that there is a belief that some Gibraltar based craft are engaged in the cross strait drug trade. The Government is not in a position to establish how widespread that belief is.

SUPPLEMENTARY TO QUESTION NO. 235 OF 1993

HON P R CARUANA:

Mr Speaker, obviously the Government are not aware except that of course there are periodic drug hauls on our shore and the belief is based on some evidence. Does the Government feel that there is anything that they could do that they are not already doing or in addition to what it is already doing, that would help protect Gibraltar from the consequences of being connected with this sort of activity?

HON CHIEF MINISTER:

Let me make clear, Mr Speaker, that this is an area where the Government believes that whatever resources need to be found have to be provided. Not only for the sake of protecting our own people from this cancer but because we have got, as part of the international community, the obligation to make sure that Gibraltar is not being used in international drug running. I am not sure how one can go about it. I can tell the hon Member that certainly if we could get the Drug Investigation Unit, of which we have talked a number of times, that might help us to produce better results than we have had until now because if we really were able to nip this thing in the bud, then it is not necessarily as big as some people think it is.

HON P R CARUANA:

Mr Speaker, given that, as it has been explained to me, the essence of the case is that in fact much of the activity which is allegedly being done does not involve the bringing of drugs to Gibraltar at all, if that were true would it not seem to indicate that really effective action is much more likely to target the movements and activities of fast launches in and out of Gibraltar rather than the drugs themselves which very often do not come here?

HON CHIEF MINISTER:

I do not suppose that the hon Member is really talking about fast launches because fast launches are already very rigidly controlled and I think there are about three of them. I think he is talking about all the other launches that are not defined as fast launches and have got outboard motors. I think the difficulty with that is that although it is said that it is known who is doing it and who is not doing it, because it is not possible to prove it, the general formula seems to be that if one does not allow anybody to have a boat then nobody can get engaged in the trade which seems to us to be going too far. Therefore we would be prepared to support action which was capable of targeting those that need to be targeted and which still allows other citizens, who have the right to own a boat if they want to own one and who are not using them for anything to do with the drugs trade, to own them and operate them.

HON P R CARUANA:

Mr Speaker, but the problem is, as the Chief Minister has often said, a grave one. I think it requires grave action and I think the average citizen of Gibraltar understands that grave action is required and that that might impose on him a degree of inconvenience. For example, how many bona fide users of speed boats for leisure purposes does the Chief Minister think ever have occasion to take those speed boats outside of Gibraltar's territorial waters?

HON CHIEF MINISTER:

I have no idea. I am not a speed boat owner and I do not go out either by boat or any other way.

HON P R CARUANA:

Mr Speaker, does the Chief Minister agree that the average citizen of Gibraltar would not feel that the Government has gone too far if they impose the rule that speed boats operating out of Gibraltar may not leave Gibraltar's territorial waters after certain times? My understanding is that this involves going right across the Straits.

HON CHIEF MINISTER:

Mr Speaker, I do not think the hon Member can say so bluntly that the citizens of Gibraltar will understand restrictions when we have a situation where, when the previous administration brought to the House the Fast Launch Rules which we supported, they were taken to court by aggrieved citizens and the court ruled the rules to be unconstitutional and threw them out. Then we had the situation where one individual, who is not even a native of Gibraltar, was refused a licence and wanted to have legal aid to sue us for not letting him have a fast launch and is now threatening to take it to the House of Lords. So that is not an indication to me of people being willing to accept necessary restrictions for the common good.

HON P R CARUANA:

I do not think that the gentleman to whom the Chief Minister is referring who is commonly known in the legal profession as Gibraltar's vexatious litigant is representative of public opinion in Gibraltar.

HON CHIEF MINISTER:

No, no, he may not be but we only need one to be involved in very long, detailed, expensive and explosive situations and therefore, as far as we are concerned, we are totally committed to the fight against drugs. I said at the beginning of this session of the House, immediately after the elections - not 100 per cent, 110 per cent. These people do not deserve any sympathy or understanding. They are ruining the lives of hundreds of youngsters and the trade needs to be cut not only for our own youth. We have an obligation to make sure that other people in the neighbouring country are not being poisoned whatever political differences we may have with them. We do not want Gibraltar to be a party in any shape or form, laundering money, being used as a base or any other way to youngsters in Spain being poisoned by this venom. Mr Speaker, I cannot speak more strongly about the nature of the commitment. I am not prepared, and I will be totally honest with the Leader of the Opposition, under the guise of this to have things introduced which put restrictions on people which are theoretically about drugs but in practice about other concerns and other attempts to mollify our people.

