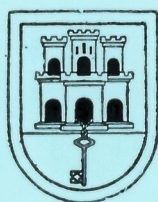


GIBRALTAR

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

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 inasfar 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.

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.

15.3.93

ORAL

NO. 65 OF 1993

THE 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?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir. Personal tax has not been increased as from January 1993. Social security contribution 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.