

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

28TH OCTOBER 1993
(Volume II)

Nos. 171 to 244

28.10.93

ORAL

NO. 171 OF 1993

THE HON H CORBY

This question was withdrawn.

28.10.93

ORAL

NO. 172 OF 1993

THE HON LT-COL E M BRITTO

Does Government intend to appoint someone to the vacant post of Principal Social Worker?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 172 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, would the Minister be prepared to give a more detailed answer than just no Sir?

HON J C PEREZ:

Mr Speaker when the incumbent of the post sought to leave before retirement age, he asked that we should consider that the post should be abolished. We would not have agreed to let him go were it not that we agreed that the post could be abolished and therefore we have abolished the post and allowed that he should retire and he got abolition of office and he has retired early and we are in the process of restructuring the services so that there is no need for the post although they will all come administratively under the Personnel Manager.

HON LT-COL E M BRITTO:

Does that then mean that in that department there are now a number of people more or less of the same seniority with no one in overall charge?

HON J C PEREZ:

There is one a bit higher than the rest but she has no overall responsibility. The overall responsibility of the operation becomes part of the Personnel Manager's duties.

28.10.93

ORAL

NO. 173 OF 1993

THE HON H CORBY

Will Government explain how use of the facilities at Calpe House is requested and arranged in practice?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, patients of the Health Authority who require medical attention in the UK request the use of Calpe House at the Health Authority. Staff then pass on that request to a trustee of Calpe House who makes the arrangements with their representative in London and accordingly informs the Health Authority of these arrangements.

Patients who do not belong to the Health Authority but want to make use of the facilities put in their request to the trustees of Calpe House directly and this is then given due consideration.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1993

HON H CORBY:

Mr Speaker, are there any plans to make it compulsory for sponsored patients to go to the Calpe House or can they deal with some other bed and breakfast accommodation?

HON J C PEREZ:

Mr Speaker, any person who does not wish to use Calpe House and wishes to take the allowance available to him for him to seek his own accommodation in London is free to do that.

HON H CORBY:

I have got a pamphlet here which I got from the Community Care people regarding Calpe House which I am told is a very good facility. Are they handed over anywhere else so that people can be informed of how it works and so on?

HON J C PEREZ:

Mr Speaker, probably in the hospital, I would say, because most of the people who use Calpe House really are sponsored patients from the hospital. There are very, very few occasions when someone who goes privately wants to use the facility and the trustees, although a bit reluctant for them to use it because they are private, if they pay a fee, I think, will allow the use of the facility when there are no sponsored patients occupying the House. But I presume that those pamphlets are available in the hospital area that deals with sponsored patients and in London.

28.10.93

ORAL

NO. 174 OF 1993

THE HON P R CARUANA

Does Government accept that GBC's current revenue is insufficient to meet its overheads?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Yes Sir, that is why it is attempting to cut its overheads.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1993

HON P R CARUANA:

Will the Minister say whether those attempts to cut its overheads extend to the Minister negotiating the privatisation of radio?

HON J C PEREZ:

Mr Speaker, although it would be another question I am prepared to answer that one. Yes, Sir, in the motion that the hon Member presented at the last meeting of the House, the hon Member himself queried why it was that the GBC restructure was taking so long when we in the Government were so quick about tackling issues of this nature. I said that I would be tackling it energetically from now on but that I had had an arms length relationship before because of the sensitivity of the operation. But I am tackling it now and I have consulted with the Board of GBC who agree that I should be the one to tackle it energetically and the negotiations with a private contractor for the possibility of radio to be separated from television and be commercialised are well advanced, Mr Speaker.

HON P R CARUANA:

Mr Speaker, does the Minister accept that he has no statutory responsibility whatsoever for the negotiation of the sale of part of the Gibraltar Broadcasting Corporation and that indeed, under the terms of the Gibraltar Broadcasting Corporation Ordinance that responsibility belongs to the Board. And does he therefore accept that he is guilty of political interference in the matter of broadcasting?

HON J C PEREZ:

No, Mr Speaker, I do not agree because the Board has instructed me to proceed and His Excellency the Governor has already been told and in the final analysis, once the Board gives approval to the plan, he might be the one who needs to finally give it his consent because of the nature of the Ordinance as it stands today. So I am merely a tool for those whose power it is to solve the problem, Mr Speaker, and in doing so, what I am doing is looking after the public purse as regards the funds that we allocate in this House to the Gibraltar Broadcasting Corporation.

HON P R CARUANA:

Not to say exercising the considerable privilege of choosing the party in whose favour GBC radio is privatised?

HON J C PEREZ:

Mr Speaker, some of the members of the staff that are going over to the private contractor are, in fact, relatives of members of the hon Member's Executive Committee so he could hardly accuse me of controlling anyone at GBC, but when we come to discuss the question of control of GBC.....

HON P R CARUANA:

Will we discuss it?

HON J C PEREZ:

.... we might then discuss the nightly GSD chat show that they have got in the news every night and then we shall talk about impartiality, Mr Speaker.

HON P R CARUANA:

What worries me, Mr Speaker, is precisely that the Minister's preoccupation with privatising may be precisely so that they do not carry on. That is exactly what worries me.

HON J C PEREZ:

I have said, Mr Speaker, that the question of impartiality is for another time. But let me state clearly that being anti-Government is not being impartial; being impartial means exactly that, impartiality.

3.

HON P R CARUANA:

On a more serious note, Mr Speaker. Will the Minister confirm that he is currently engaged in negotiations to privatise and/or contractorise either the operation or management of GBC Radio in favour of Dewmont Securities?

HON J C PEREZ:

Mr Speaker, that is correct, Dewmont Securities is the party that is negotiating with me and I have been authorised by the Board to conduct the discussions with Dewmont and, as I said before, the Deputy Governor has been informed that it could be that under the Gibraltar Broadcasting Corporation Ordinance His Excellency would need to be involved in such a contractorisation which is permitted under the Ordinance as the hon Member will see if he reads it.

HON P CUMMING:

Mr Speaker, is the Minister aware that the nightly chat shows come to the GSD only because the Government refuses to face the people with information?

HON J C PEREZ:

The hon Member might solve the rift now.

28.10.93

ORAL

NO. 175 OF 1993

THE HON F VASQUEZ

Will the Minister for Trade and Industry state why the Gibcomponents Factory has closed down?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 176 of 1993.

28.10.93

ORAL

NO. 176 OF 1993

THE HON F VASQUEZ

Given that the Minister for Trade and Industry is or was the chairman of Gibcomponents Factory Limited, is the Government embarrassed by that company's apparent bankruptcy and inability to pay its creditors?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the reasons for the closure were given by the company at the time it made their position known publicly.

The Government only had a minor indirect interest in the factory and have no contingent liability due to the components factory ceasing operations.

The Opposition Member raised the same matter during the debate earlier this year on the Estimates of Expenditure and I gave the information given to me by the company including answering wider issues.

I have nothing further to add.

SUPPLEMENTARY TO QUESTION NOS. 175 AND 176 OF 1993

HON P R CARUANA:

Mr Speaker, the question is addressed at the Government; the question is whether the Government are embarrassed because it only had a small shareholding and, of course, no one is suggesting that the Government are responsible for the bankruptcy; but does not the Government see that it is inherently embarrassing, wrong and without precedent in western democracies for companies of which Ministers of the Crown are chairmen to go bankrupt and to write letters to creditors saying, "I am sorry we cannot pay you". Is that not a source of embarrassment to the Government of Gibraltar?