28.10.93

ORAL

NO. 236 OF 1993

THE HON LT-COL E M BRITTO

Is Government giving consideration to taking away from the Royal Gibraltar Police the responsibility for immigration control at the land frontier and/or the port?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the matter is presently under review.

SUPPLEMENTARY TO QUESTION NO. 236 OF 1993

HON LT-COL E M BRITTO:

Does that imply that the arrangements will be similar to those at the airport? That is that the persons in charge of control will be employees of a private company?

HON CHIEF MINISTER:

No, Mr Speaker, the matter has been under review ever since the External Frontiers Convention because if we are included under the Convention, as we want to be, we would have to remove immigration controls at the frontier and the port.

HON P R CARUANA:

Well, not at the port.

HON CHIEF MINISTER:

Yes, Mr Speaker, because at the moment the port would become an external frontier for movement exclusively from Morocco. We would need to have someone there only when the ferry from Morocco arrives.

HON P R CARUANA:

But given the arguments that have on occasions been used by Spain against our inclusion in the External Frontiers Convention, is precisely some spurious allegations that we are somehow incapable of operating a secure immigration post and that somehow we are going to allow Gibraltar immigration and customs to be the weak link of the whole

external frontiers where all sorts of terrorists and persona non grata will gain access to the whole of the European Community; does it not seem imprudent in the wake of that argument to actually be taking the steps that the Government is proposing to take in respect to immigration control which would seem to strengthen the hands of those that would argue that the controls.....

HON CHIEF MINISTER:

No!

HON P R CARUANA:

Yes, but if they were saying that when they were in the hands of the Police and in the hands of public servants, do we not run the risk that they will say it more loudly if it is a privatised..... And my goodness, privatised services are criticised even..... Look at Group 5, they are the laughing stock of the Prison Service and of the Home Office and of the Police Service for the number of prisoners that they let slip their net. And these are arguments.

HON CHIEF MINISTER:

Mr Speaker, I think the arguments used by Spain have moved since they were what the hon Member said because to a very large extent the Portuguese formula demolished the basis of that argument. The argument now is more centred on the airport. This is why the European resolution which was voted on today mentions specifically the status of Gibraltar and status of the Gibraltar airport. Frankly, there is a point in what the Spaniards are saying about the airport in the context of the External Frontiers Convention and that is that although the External Frontiers Convention provides for a two years delay between the removal of controls at land frontiers and the removal of controls at external international airports, at the end of that two years period the free movement provision drives a coach and horses through the 1987 Airport Agreement. So one can see that the shift in the emphasis which is to say that by agreeing the External Frontiers Convention they will effectively be agreeing to scrapping the 1987 agreement. There is a point in that and I think that is really where it is centred at the moment. This is why the Belgian presidency, which is apparently working on some possible formula with some possible Community involvement and some possible Community funding to sweeten it, is concentrating on the airport and not on anything else as the link to break the obstacle for the external frontiers.

28.10.93

ORAL

NO. 237 OF 1993

THE HON P R CARUANA

Will Government explain the division of responsibility and day to day functions and decision-making between the Government on the one hand and His Excellency the Governor on the other hand, in relation to the issue and renewal of residence permits?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Principal Immigration Officer issues and renews residence permits under the Immigration Ordinance. Any appeals go to the Governor who takes Government's views into account when considering the appeals. The position of the Government is that a person must be in employment in a job for which a work permit has been given to his employer or have enough funds so as not to be a burden on the state, to be given a residence permit. The question of having enough funds so as not to be a burden applies equally to Community nationals.

SUPPLEMENTARY TO QUESTION NO 237 OF 1993

HON P R CARUANA:

Mr Speaker, as to the Government's policy as opposed to the Foreign Office's views, which of the two prevail upon the Immigration Officer? Does he implement the policies of the Gibraltar Government or does he implement the policies, whatever in any day they might be, of the British Government?