HON M A FEETHAM:

Mr Speaker, I listened to the tape when this matter was discussed during the debate on the Estimates in May this year and everything the Opposition are beginning to say at this point in time was answered by me extensively and it was a lengthy debate on the matter. What I am saying

to the hon Member is that having made everything public and everything they are raising has already been discussed, I do not think they have got a right to raise it again, Mr Speaker. It is like flogging a dead horse time and time again in order to continue to create public opinion. If I had not answered what they are saying I would be free to do so now, I think it is a matter of principle. We have gone into that before and if they really want an answer the answer is no, Mr Speaker.

HON P R CARUANA:

My recollection is that at the time that the Minister is referring to the factory had closed, there were redundancies, but the news of its bankruptcy in terms of inability to pay its debts had not yet broken.....

HON M A FEETHAM:

No, Mr Speaker. In fact, the Hon Mr Vasquez actually talked about the inability of the company to pay some of their creditors and, in fact, not only did I talk about the people who had not got paid but about all the work they had got from the company throughout the period that the company was open. I actually detailed right down to the last penny the pros and the cons about the whole issue of the factory to the extent that I thought I had given far too much information in order to be as fair as I could to the House. It is on record, Mr Speaker, if they bother to look back. So therefore, Mr Speaker, I have got nothing further to say.

HON P R CARUANA:

Hansard takes so long to come that we have not yet had it.

HON F VASQUEZ:

Mr Speaker, can the Government confirm that in future they will pursue a policy of disassociating Ministers from private companies precisely to avoid this sort of questionable circumstance in the future?

HON M A FEETHAM:

No, Mr Speaker, because I made it very clear at the time that the fact that I was the chairman of the building components factory was something that was requested of me not only by the shareholders but by the employees of the factory because the components factory was a key

project in order to get the Europort development off the ground. If we had had problems with the setting up of the factory and undue industrial problems in the factory the entire development project of the Government would have come to a grinding halt. It was a matter that actually people requested me, not that I wanted to be, Mr Speaker, they thought that that was a guarantee to ensure that the big investment they were going to put in Gibraltar actually got a safe passage through and the workers themselves said, "Yes, we would like you there because at least you can coordinate things for us and we can be sure we get a fair deal". That is the answer.

HON F VASQUEZ:

Mr Speaker, does not the Minister appreciate that, in fact, there is hardly a private company in Gibraltar that would not dearly love to have the Minister on its board? Of course, any company would love to have a Minister on its board precisely to make sure that all its applications for licences and all its business contacts went through in exactly the way that they should. We in the Opposition, Mr Speaker, believe that is a questionable practice. But in the light of what has happened does not this Government consider that they should review the practice of having Ministers on the boards of private companies? It is unheard of in any other parliamentary democracy, Mr Speaker.

HON M A FEETHAM:

Mr Speaker, I will answer the question again. If tomorrow another international investor comes along and says to the Government of Gibraltar, "We want to put about £100 million into the economy and we would like you to share one integral part of that development", not only would I be but I would be in every company that came along and said, "Will you please do so". In my judgement it was in the interest of Gibraltar to put that on. So as far as I am concerned, if one looks at the whole global thing the fact that I was the chairman of the company is negligible to what the positive aspects were and that is the answer. So, yes, I would do it time and time again, much to the disappointment of the Opposition Members.

HON P R CARUANA:

Mr Speaker, when the Japanese Toyota were investing several hundred million pounds in building a new car plant in Sunderland, I think it was, in the north-east of England which was regarded as the biggest investment coup in the United Kingdom for many years, if they had asked the Secretary of State for Trade and Industry in the United Kingdom to be a member of the board, does the Minister think he would have taken the same view on the matter as the Minister has taken?

HON M A FEETHAM:

Mr Speaker, I do not have to follow UK practice. This territory is two and a half square miles, with 30,000 people competing with a very big market out there and if the chance came along, as long as I am the Minister responsible for that particular part of Government policy, I would do it time and time again. In my judgement it was in the interests of Gibraltar at the time and it is a question of making decisions when the time comes, Mr Speaker, not on hindsight because something may have gone wrong.

MR SPEAKER:

Order, order. I think the Government has made it quite clear what their policy is, what their views are and obviously they are not going to change their minds. Next question.

28.10.93

ORAL

NO. 177 OF 1993

THE HON F VASQUEZ

Mr Speaker, will Government explain what practical results have emerged from the recent trade mission to Beijing?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it would be premature for anyone to believe that as a result of a trade mission or a marketing effort that practical results can be measured overnight or indeed in a matter of months, if by that the Opposition Member means financial investment.

What I can say is that Gibraltar's profile in Beijing has been raised whereas before it was non-existent.

China is an emerging economic power that raises opportunities for Gibraltar and it is up to us to tap into those opportunities. Contacts and discussions indeed continue between local and Beijing business interests.

I must add that these commercial discussions are a matter for the companies involved, not for the Government. My role is to assist in the marketing strategy of promoting Gibraltar, it is for the private sector to build on it and follow through.

I can say that a number of visits to Gibraltar have been made since the trade mission by Chinese nationals looking at our investment potential as well as that a number of companies have already been structured in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1993

HON F VASQUEZ:

Mr Speaker, I am grateful for the answer and we are, of course, aware that to some extent the trips and the missions that the Minister has been to in China has been really at the spearhead of a private group of investors and businessmen. However, we are getting reports that, in fact, Government is intending to mount some sort of educational effort located at Lathbury Barracks for the education of Chinese businessmen or something of the sort. Can the Minister give any indication as to the sort of plans that Government has in that respect?

HON M A FEETHAM:

Mr Speaker, Gibraltar has got very little to offer in terms of actual investment into China because our resources are very limited. We have got tremendous potential as a base to provide services in terms of international markets. I honestly believe that and it is a question of keeping on plugging away and hoping that we can make a breakthrough. So therefore if we go out and we say, "Come to Gibraltar", people do expect, in an international agreement, also to be able to get something from us. Therefore one of the things that I thought was that, being bilingual in Gibraltar, we could offer because of the high quality of our education, to teach English to Chinese businessmen and students, who are going to be going back into companies in China. We have put such a proposal to the Beijing authorities including the provision of accommodation and an agreement is in place. It is a matter for them to take up that agreement when they wish to do so. All the infrastructure in that respect has been agreed. It is not a matter for us to implement, it is a matter for them to do so, Mr Speaker.

HON P R CARUANA:

Mr Speaker, does the Government have any policy to offer in the run up to 1997 and all that in Hong Kong, Chinese families to relocate physically to Gibraltar? If so, has the Government placed a target figure for that and will the Government say whether they have any desire to attract people of Chinese extraction in significant numbers to come and settle in Gibraltar?

HON M A FEETHAM:

Mr Speaker, the mission that we are talking about, as far as Beijing is concerned, is mainland China; trading opportunities, services opportunities with mainland China. I think everybody has been trying to tap into the possibility of relocation of individuals and companies from Hong Kong elsewhere. We have, to some extent, marketed that particular area but we have not set any figures because it would be premature to do so until we actually know what kind of response we are likely to get. I do not think that it is Government policy, in fact, to increase the population of Gibraltar substantially by just bringing in Chinese immigration, Mr Speaker. In any case anyone that we bring in terms of what one could define as immigration would have to be people who are able to sustain themselves; who are able to have a physical presence in Gibraltar and are not going to be a problem, as far as we are concerned, on our social services, Mr Speaker.

HON F VASQUEZ:

At the risk of being accused of being spurious, has the Government stopped, when considering the furtherance of trading links with China, to consider China's human rights record? Is the Government of Gibraltar aware that a number of multi-national companies have actually pulled out and backed off from joint venture arrangements with the Chinese Government precisely because of China's appalling human rights record?

HON M A FEETHAM:

No, Mr Speaker, I have not considered that because as far as I am concerned, when I market Gibraltar I market Gibraltar strictly from an economic point of view. I do not get involved in the political aspects of other countries' human rights records. Margaret Thatcher recently made a visit there, John Major, Nixon, everybody else has gone there and they must have been thinking, like little Gibraltar which has got less chance of succeeding than these other big powers, that there must be something there that they are going to get out of China as China begins to open up. Therefore, Mr Speaker, I think that my philosophy is not to be purer than the puritans. We have got to go where the markets are going to be to try to do the best we can and let us talk less about international philosophy, Mr Speaker.

HON H CORBY:

Will the Minister state whether the schooling of Chinese students will be sponsored by the Gibraltar Government or will they be sponsored by their own funds?

HON M A FEETHAM:

Mr Speaker, what we have agreed to do is to provide education to the required level which is the standard they expect to get if they went to UK; Cambridge level, for example, for the English language and provide them with accommodation at an agreed subsidised rental which is the only thing we are going to give away to get students. That is all that we have agreed to. As far as transport, flights, and other things, it is up to the Beijing municipal government or the private companies who are sending them from China to provide.

4.

HON H CORBY:

But would the Government provide teachers, etc?

HON M A FEETHAM:

No, Mr Speaker, students sent to Gibraltar will be charged a fee which will include the charges for teaching them English in Gibraltar.

28.10.93

ORAL

NO. 178 OF 1993

THE HON F VASQUEZ

Will Government explain why the Gibraltar International Business Development Board was discontinued?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it is not a matter for the Government to explain why the Gibraltar International Business Development Board was discontinued.

The information that I have is that which must have been made available to the questioner as his firm is a member of the Gibraltar International Business Development Board, ie that at the annual general meeting and an extraordinary general meeting held on the same day, members decided to cease operations. I know nothing further.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1993

HON P R CARUANA:

Is it not the case that the whole shooting match came to a crisis because the Minister insisted that the Board should become a unit of the Department of Trade and Industry and should be physically based inside his office?

HON M A FEETHAM:

No, Sir.

HON P R CARUANA:

Did the Minister have a desire for the Board to move its operations within the Department of Trade and Industry?

HON M A FEETHAM:

Mr Speaker, the organisation was set up provisionally for 12 months to see how the thing would function. As it developed I became increasingly disappointed with the level of results and with the way the organisation was being developed. As far as we are concerned, we have no input into the Board; we did not have a representation

on the Board but we were expected to pay pound for pound as was provided by the private sector. That means that we provided 50 per cent of expenditure and if I was going to be dependent on an organisation that seemed to be going nowhere very fast and building up a bureaucracy which was entirely against my concept.....

HON P R CARUANA:

The Minister means he could not control it.

HON M A FEETHAM:

No, what I said was, "I will do my own marketing, you carry on with your own marketing if you wish" because there were an awful lot of people there who continued to support the marketing strategy that I am putting into place. If those people who wish to continue to support it they may be able to use the facilities that I have. I was not responsible for the breaking up of the organisation. I think it was more a personality matter inside the organisation than myself.

HON F VASQUEZ:

Mr Speaker, I do not think the Minister has actually answered the question. Can he confirm or deny that he made it a condition of the Government's continued involvement in the Gibraltar International Business Development Board that the Board had to transpose from its then premises to the premises at his office in the Department of Trade and Industry?

HON M A FEETHAM:

No, Mr Speaker, that was not the sequence of events.

HON F VASQUEZ:

Mr Speaker, the Minister has said that several members of the now defunct Gibraltar International Business Development Board continue to support his marketing efforts. We know that obviously he is the Minister charged with the marketing of Gibraltar abroad. In the past he has expressed publicly his support for the Gibraltar International Business Development Board and made it very clear that that was going to be the principal vehicle for the marketing of Gibraltar abroad. What now are his plans for the marketing of Gibraltar abroad to bring in all the investment that we so badly need?

HON M A FEETHAM:

Mr Speaker, again when Opposition Members do not accept what I am sincerely trying to tell them as being my judgement of the situation, they go off at a tangent. I have told them what my marketing strategy was going to be for the next 12 months when we discussed the Estimates of Expenditure, I made it very clear. If they wish me to repeat it I will do so but I think I am wasting the time of the House by saying something which I already said only a few months ago. The hon Member must check up on his facts.

28.10.93

ORAL

NO. 179 OF 1993

THE HON H CORBY

Mr Speaker, will Government say what plans there are to build a mosque at or near Europa Point in Gibraltar, and give details, such as the size and exact location, of the project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, a development licence has been granted to a Saudi Arabian foundation for the construction of a mosque at Europa to the right of Keightley Way Tunnel.

The foundation has already put into place the infrastructure and Opposition Members will have seen the works being undertaken over the last few weeks.

The Saudia Arabians who are financing the project wish to make a major public announcement when it is ready to proceed.

Under the circumstances it would not be right of me to anticipate that announcement.

SUPPLEMENTARY TO QUESTION NO. 179 OF 1993

HON H CORBY:

Mr Speaker, will the Minister say if any financial gain is to be made through this venture? Is Government selling the land; are they getting anything?

HON M A FEETHAM:

No, Mr Speaker, I think I had better give the history behind this. When we came into office in 1988, some time later towards the end of 1988, the Moroccan Association came to us with an agreement in principle they had with the AACR for the construction of a mosque at a particular site in town. The position that I took was that, in accordance with the development plan that I wished to put into place, that area was not suitable. It was in conflict with what I wanted to do but there was an agreement in place prior to us coming into office and I certainly was not going to renege on that agreement by the previous administration. Therefore after some

time I was able to find what I considered to be a suitable site in the context of my development plan which was allowing them to construct the mosque at Europa Point, Mr Speaker. That is the position and therefore I have kept to what was the previous agreement; the land has been provided free for the construction because this is a religious institution and it is the policy of not charging religious institutions for the land as, indeed, we have not done so, as far as I am aware, with the Hindu community for the building of the Hindu temple, Mr Speaker.

HON H CORBY:

So in essence if the Hon Mr Bossano's strategy is such we might have another empty building if he sends all the Moroccans back to their homeland.

HON CHIEF MINISTER:

Mr Speaker, I resent that the hon Member should preface his remark by saying that my strategy is to send all the Moroccans back to Morocco and I challenge him to say on what basis he considers that it is my strategy; presumably in isolation to the rest of the Government, to get rid of the Moroccans and it is that kind of remark that creates unnecessary racial tensions in our community. I think it is disgusting that he should say that.

MR SPEAKER:

Order, order. That is totally out of order because it has nothing to do with the question.

HON P R CARUANA:

Mr Speaker, the only thing that the Chief Minister has said in the past that could enable people to come to the view that his policy is that the Moroccan labour force should leave Gibraltar is the announcement.....

MR SPEAKER:

Order, order. That has nothing to do whatsoever with the question. Next question.

HON LT-COL E M BRITTO:

Mr Speaker, may I be allowed a supplementary?

MR SPEAKER:

If it is relevant to the question.

HON LT-COL E M BRITTO:

Mr Speaker, does the Government have an idea of the size of the minaret that will be incorporated in this mosque and what is the feeling of the Government about how obtrusive or otherwise it would be in what is generally a very flat area?

HON M A FEETHAM:

I think it is about 35 metres high, Mr Speaker. It has gone through the planning process in terms of the Ministry of Defence. We have looked at it from every point of view and, indeed, it is very much an integral part of the mosque. The mosque without what I, in layman's terms, call the 'tower' is not a mosque, Mr Speaker.

HON F VASQUEZ:

Has the public ever had any opportunity to make any comments?