HON CHIEF MINISTER:

Well, I think, Mr Speaker, one would say that generally he reflects the policy of the Government of Gibraltar but there have been a number of instances, I regret to say, where he has taken a decision which does not coincide with the views of the Government of Gibraltar.

28.10.93

ORAL

NO. 238 OF 1993

THE HON P R CARUANA

Mr Speaker, what agreement (if any) has Government entered into with Sevillana de Electricidad SA, either directly or through the Joint Economic Council?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there is no agreement between the Government of Gibraltar and Sevillana. There is a cooperation agreement between the Council for Economic Coordination of which Gibraltar forms part together with La Linea, San Roque, Algeciras, Tarifa, Los Barrios, Castellar, Jimena and Ceuta on the one hand and Sevillana on the other. The agreement provides for opportunities for investment in the area to improve economic development and job creation.

SUPPLEMENTARY TO QUESTION NO. 238 OF 1993

HON P R CARUANA:

I think this is what is commonly called the Acuerdo Marco.

HON CHIEF MINISTER:

That is correct.

HON P R CARUANA:

Mr Speaker, is the Government aware of any investments that Sevillana will make in Gibraltar pursuant to that agreement or is this just a piece of paper with no practical consequence?

HON CHIEF MINISTER:

We hope that it will be more than just a piece of paper with no practical consequences but at the moment, honestly, that is all it is. The initiative, frankly, came from the other side and it came at a time when it was considered to be desirable to be able to announce this given that there were certain political events taking place in Spain if the hon Member throws his mind back. We did not want to stand in the way of whatever advantage might be gained by those who were involved in that exercise.

28.10.93

ORAL

NO. 239 OF 1993

THE HON P R CARUANA

Will Government outline and explain the details of the so-called Carracao proposal relating to joint use of the airport?

Well, obviously, Mr Speaker, we are aware of what is said in the press but we would like to know whether that is all there is to it or not.

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I would like simply to remind the hon Member that the timing of this is the same as the timing of the previous agreement. They both happened at the same time.

The idea put forward by Senor Carracao at the Economic Coordination Council was for some form of local entity to be created to direct and manage the use of the airport as a commercial arrangement which would not carry implications on the disputed issue of sovereignty.

In principle it is worth exploring the concept to establish whether a mutually satisfactory arrangement is possible. At the meeting in Ceuta, Senor Carracao proposed and all the members of the Council accepted, that he would continue to discuss his idea with me before any formal proposals were considered for public debate, in the knowledge that speculation about what may or may not be under discussion can make the finding of an acceptable formula more difficult.

I am not in a position to give any details because there is nothing further to add for the present and in fact a suitable formula may not materialise at all.

SUPPLEMENTARY TO QUESTION NO. 239 OF 1993

HON P R CARUANA:

Mr Speaker, I rely on recent press comments at my peril but is the Chief Minister aware that apparently Mr Carracao no longer wishes to be photographed with him because he has today issued a public statement accusing him of kicking him in the shins? That is to say, that the Chief Minister has apparently kicked Mr Carracao in the shins and, in fact, cancelling the next meeting of the Joint Economic Council until such time as the Chief Minister becomes more cooperative. Is the Chief Minister aware of these reports?

HON CHIEF MINISTER:

It is complete news to me since I have not seen Senor Carracao since we were in Ceuta together and did not kick him then, I can categorically deny having kicked him.

HON P R CARUANA:

This is what the GBC News has carried today that apparently whenever the Chief Minister's next meeting is in his diary, he can rush to the office tomorrow and scratch it because it is not going to be on.

HON CHIEF MINISTER:

All I can say is that certainly we have tried to create a framework of cooperation with neighbours which does not mean that we mince words about where we stand on fundamental issues. I do not think we could cloud that. I honestly believe that we could still have strong views on these matters which we do not have to sacrifice and try and find ways in which by working together our citizens on both sides of the frontier would benefit. It appears to be very difficult to be able to do that. Let me say that I, for example, at the last meeting took the opportunity of bringing them up to date on the question of the Spanish pensions because all the mayors have got citizens in their areas; by saying, "I do not want people blaming Gibraltar. This is coming up and you better know it is coming up".

HON P R CARUANA:

The two kicks in the shins are apparently the Chief Minister's refusal to accept his proposals on the airport and on the pensions business.

HON CHIEF MINISTER:

For the benefit of the Opposition and the public of Gibraltar, let me say first of all that at our last meeting in Ceuta we left it, as I have just said, that Senor Carracao would pursue the matter with me outside the Committee on the basis of doing it privately without publicity but to date he has not made contact. So there is nothing for me to turn down because he has not proposed anything other than the idea that I have spelt out. What I have just told the House is the sum total of what I know about his idea. He has not added one full stop or comma to that. He proposed that it would be better if we pursued it sort of face to face alone in a room without any cameras so that we could have a brainstorming session and we all agreed in Ceuta that we would do that and see whether we

could come up with something that we could explain to the rest and explain to the public. But the meeting has never taken place because it was on his plate. Let me say that what I have said on the Spanish pensions publicly I explained in detail at the meeting in Ceuta to all eight mayors of all eight municipalities in anticipation of the news hitting the public so that it would not catch them unawares. I said, "You are going to have in greater or lesser numbers some pensioners somewhere. There will be some pensioners in Jimena, some in Algeciras. So all of you could be facing a rush from some of your constituents. So you can have it straight from the horse's mouth that this and this are the facts. Soon I shall have to come out publicly so I am telling you beforehand so that when the time comes you help in reassuring people and telling them that this is not the Gibraltarians keeping their money and taking away their pensions". I regret the news the hon Member has given me because it seems to me that he is doing the opposite of what I asked him to do in terms of maintaining good relations with our neighbours in the Campo.

28.10.93

ORAL

NO. 240 OF 1993

THE HON P R CARUANA

Is the failure to reach an airport agreement preventing the success of Government's economic policies?

ANSWER

THE HON THE CHIEF MINISTER

The policy of the Government is to attract to Gibraltar residents and investment which will substitute for the loss of external income brought about by the rundown in the MOD presence. This policy does not depend on the 1987 Airport Agreement with Spain being implemented and was not formulated on the assumption that it would be, since the airport agreement has always been unacceptable to this House and the majority of the people of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 240 OF 1993

HON P R CARUANA:

Mr Speaker, the question says "an airport agreement" and not "the airport agreement" and that distinction has become significant in that none of us subscribe to the 1987 Airport Agreement. The question is "Is the failure to reach an airport agreement..." clearly implying an agreement other than the Airport Agreement of 1987. In other words, what the question is intended to ask is whether the Government considers that, stated positively, an airport agreement, which of course would have to be entirely acceptable to Gibraltar, would boost the economy of Gibraltar. Is the corollary correct? Does the Government consider that the actions of an acceptable airport agreement is detrimental to the development of the economy?

HON CHIEF MINISTER:

Mr Speaker, the Government does not accept that for airlines to fly to Gibraltar from any country other than Spain we need the agreement of Spain. We do not that accept as a matter of policy because if we accepted that, we would have already conceded sovereignty of the airport if we needed their permission for an airline to fly here. It is quite obvious that we need their agreement for Iberia to fly to Gibraltar and therefore, as far as we are concerned, an agreement with Spain for flights from Spain is not a necessary condition for the economic programme of the Government. The economic programme of the Government was not formulated on the assumption that in 1993 we would be able to get the agreement of Spain to flights to Spain which was not there and has not been there since 1987.

HON P R CARUANA:

But, Mr Speaker, regardless of the legality of whose permission is needed in law, is it not the reality and not the legality that the reason why airlines from countries other than Spain have not availed themselves of Gibraltar Airport over the last..... One can go back almost as far as one likes even before the Airport Agreement - has been precisely because they have not wished to tangle with Spain that has always threatened to take reprisals against any airline that used Gibraltar Airport?