MR SPEAKER:

We are going back again to the whole question of planning. That is another subject. Next question.

HON P R CARUANA:

That is what the question is about, Mr Speaker.

HON LT-COL E M BRITTO:

The question is about plans.

HON M A FEETHAM:

Mr Speaker, I think.....

MR SPEAKER:

Order, order. I have passed a ruling and that is it. Next question.

28.10.93

ORAL

NO. 180 OF 1993

THE HON F VASQUEZ

Mr Speaker, will Government explain the circumstances and reasons for the cancellation of the Hyatt Hotel project in Europort?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it is not a matter for Government to explain why a developer, at any given time, fails to proceed with a project.

The developers of the Hyatt Hotel in fact made the position known publicly in March 1993.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1993

HON F VASQUEZ:

Mr Speaker, it is interesting now to hear the Minister say that it is not for them to comment. Does the Minister deny that at the time the announcement of the opening was made this was hailed as a great coup for the Government of Gibraltar?

HON M A FEETHAM:

Yes.

HON F VASQUEZ:

If the bringing of Hyatt was a great coup for the Government of Gibraltar does not the Government of Gibraltar owe an explanation as to why Hyatt has decided not to come?

HON M A FEETHAM:

Mr Speaker, I think this is like sour grapes. Let us be clear about it, the hon Member has got the concept completely wrong because it is not a question of the Hyatt Hotel, it is Europort. The Hyatt were going to manage the hotel built by the Danes in the Europort complex.

So it is not the Hyatt Hotel; it is Europort, Mr Speaker. They were only a franchise and as to the slowing down of the finishing of Europort the reasons were made known well enough and it has been aired quite substantially, Mr Speaker. They have made their view known and everyone knows. They have had problems in Denmark and it is known there as well. I cannot say, "Look, you have got to continue to build it". If they ever get into a breach of the leases, Mr Speaker, that is the time when one can start talking about whether, in fact, Government has got any further action to take.

HON P R CARUANA:

Mr Speaker, given that the announcement that the owners would not proceed with the hotel on that site; given that that coincides roughly with the closure of certain other hotels in Gibraltar, does the Minister not recognise that the failure of the Government's tourist policy or the fact that the Government does not appear to have a tourist policy, just might have something to do with the decision not to proceed with the hotel?

HON M A FEETHAM:

No, Mr Speaker, that is totally unwarranted because one thing has got nothing to do with the other. The finishing of the Europort complex which houses the hotel has been slowed down because of the economic problems that have faced investors there, Mr Speaker. If the hotel had been built and subsequently it was not being filled to the required levels then I suppose the hon Member would have a case.

MR SPEAKER:

Order. I have been very liberal because, after all, this is not a matter of administration for which the Government is responsible. I allowed the question the first time because it was of general interest but according to the rules I must tell the Leader of the Opposition who does not agree - the closure of the hotel is not a matter of the administration of the Government and therefore it is not a question that can be asked. We cannot carry on with this. Next question.

28.10.93

ORAL

NO. 181 OF 1993

THE HON M RAMAGGE

Mr Speaker, will Government say whether the MOD has offered to hand over any or all of E Block Old Naval Hospital Road, and E and D Blocks Europa Point?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1993

HON P R CARUANA:

Mr Speaker, will the Government say whether any dispute exists, aside from their desire to charge money for the transfer of freeholds, with the MOD in relation to the transfer of any residential block that the MOD may wish to transfer and the Gibraltar Government may not wish to accept?

HON M A FEETHAM:

As far as I am aware no, Mr Speaker. But I will make a point now so that we understand exactly the view that I am taking on some of the matters of public interest. And that is that we are not going to make ourselves responsible if the Ministry of Defence have got certain properties which they have neglected to maintain over many, many years as, indeed, I found myself when we took over Cumberland Buildings which subsequently had to be demolished, much to the dismay of certain quarters in Gibraltar, and I got all the criticism for it. I will not accept any property coming over to the Government that then requires the Government of Gibraltar to spend public money in demolishing those buildings, Mr Speaker. I will tell the House the buildings I am talking about - the medical centre opposite the Royal Naval Hospital; the block at the end because, as far as I am concerned, there are about five or six other blocks of substance if we have to be responsible for demolishing. Those blocks are beyond economic repair. The MOD have not spent a penny for many, many years on those blocks and I do not see why this Minister should accept those properties and then have to tell the Chief Minister that I have got to demolish them. So there is a dispute about that sort of thing.

As far as freehold is concerned, Mr Speaker, the Ministry of Defence have got freeholds here because they had a military requirement. As far as we are concerned, we will not pay a penny for any freehold property that becomes surplus to requirements to MOD and they wish to pass over to the Government and the Government have to pay them for the privilege of leaving Gibraltar, Mr Speaker. We will not accept that and that is our very clear position.

HON H CORBY:

Mr Speaker, E Block which I think is the one facing the road at Europa Point, was housed by the Gibraltar Regiment only recently so they cannot be in a very bad state. I have been in one of the houses and it was in perfect condition.

HON M A FEETHAM:

Mr Speaker, the hon Leader of the Opposition specifically talked about disputes with the MOD; he talked about freeholds and I made it very clear on the freehold but I also said that there may be disputes and, in fact, I have already made it clear I will not accept any building that I am expected to demolish within 24 hours of taking over. The MOD have to find some way of resolving that one. As far as E Block on Old Naval Hospital is concerned, that is a freehold property and it is boarded up because the MOD have got title to it and they may wish to have a continuing use for it. I am not going to accept it back if I have got to pay for it and on top of that having to maintain it while there is a dispute with the MOD. As far as E and D Blocks at Europa Point are concerned, they have not been offered to the Government of Gibraltar at this point in time.

28.10.93

ORAL

NO. 182 OF 1993

THE HON P R CARUANA

Mr Speaker, to what use is Gun Wharf and its facilities currently being put?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the area is at present being vacated by the companies that had temporary use of it and a number of proposals for its possible future use are being currently studied.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1993

HON P R CARUANA:

Mr Speaker, will the Minister say whether any operators of fast launches have permission from the Government to use the facilities at Gun Wharf?

HON M A FEETHAM:

No, Mr Speaker.

HON P R CARUANA:

Will the Government say whether they are aware whether Gun Wharf and its facilities are being used in connection with fast launch activities?

HON M A FEETHAM:

No, Mr Speaker, I am not aware of it.

HON F VASQUEZ:

Mr Speaker, can the Minister say who is in occupation of Gun Wharf at the moment and to what use it is being put?

HON M A FEETHAM:

Mr Speaker, I have already said so. We are moving out all the remnants of the companies that were there. One company, for example, was JBS that we are now rehousing as a result of the release of the workshops by PSA at Rosia. That depot is far more adequate for their requirements than the area at Gun Wharf. So we are vacating the area because in our opinion Gun Wharf has got potential for what it was purposely built and at the moment we are looking at proposals. If we get the right deal put forward then we will utilise it for that purpose.

HON P R CARUANA:

Is the Minister's position that there is no one using Gun Wharf at the moment except in connection with emptying out these stores?

HON M A FEETHAM:

That is correct, as far as I am aware.

HON P R CARUANA:

Given that his awareness may therefore be deficient, will the Minister agree to inform himself of what is going on?

HON M A FEETHAM:

No, Mr Speaker, I am not going to be wasting my time. If the hon Member has got any evidence or if he has got something to say please let him say it and we will investigate. I am not going to be running down to Gun Wharf because he has actually saying something which is

MR SPEAKER:

We are coming back again to an hon Member making a statement on a question and he is responsible for the accuracy of the statement. That is the position of the rules of this House and has to be adhered to. If the hon Member has, as he says, information on that he can say so and say based on the accuracy of his statement.