HON CHIEF MINISTER:

No, Mr Speaker. We do not believe that that is true and we have never seen any evidence of that if we are talking about airlines flying to Gibraltar in order to deliver passengers to Gibraltar. Now if the hon Member is talking about airlines flying to Gibraltar in order to deliver passengers to Spain, then obviously what they are doing is using Gibraltar as a substitute Spanish airport and there the consideration is that if the Spanish authorities are in a position to stop the passengers coming from Sotogrande to the airport, then there is no point in putting a plane to Gibraltar if the people who are going to take the plane live in Sotogrande. If the people who are going to take the plane live in Gibraltar then what Spain does or does not do at the frontier is not a factor. In our view the exclusion of Gibraltar from the 1987 Liberalisation Package and 1993 Liberalisation Regulations is something that we are fighting as a matter of policy and as a matter of principle but, as was made clear in the European Court of Justice by the legal representative of the European Commission, the argument that the Commission used was to say that Gibraltar cannot claim that it is damaged by exclusion because the exclusion does not prohibit anybody from flying to Gibraltar because inclusion removes the right of the authorities in Gibraltar to approve flights. The liberalisation process is not one that says that people will fly to Gibraltar. The liberalisation process says that the Government of Gibraltar cannot prevent people from flying to Gibraltar. So that is what we would gain by being in. We would not be able to prevent them coming. At the moment we are able to get them to come with one condition which has nothing to do with Spain, nothing to do with an airport agreement and nothing to do with the EEC. It has to do with money. Any airline is prepared to put any flight from any airport in Europe to Gibraltar if we are prepared to underwrite the commercial risk. We have had that confirmed 100 times if we had it confirmed once.

28.10.93

ORAL

NO. 241 OF 1993

THE HON P R CARUANA

Would Government approve of an airport agreement which enabled passengers destined for Spain to avoid passage through either or both of Gibraltar Customs and Immigration?

ANSWER

THE HON THE CHIEF MINISTER

The policy of the Government is that Gibraltar should be included in the External Frontiers Convention which has been vetoed by Spain since July 1991 because of its application to Gibraltar as part of the territory of the EC under Article 227(4) of the Treaty.

Clearly there is no need for a bilateral treaty with Spain to remove immigration controls if the Convention is signed and does not exclude Gibraltar.

If Gibraltar were excluded we would have to consider the implication for Gibraltar's territorial integrity of a bilateral deal to seek to restore what is ours by right.

Obviously the answer to the question, as drafted, is not one which can be given a simple yes or no without sending out a misleading message to both our people and the neighbouring country.

28.10.93

ORAL

NO. 242 OF 1993

THE HON F VASQUEZ

Mr Speaker, does the Government believe that Gibraltar should be granted representation on the Committee of Regions established under the Maastricht Treaty?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position is as stated in answer to Question No. 86 of 1993.

SUPPLEMENTARY TO QUESTION NO. 242 OF 1993

HON F VASQUEZ:

Since that question was put in March we have had the passage of some seven months. We seem to be no nearer to securing a seat in the European Parliament and it certainly does not seem realistically possible that we will in the foreseeable future attain that. We know that the Committee of the Regions is due to be formed soon given that the Maastricht Treaty is about to come into operation. I and Members of the Government attended a meeting of the Commonwealth Parliamentary Association here in Gibraltar where the general consensus of both the representatives of the Government and the Opposition was that it would be beneficial to Gibraltar to seek representation on that Committee given that it helps Gibraltar to obtain representation on any international forum at which we can put forward Gibraltar's cases and defend Gibraltar's interests. In the light of all that, I really would be grateful for some indication from the Chief Minister as to why he takes the view that in fact it is not in Gibraltar's interests to seek representation on that Committee?

HON CHIEF MINISTER:

Mr Speaker, I told the hon Member in answer to a supplementary that if he read the Treaty he would know why. Obviously he wants me to read the Treaty to him; so I will. We took legal advice from our legal experts in the Community on this before I gave him the answer that I gave him in March. The advice I got in March was that Articles 198(A), (B) and (C) of the Maastricht Treaty provide for the establishment of a Committee of the Regions having

advisory status. By Article 198(A), 24 of 189 members of the Committee are to come from the United Kingdom and most important, our legal advisors told us, the third paragraph of Article 198(A) provides "The members of the Committee and an equal number of alternate members shall be appointed for four years by the Council". The Committee of the Regions is not elected by the natives. It is appointed by the Council acting unanimously on the proposals from the respective member States. I do not know what the hon Member thinks we can do to persuade our Spanish neighbours to vote unanimously for our inclusion in the Committee of the Regions but if he thinks of some way we can overcome that tiny obstacle in Article 198(A) we would certainly think we have some chance of getting there. In addition the region in the United Kingdom covers a population of 2.25 millions. If we were represented by one regional councillor from the United Kingdom who would be responsible for 2.25 millions plus 17,000 Gibraltarians, I do not think we would have any more voice then than we have today with Lord Bethell and Alf Lomas.

HON F VASQUEZ:

It has been helpful and it is interesting to note what the Chief Minister has said. He is not really taking an objection to the idea of Gibraltar being represented which is what I had assumed from his answer in March. He is saying not that we should not be in the Committee of the Regions but that he thinks that it is unlikely that we would be able to secure that. The same answer can be given for Gibraltar's case for representation in the European Parliament per se.

HON CHIEF MINISTER:

No, Mr Speaker. If the British Government agrees to allow the people of Gibraltar to vote in a European election, there is no way that Spain can veto that decision. I am telling the hon Member that the regional representatives are appointed unanimously in the Council. Therefore the Spanish members of the Council would have to vote and if they vote against, since it has to be unanimous, they can veto it. If the United Kingdom gives us the right, which we are entitled to have, to vote for a Member of Parliament and they are the ones who are denying it to us. Nobody else! If we cannot make a case with Britain for us to vote for the European Parliament where a Member of Parliament represents 600,000 people what chance is there of going for a regional representative representing 2.5 million people which requires the unanimous consent of the Spaniards? So the logical thing is concentrate our energy and our thrust where we have got the stronger case.

HON F VASQUEZ:

The fact is that the whole raison d'etre of the Committee of the Regions is precisely to represent those far flung regions of the Community; those regions that tend to be under-represented; the peripheral regions; the people who do not really have a say, so to give them a central input into the decision-making of the Committee. Everybody knows that the Committee of the Regions is going to have very little power anyway but it is a sop to the regions and it is a talking shop for them. It seemed certainly from the reactions of the Members of Parliaments who attended the CPA Conference that there will be a great deal of support. But in fact Gibraltar is a very good case for inclusion on the Committee of the Regions. I do not know where the Chief Minister has got his 2.25 million people from. I do not know whether he has just divided the 36 millions by 24. I think it is clear that that is what he has done.

HON CHIEF MINISTER:

No, Mr Speaker. The regions in the United Kingdom are going to be made up of four constituencies and each constituency.....

HON F VASQUEZ:

(Inaudible)

HON CHIEF MINISTER:

Yes, the regional representations from the United Kingdom, of which there are 24, are going to be based on a distribution where several constituencies will make up one region. Each constituency is 600,000.

HON F VASQUEZ:

To cut it short, Mr Speaker, clearly we would need to convince Britain. What I am putting to the Chief Minister is does he not consider it worth trying? If the end in itself is a seat on the Committee of the Regions and is worth aiming for, surely it is worth making representations to Great Britain that perhaps Gibraltar should be conceded a seat? I know there are a lot of hurdles. We would have to get over the British hurdle first and then we would have to get over the question of the approval by Spain on the Council. Is it not worth a shot to try to.....

HON CHIEF MINISTER:

No, Mr Speaker. I do not agree with the Opposition Member. This is what I am telling him. He thinks it is worth me going to the UK and saying "Although for the rest of the UK it is one for every 2.25 millions we want 23 regions of 3 millions each and one region of 17,000 and we want you to go and propose it to the Council and whilst I have convinced you that one Gibraltarian is worth 1,000 Englishmen, you then go to the Council and convince the Spaniards that we are worth 1,000 Englishmen and 1,000 Spaniards." Frankly I think I would be wasting a lot of time and energy on a totally fruitless task because what I am saying to the hon Member is that like so many other things we do in Gibraltar, if we spend our time arguing here whether it should be the Regions or the Member of Parliament.....

HON F VASQUEZ:

It should be both.

HON CHIEF MINISTER:

No. It should not be both because if we go for both we will get neither. In the Regions we do not stand a chance. It is inconceivable that Spain should not veto it. Therefore if we go for the Regions we could be making the mistake of being fobbed off by being told, "We will propose it to the Council and we will see if we can get a unanimous decision". There is no prospect of getting a unanimous decision. Everybody knows that. Can the hon Member honestly think that there is the remotest possibility that Spain will vote for Gibraltar to be a region?