HON P R CARUANA:

With the greatest of respect to Mr Speaker, I know the ruling; he has repeated it several times today; I have made no statement. I have asked the Minister whether he will investigate whether Gun Wharf facilities, contrary to his understanding, is being used for any purpose. That is neither a statement nor an insinuation.

MR SPEAKER:

That is a tacit statement that something is going on at Gun Wharf and therefore the hon Member must come out straight and say so. What we cannot have anymore are imputations, insinuations and inferences which are not allowed under the rules. Order, order, that is the ruling. Next question.

ORAL

NO. 183 OF 1993THE HON F VASQUEZ

Mr Speaker, does Government not consider the dumping at the reclamation south of the Caleta Palace Hotel to be damaging to Gibraltar's tourist image, to the residents of Catalan Bay and to the users of Catalan Bay Beach?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the disposal of building debris is utilised to assist in land reclamation and coastal protection. In the case of the area south of the Caleta Palace Hotel, a limited amount of building debris has been used to help strengthen the area below the road.

Work in this area will continue and even if in the period when this happens it is unsightly, the eventual result is an improvement to the area. Obviously this is true of whatever area is chosen to dispose of the debris.

SUPPLEMENTARY TO QUESTION NO. 183 OF 1993

HON F VASQUEZ:

Mr Speaker, does not the Minister accept that, in fact, the whole of the east side, from Eastern Beach down to the old Both Worlds, is an unsightly mess and has been for a couple of years now of lorry parks, dumping sites, rusty mechanical hulks, machinery, hoardings, etc and is it the Government's intention to grant any priority to the beautification of this area for Gibraltar's tourist industry?

HON M A FEETHAM:

The answer to both questions is yes, Sir, I do think it is unsightly. Yes, Sir, when we have finished the works we will improve the outlook of it, Mr Speaker, but it is not an easy process because if those lorries were not there they would be somewhere else, Mr Speaker. In two and a half square miles where most of the frontal areas are taken up by things which are worth more to the economy than the space that we have produced, then it is a question of the negative against the positive and it is not an easy thing to dispose of debris which has to be put somewhere. So one has got to be patient about this, Gibraltar has to be patient about it; it is unsightly but we will try to improve it when we have finished the dumping of the debris, Mr Speaker.

HON F VASQUEZ:

Yes, but I really take no comfort, Mr Speaker, from what the Minister is saying. Is the Minister saying that, in fact, the east side of Gibraltar is going to continue looking as the tip that it is now until the whole of the east side reclamation is finished?

HON M A FEETHAM:

No, Mr Speaker, until we are unable to reclaim any further land in that area. That is determined by the depth of the water, which, for the comfort of the hon Member, now indicates that we have virtually gone as far as we are able to in this type of protection to reclamation. There will have to do something more sophisticated if we went further out. Incidentally, Mr Speaker, we are trying to be successful in doing the east side reclamation project and the tunnel. Phase I of the area that we have reclaimed was going to be for placing the rocks from the tunnel as part of the major east side reclamation. If we did not have an area for use by the contractor and for placing of rocks for the reclamation for the future we would not be able, in fact, to do the east side reclamation, Mr Speaker.

HON F VASQUEZ:

One final question, Mr Speaker. Can the Minister say whether the long-term idea of the east side around Gibraltar's only sea front hotel is to develop the area touristically or is it going to be developed industrially?

HON M A FEETHAM:

Touristically! It is part of the tourist infrastructure, Mr Speaker, that is in the development plans that I made public two years ago.

NO. 184 OF 1993

THE HON P R CARUANA

Mr Speaker, are the Government satisfied with their success to date in achieving their stated aim, for this term of office, of marketing abroad for new customers to use the infrastructure created during their first term of office?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the aim of the Government is to attract new customers to Gibraltar who will make use of the infrastructure created in the first term of office of the GSLP in order to generate economic activity and employment to make up for the loss of such customers arising out of the MOD rundown.

Clearly this has not yet happened and therefore the Government cannot be satisfied with the results until those results bring about the achievement of its stated aim of policy. Having made that clear it has to be said that the very nature of marketing Gibraltar in international markets, in competition with similar marketing efforts by Governments from other countries in competition with ourselves, means we are not able to guarantee how quickly or in what volume new businesses are going to come to Gibraltar.

The Government is however fully satisfied that the strategy of investing to create the necessary infrastructure to be able to offer potential customers Gibraltar as a location in the EC, was the correct and indeed only alternative open to us, and that the efforts to attract new businesses must continue however tough the competition may be. The Government is concerned that the most important element in the success of this strategy is being able to ensure that there are no doubts cast over our membership of the Community and our ability to operate as a self-governing European territory able to offer competitive facilities to what is available in the other 12 member States.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1993

HON P R CARUANA:

I distinguish between the theory and the practice, Mr Speaker. Is the Minister aware that the marketing effort, nearly two years into this term of office, has yielded any fruit at all? In other words, to his knowledge, have any new businesses come to Gibraltar from abroad in this two year period?

HON M A FEETHAM:

Mr Speaker, in fact, again during the debate on the Estimates I actually listed the number of new businesses that had come to Gibraltar during the course of the previous 12 months. If the hon Member wants an honest answer, because that is the only way I can express it, I will say that I will never be entirely satisfied with my efforts or with anybody else's efforts because I am very conscious of the crisis that we are in of trying to make Gibraltar self sufficient in keeping with the programme of the British Government to continue to reduce its presence on the Rock. So therefore, as far as I am concerned, the personal commitment of the Government is to do everything that is possible. I am not entirely satisfied, I will not be entirely satisfied until we have filled up Europort; until we have filled up the industrial park; until every lawyer in Gibraltar is doubling his business; that is when I will say, "At least we have done something". In the meantime we will just have to continue.

HON F VASQUEZ:

Mr Speaker, does Government think now in the light of the apparent lack of success in attracting new businesses to Gibraltar over the last couple of years, that the expenditure of almost £30 million of taxpayers' money on the New Harbours development was a justifiable gamble?

HON M A FEETHAM:

Yes, Sir. As far as I am concerned, it was a justifiable investment. During the debate on the Estimates I said that we were 40 per cent take-up capacity in warehouses and workshops, I can happily say that we have got now 51 per cent of space in the warehouses and workshops taken up. It has given a lot of Gibraltarian businesses an opportunity to expand their capacity, to take advantage of the new opportunities as a result of the opening of the frontier and other possibilities of diversification. So I am quite happy, Mr Speaker, and time will tell.

HON F VASQUEZ:

Mr Speaker, one final question. We are now hearing that 51 per cent of the warehouses and workshops have been let. What proportion of the entire area of New Harbours, including all the offices that have been constructed, have now been let?

HON M A FEETHAM:

I think in that respect it is about 41 per cent.

HON F VASQUEZ:

Of the entire... ?

HON M A FEETHAM:

Yes, it is three months since it opened.

ORAL

NO. 185 OF 1993THE HON M RAMAGGE

Mr Speaker, will Government comment on the state of -

- (1) Calpe Quarters
- (2) No. 15/20 Town Range
- (3) Police Barracks

and say what plans, if any, it has to improve the living conditions of or rehouse the tenants?

ANSWERTHE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, investigation of the three properties referred to by the hon Member has taken place and the advice submitted to my department by the professionals was that they do not represent any immediate danger to the tenants.

Nevertheless the process of decanting 15/20 Town Range has already commenced.

A decision will also be taken in due course by the Housing Allocation Committee on the possibility of rehousing some tenants from Calpe Quarters.