MR SPEAKER:

Order, order. There is no point in going any further now. The Government have made the position absolutely clear. It has been stated about three or four times already. Next question.

28.10.93

ORAL

NO. 243 OF 1993

THE HON P R CARUANA

Will Government state its policy as to what the future status of Gibraltar should be?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the policy of the Government is to obtain for the people of Gibraltar international recognition of their inalienable right to self-determination so that in the exercise of this right the people should freely and democratically determine what the future status of Gibraltar should be.

As a general policy, the Government is committed to decolonisation in accordance with the doctrine of the United Nations and in keeping with the declaration of the decade for the eradication of colonialism by the year 2000.

In the present term of office the Government is committed to a review of the Constitution to increase the level of self-government as envisaged by the 1969 Constitution, with the United Kingdom retaining responsibility for defence and foreign affairs. This would not change the status of Gibraltar as a British Dependent Territory.

SUPPLEMENTARY TO QUESTION NO. 243 OF 1993

HON P R CARUANA:

Mr Speaker, does the Government not have a policy as to what their target status for Gibraltar is? If, for example, Britain were tomorrow to recognise our right to self-determination, that Spain were to withdraw its claim, how would the Government want the people of Gibraltar then to exercise their right to self-determination? The answer may be that the Government's thinking has not been developed to that extent. What I am asking is does the Government have a target for what they want the status of Gibraltar to be when the time comes?

HON CHIEF MINISTER:

Mr Speaker, I think the hon Member is confusing the role of the Government with the role of the Party. The Party fought an election in 1992 and in its election manifesto put what was the policy that it would pursue as a government. I know the hon Member expects, as I do, that we will continue to be the Government for a long time to come but in the present term of office we do not expect to have achieved decolonisation. We expect to have achieved the necessary conditions leading to decolonisation. When the time comes for the people of Gibraltar to exercise their right of self-determination and if at that time we are the Government of Gibraltar, then we will give a recommendation to people as to how they should vote. If we are the Opposition in Gibraltar we will then do the same thing from the Opposition benches and the hon Member will do it at the same time as we do.

28.10.93

ORAL

NO. 244 OF 1993

THE HON P R CARUANA

Will Government comment on the state of relations between the British and Gibraltar Governments?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the relation between the British Government and the Gibraltar Government are as cordial and harmonious today as they have been since the 25th March 1988.

SUPPLEMENTARY TO QUESTION NO. 244 OF 1993

HON P R CARUANA:

The Chief Minister means as a result of the members gaining power or as they were the day before?

HON CHIEF MINISTER:

I cannot speak for what they were like on the 24th March 1988 because we were in the Mackintosh Hall counting votes.

HON P R CARUANA:

Mr Speaker, I ask the question because in relation to many things, for example, the extent to which the Government of Gibraltar receives news and information of the United Nations initiatives and of European Community initiatives and of the problems the Government of Gibraltar are facing in relation to the finance centre and all the various problems or differences of opinions that arise there and apparently few meetings taking place at a political level between the Government Member and the Minister of State at the Foreign Office with responsibility for Gibraltar, does the Government agree that it appears to be, what could most generously be put, a business like relationship and which could, least generously be described as, at least in private, a relationship of hostility towards each other across the negotiating table?

HON CHIEF MINISTER:

Mr Speaker, the Government has been elected to look after the welfare and the interests of the people and I have made clear from day one that that is my only loyalty and the Government of the United Kingdom has been elected to do the same thing for its electorate. As far as I am aware, from what the previous Government used to tell me when they were in office and I was in Opposition, there were very often behind closed doors quite acrimonious debates between London and Gibraltar on the closure of the Dockyard, on the removal of the frontier guard and a hundred and one things. What I can tell the hon Member is that whenever there was friction between Gibraltar and London, as the Leader of the Opposition, I always sided with the Government of Gibraltar and not with the Government in London. He appeared on television a couple of days ago suggesting that it was my attitude towards London that was responsible for some of our problems. I can tell the hon Member that the level of coolness between me and London is like a love affair compared to the relationship that I have with him.