With regard to the Police Barracks, these are currently being used to temporarily house social cases. These cases will eventually be rehoused on the basis of their pointage.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1993

HON H CORBY:

Mr Speaker, I visited the Police Barracks when we raised the petition and there are people there who are not in a decanting sort of situation but who have been there for quite a number of years.

HON J L BALDACHINO:

Mr Speaker, I have already said that some of the tenants, I think there are about three of them, who are still there from the AACR days will obviously be decanted on the basis of their pointage when their time comes up on the waiting list and it is something that the Housing Allocation Committee will take into consideration when they allocate houses.

HON H CORBY:

Does the Minister have any problems with Town Range because I believe there is a minority who do not want to leave Town Range?

HON J L BALDACHINO:

Mr Speaker, I understand that there are people in Town Range who do not want to move but obviously if the thing gets worse and they are in danger, the Government, as a good landlord, will have no other option but to move them.

HON LT-COL E M BRITTO:

Mr Speaker, in November 1988 in answer to a question from me, the Minister said that it was Government policy to demolish Police Barracks. I will produce Hansard if he likes but that is my recollection of the answer. My question then is, is it still Government policy or has it changed and if it still is how much longer will it take before it is demolished?

HON J L BALDACHINO:

Mr Speaker, I have a good recollection of what I say in this House and if the hon Member can produce Hansard then obviously if I have said that - which I have not - then obviously I will give him an apology. What I said was that the Police Barracks would cost in the region of about £1.8 million to refurbish and that the Government would not see it viable to spend £1.8 million on 28 houses. That is what I said. I never mentioned anything about demolishing the place. Obviously, as the hon Member must also be aware, there have been questions in this House - during budget time - that some developers were interested in the Police Barracks to convert into luxury flats. That is also in Hansard but I have never mentioned that the Police Barracks would be demolished. If I remember correctly, I said that it would be virtually impossible to demolish the Police Barracks due to its location.

HON LT-COL E M BRITTO:

If I remember rightly, Mr Speaker, it was a question of redevelopment which by implication means the demolishing and rebuilding but we shall leave it until we look up Hansard, Mr Speaker.

NO. 186 OF 1993

THE HON LT-COL E M BRITTO

Is Government satisfied with the security arrangements at the airport?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, considering the two incidents we had this summer that broke the security arrangements, will Government say what improvements there have been to security to make them now satisfied because presumably they could not have been satisfied before?

HON J E PILCHER:

Mr Speaker, the question was, "Is Government satisfied with the security arrangements at the airport?" None of the two incidents which the hon Member is referring to have anything to do with the airport, ie the air terminal but have to do with the Ministry of Defence side because we have an open airport and therefore I am not answerable in this House for the security arrangements of the RAF in relation to their side of the airport.

HON LT-COL E M BRITTO:

Mr Speaker, the Government may not be answerable for the security arrangements but it is Gibraltarians who are boarding aircraft and therefore, surely, the Government has a responsibility and an interest for satisfying themselves that the arrangements are adequate and if they are not considered adequate then they have a responsibility for taking up matters with the RAF to make sure that they are adequate. Will the Minister accept that two incidents of that nature indicate that there is something wrong with the security arrangements and I would have thought they would have taken an interest.

HON J E PILCHER:

Mr Speaker, the question, "Is Government satisfied with the security arrangements at the airport?" I take it that this means 'Is the Government satisfied with the security arrangements at the airport now?' The answer to question was, "Yes, Sir". The two incidents on the supplementary were two incidents that happened two months ago at the airport, in fact, one of which affected the hon the Chief Minister.....

HON P R CARUANA:

This is why we are so worried about it.

HON J E PILCHER:

Yes, I accept that that is why the Opposition are so worried about it. Those incidents have already been discussed between the parties concerned, Mr Speaker, and we now have a security handbook which relates to all those areas; and what I was trying to inform the hon Member is that none of the two breaches of security were aspects of the responsibilities of security within the RAF complex on which we have no jurisdiction. But we have discussed this matter with the RAF authorities and we now have a security handbook, Mr Speaker, that covers all the eventualities. The hon Member must understand that because of the situation in which the airport and the airfield find themselves it is a very difficult area to secure because it has got a road going across it; it has got the Fire Brigade just in front of it and it has got various entrances and fences around it and therefore security is a difficult road but one on which I am satisfied and this is why I said, "Yes, Sir" that today that security has been addressed by all the parties concerned.

28.10.93

ORAL

NO. 187 OF 1993

THE HON LT-COL E M BRITTO

Will Government explain the new arrangements for immigration control at the Airport?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the arrangements for dealing with immigration control at the Airport are unchanged.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, have there been any changes in the personnel that control persons arriving at the Airport and entering Gibraltar?

HON J E PILCHER:

Yes, Sir.

HON LT-COL E M BRITTO:

Then, Mr Speaker, the arrangements for immigration control at the Airport do not remain unchanged.

HON J E PILCHER:

No, Mr Speaker, the 'arrangements' is the system or the law that is in place at the Airport that deals with immigration. That has been unchanged. What the hon Member is asking is whether we have changed the manpower arrangements that service the immigration, Mr Speaker, as indeed the hon Member knows that there has been and what I would suggest is that in future the hon Member asks the question that he wants answered.

HON P R CARUANA:

Will Government explain the new arrangements?

HON LT-COL E M BRITTO:

Is the Minister asking Opposition Members to contact them first and ask them how to word the questions? He knows perfectly well what the question is, is he prepared to answer it?

HON J E PILCHER:

Mr Speaker, if the hon Member is asking me whether there are new arrangements then the answer is there are no new arrangements.

HON P R CARUANA:

Does the Minister really think that he is being anything other than pedantic when he suggests that transfer of the control of immigration from the Police to another entity is not new arrangements?

HON J E PILCHER:

Mr Speaker, exactly, the Minister is not being pedantic because we have not passed the control of immigration from the Police to a company. Mr Speaker, the word that has been used by the hon Member is that I am being 'pedantic' because we have passed the control of immigration from the Police to a private company.

HON P R CARUANA:

No, I have not said 'private company, I said 'other entity'.

HON J E PILCHER:

Immigration, Mr Speaker, is the prerogative of the Commissioner of Police by law. The Commissioner of Police has appointed certain people to do the functions previously carried out by the Police so instead of having appointed the Police he has appointed other individuals who, by the way, are not individuals, as the hon and gallant Col Britto said in the Chronicle, who "are untrained individuals appointed in the typical GSLP style of giving jobs to those who they consider are friends and supporters". Mr Speaker, the Commissioner of Police, after conducting interviews and training, has appointed a number of individuals to carry out the function of immigration under his prerogative as the Commissioner of Police. What is pedantic and scandalous are those types of allegations about people, Mr Speaker, who are doing a job at the Airport and to whom the Opposition Member referred to.

HON LT-COL E M BRITTO:

Mr Speaker, if the Government were more forthcoming in information then maybe we would not be misled by press reports as we appear to have been.

HON J E PILCHER:

No, Sir, because I also have the.....

HON LT-COL E M BRITTO:

I am still on my feet, Mr Speaker. Now that we are getting some information, will the Minister clarify whether those persons appointed by the Police are public servants as employees of Government or whether they are employees of a private company?

HON J E PILCHER:

They are employees of a private company; Terminal Management who have the contract to run the operations of the air terminal; the security at the air terminal and the immigration at the air terminal. A totally private company and not a joint venture as, again, the hon and gallant Colonel Britto wrongly stated in the Gibraltar Chronicle.

HON LT-COL E M BRITTO:

Mr Speaker, are we then saying that the Commissioner of Police is deciding who the staff of Terminal Management is?

HON J E PILCHER:

No, what we are saying is that the Commissioner of Police, having interviewed and trained these people, is satisfied that they can do the job at the immigration counter at the Airport equally as well as one of his policemen can do.

HON P R CARUANA:

Is the Minister satisfied that it is entirely proper for the control of immigration into Gibraltar to be in the hands of persons who are not public servants; who are not bound by General Orders or Standing Orders as they affect public servants; in effect they are just private individuals, employees of a private company and they decide who can come into Gibraltar and who cannot?

HON J E PILCHER:

Mr Speaker, the first part of the question is yes, Sir, I am satisfied that the people appointed by the Commissioner of Police are doing the job that they should. But the immigration schedules and operations are a part of a law so the persons there are there to implement the law, not to implement their own desires.

HON P R CARUANA:

The law gives the immigration officers a very large measure of discretion on the spot as to who they let through and who they do not let through and this discretion is now being exercised by employees of a private company.

HON J E PILCHER:

No, Sir, that is incorrect. The flexibility is not on the person who is at the Airport or the frontier or anywhere else; it is in the Principal Immigration Officer who retains that function, Mr Speaker.

HON P R CARUANA:

The Principal Immigration Officer does not go to the Airport every time an aeroplane lands.

MR SPEAKER:

Order, order. I think we now know; the information has come out as how immigration is controlled. That is what I think the question was seeking. Next question.

NO. 188 OF 1993THE HON LT-COL E M BRITTO

Will Government explain what arrangements exist for an emergency supply of electricity to the air terminal to maintain service to the public during a power cut?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, emergency lighting automatically switches on and is available for up to six hours.

Arrangements also exist to connect generators to supply electricity to the air terminal, for prolonged periods, if necessary.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, is this a new arrangement since there was an incident last summer when a cable was cut and there were prolonged interruptions to the supply to the airport?

HON J E PILCHER:

Mr Speaker, I dare say that the incidental which is being referred to by the hon Member was an incident where a major power cable was actually cut by a construction company working, Mr Speaker, and obviously the emergency supply came in for six hours but at the end of that it was a major power cut which I think, in fact, was in the region of 10 days, if I am not mistaken. Electricity generators were taken there and minimal supplies were maintained but obviously nowhere near the supply that would have to be met for this eventuality. We are not geared up for long power breakdowns of this kind because this was not a normal thing. This was a major accident which occurred in the area.

HON LT-COL E M BRITTO:

Precisely, Mr Speaker, the Minister may not have realised that the thrust of my question was aimed at a major power cut in what is, after all, the lifeline out of Gibraltar and reports coming back to us in the Opposition were of considerable inconvenience to tourists due to the heat and the lack of things like air conditioning working.

Therefore, Mr Speaker, my question is will the Minister consider what emergency power supply can be had as a back-up in case of a similar occurrence because, again, Mr Speaker, the power generators that were in use at the time were inadequate, did not have enough supply to maintain the whole of the services of the air terminal?

HON J E PILCHER:

Mr Speaker, I am afraid I cannot give that guarantee because emergency lighting system is adequate to cater for power cuts and minor disruptions of service. There is no way that the airport can cater for major disruptions of service in an accident because we do not expect that we will have many of those, Mr Speaker. The hon Member is right when he said that the air conditioners were not on because obviously one cannot supply enough power through generators to keep the air terminal running as if we had a normal power supply. So the lights were on but things like air conditioning systems absorb too much power and we were unable and would be unable, anyway, to provide that kind of back-up because that would cost a fortune, Mr Speaker, and it is not warranted given an accident every

HON LT-COL E M BRITTO:

What worries me, Mr Speaker, as a final question is that on this occasion we had the occurrence at the airport but it is conceivable that there could be a similar occurrence somewhere else like a hospital which would involve long-term interruption of power supply. It seems to me that it would be prudent for the Government to have some sort of portable generator back-up on supply in the case of an interruption to say the hospital.

HON J C PEREZ:

Mr Speaker, it is not possible technically. One would have to have for each of those facilities a generating station of its own and that is impossible. The only thing one can have is small generators for emergency lighting which is what the airport has for lighting and for baggage handling. When one has two sources of generation one could argue that the RAF should act as a standby but they have refused to do that on many occasions in the past. I am sure the hon Member is not suggesting we should connect to Sevillana as a standby.

MR SPEAKER:

We have gone off now from the air terminal to emergency supply of electricity in Gibraltar generally.

28.10.93

ORAL

NO. 189 OF 1993

THE HON F VASQUEZ

Does Government consider the recent marketing campaign in Spain to encourage week-end shopping trips to Gibraltar to have been a success?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1993

HON F VASQUEZ:

Mr Speaker, can the Minister say then whether there has been a marked increase in the number of shoppers in Gibraltar on a Sunday and can he indicate to the House how many shops are open on Sundays in Main Street?

HON J E PILCHER:

Mr Speaker, there has been a slight increase in the number of Spanish nationals staying in hotels over the week-end and there has been a marked improvement in the Saturday market in Main Street. The Sunday shopping has not been very successful because there was not a very encouraging back-up by shops to the campaign which, incidentally, was launched by the Chamber of Commerce and the Gibraltar Information Bureau. One thing that the Hon Mr Vasquez has to take into account is that these type of campaigns and these type of programmes are not successful overnight, it takes at least two or three years for these types of programmes to become part and parcel of what is being offered in a particular country as regards another destination. So yes, the Chamber of Commerce is happy, the Gibraltar Information Bureau is happy and I think the hotels have shown that the Spanish element, although still very small, has grown slightly this year, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, the Minister has said that there has been a little more shopping on Saturday; Gibraltar has always experienced busy Saturday shopping and virtually nothing happening on Sunday. What are Government's intentions in this respect? The campaign so far has actually had very little effect of improving. I do not see hoards of people shopping in Gibraltar on Sundays which I think was the idea when the campaign was initiated.

HON J E PILCHER:

Well, I am not sure if the hon Member is here on week-ends to see it. I have answered his question, I have answered his supplementary and he can draw his own conclusions. We feel it is successful and together with the Chamber of Commerce we will continue the programme into next year.

NO. 190 OF 1993THE HON F VASQUEZ

Given the official announcement in the UK that the travel industry is out of recession and given also the high occupancy rate enjoyed this summer by hotels on the Costa del Sol, to what does Government now attribute Gibraltar's continuing failure to attract significant numbers of overnight tourists?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, as is usual with Mr Vawsquez's questions and statements on tourism, this is totally unresearched and contains wide-sweeping statements which are incorrect. Since the whole basis of the question is flawed, I do not believe that the question merits an answer.

SUPPLEMENTARY TO QUESTION NO. 190 OF 1993

HON F VASQUEZ:

Is the Minister saying, Mr Speaker, that he is satisfied with the performance of Gibraltar's overnight tourist industry?

HON J E PILCHER:

No, Sir, the Minister is not saying that.

HON F VASQUEZ:

So then to what does he attribute the lack of success, he is the Minister in charge of the industry. Can he explain to this House to what he attributes his lack of success? We are seeing a continued degeneration in the overnight stay tourist industry in Gibraltar. What does he plan to do about it and to what does he attribute the unprecedented failure of Gibraltar's overnight hotel industry?

HON J E PILCHER:

Mr Speaker, I have already on two Budgets, maybe on three, discussed the overall policy of the Gibraltar Government on tourism. In fact, I will repeat what my hon colleague said; we discussed this matter on the Budget not too long

ago; what I will not do, Mr Speaker, is go into a debate with the hon Member. He has got every right to bring a motion to this House during which I will be glad to discuss the policies of the Gibraltar Government. What I will not do, Mr Speaker, is answer the question which is totally flawed because the UK market is still not totally out of recession; the Spanish hotels are only full in August and part of September because there is also a major recession in Spain as any Gibraltarian who goes to the Costa del Sol now will see, Mr Speaker. We have not had a total failure because the overnight market grew by about four or five per cent last year and has grown again this year. Although we are still not growing fast enough to catch up what we lost, we are growing and therefore, fine, that may be termed as a failure by the Hon Mr Vasquez but it is not termed as a failure by me or all those people in the tourist industry who are working very hard to get back to where we were, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, I am amazed to hear the Minister claim that the hotel industry is growing in Gibraltar and that everyone in the industry is perfectly satisfied with his performance. Is the Minister not aware that, in fact, two hotels have closed in the last year. I know the Minister keeps saying, Mr Speaker, that I keep raising the question but the fact is that we have had another unsuccessful tourist season since the last time I raised the question and I think it is about time that we got satisfactory answers to these questions. He is saying that all the operators in the industry are satisfied with this performance and he is claiming that the industry is growing, which I consider a view totally detached from reality. My question is how does he then react to the statements made by Mr Gary David, who I think was the chairman of the Gibraltar Tourist Association, who said on the 21st October - a week ago - Mr Speaker, "Alas, all this work is in vain if the Gibraltar National Tourist Office is only given a shoestring budget with which to promote the Rock. Gibraltar needs a national advertising campaign linked to sustain public relations work. It appears that there will be no increase in the budget for the next 12 months as so the Gibraltar National Tourist Office and the GIB will have to continue at half pace which means no dramatic improvement to local tourism." What is the Minister's reaction to that statement, Mr Speaker?

HON J E PILCHER:

I do not have a reaction to that statement, Mr Speaker. I have already said what I had to say.

NO. 191 OF 1993THE HON LT-COL E M BRITTO

Will Government undertake to extend the bathing season as from 1994?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister explain why?

HON J E PILCHER:

Yes, Mr Speaker, because in 1988, when we came in, the summer season which was operated then by the previous administration was one which was not related to the utilisation of the beaches. In 1989, Mr Speaker, we started the system of beautifying the beaches; we started the operation of proper lifeguard services, proper cleaning services and we started to curtail the summer season. What we realised was that the summer season was really geared towards the school term. So when the children were on half days that was when most of Gibraltar started to go to the beach, Mr Speaker, and a week after the children went back to school full day, that is when most of the beach goers stopped going to the beach. Although there is a percentage of people who go to the beach before and after, mainly at weekends, what we do normally, Mr Speaker, is that we clean the beaches in advance of the summer season; we clean the beaches at the end of the summer season for as long as it takes for the people to either stop going or start going. So there is a mechanism by which the beaches and the changing rooms are cleaned. The changing rooms are open during these periods but there is not the operation of the beaches such as the lifeguards and the total cleaning services because that is costly, Mr Speaker. It is not necessary when there are only 50 people on the beach. It is necessary when the beach is full. That is why we are not extending it. We have tried this now for three years and it has worked, Mr Speaker, and in this particular year we opened the changing rooms at least four weekends before the official start but we did not put in the lifeguards, etc because that is a very costly affair.

HON LT-COL E M BRITTO:

Mr Speaker, will the Government accept that what the Minister has just said is not entirely accurate? Whilst agreeing that the majority of people use the beaches within the parameter dates of the school term, one cannot dismiss, as the Minister has done, the use of the beaches by about 50 people outside the parameters of the school term. Will the Minister accept that much greater numbers than 50 people use the beaches from as early as Easter; that the cleaning of the beaches never starts early enough; that people use the beaches and they are still unclean, with the possible exception of last year when cleaning started earlier than previous years; that it is undesirable for people to be using beaches that are unsafe for them to be using without lifeguards - costly as I appreciate the Minister's comment is of having the lifeguards in; and that in general terms in a place with a climate like Gibraltar, it is to the benefit of a fair number of people that the facilities of the beaches be available from much earlier on than two or three weeks before the beginning of the school holidays?

HON J E PILCHER:

There are various points that have been made by the hon Member. First of all, I think he used the word 'discarded'; at no stage am I discarding any of the users of the beaches. He said how could I discard all the users of the beaches, I am not. I think the second point is whether it is 50 or 70, I put a figure of 50, Mr Speaker, because what I was trying to point at was the fact that there is a much lower utilisation of the beaches prior to the ending of the school term. Mr Speaker, the hon Member then said 'except for last year'. But he forgets that last year was the last summer term and what I have told him, Mr Speaker, is that over the last three years we have been monitoring the trend and we have improved on the system every year. So last year we started cleaning the beaches earlier on so that people could use them in advance of the summer season. We will continue to do that next year. But, Mr Speaker, although in general I accept the comments that the hon Member has made, at the end of the day, like everything else, it is a matter of expenditure. We now have a system whereby if there is no flag flying it means that there is no lifeguard. If the hon Member says it is dangerous to swim when there is no lifeguard, well then I suppose we will have to provide lifeguards for the 12 months of the year because we do get people swimming in New Year's Day in Catalan Bay. We have to provide the services and I think this year, Mr Speaker, we have provided a good service to the Gibraltarians in the beaches and that is the most that we can afford.

NO. 192 OF 1993

THE HON LT-COL E M BRITTO

Will Government ensure that beach cleaning arrangements operate throughout the year in order to prevent coastal pollution, environmental hazards and eyesores on our beaches and to render the beaches available to the public during the non-summer months?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 192 OF 1993

HON LT-COL E M BRITTO:

A predictable answer, Mr Speaker, and as the Minister has covered his reasons which obviously in the Opposition we do not agree with, I see no validity in extending the question except to ask him to appreciate that we do not agree with the viewpoint; that we think that in our limited spaces in Gibraltar beaches are a valuable recreational area, as obviously is Camp Bay which is very heavily used in the winter and that we feel that some effort should be made in this direction.

HON J E PILCHER:

Mr Speaker, the answer is "No, Sir". The hon Member, I think, is talking about maintaining the cleaning arrangements we have during the summer months throughout the year. That is why the answer is no, Sir. In any case, I have already given him the explanation in the previous answer. That in no way means, Mr Speaker, that there is not cleaning of the beaches during the winter months with particular emphasis on Little Bay and Camp Bay because those two beaches are used as beaches in the summer and promenades where people go to picnic and to take their children to playground areas during the winter. So Little Bay and Camp Bay are cleaned during the winter as, indeed, are some of the other beaches but not to the extent that they are cleaned during the summer months. So I think the hon Member will realise, if he did not do so last year, that during the winter months certainly Little Bay and Camp Bay are cleaned thoroughly and regularly and serviced regularly and have the toilets open and are serviced with wastepapers etc but the beaches on the east side are cleaned less regularly because they are not used during the winter months.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister appreciate that the question does not ask for maintaining of the same service during the winter as during the summer? It just says, "Will Government ensure that beach cleaning arrangements operate" - and I appreciate that they cannot be the same during the winter but it would appear to the Opposition, that whatever arrangements there are for cleaning mainly Eastern Beach during the winter are not sufficient enough because the beach tends to remain littered for long periods in winter.

HON J E PILCHER:

Then, Mr Speaker, given the clarification which the hon Member has made, I will change my five letter answer to six letters and I will say, 'Yes, Sir'.

NO. 193 OF 1993THE HON LT-COL E M BRITTO

Does Government have any plans to provide adequate car parking facilities for users of Sandy Bay?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, there are no plans to increase the existing car parking facilities at Sandy Bay.

SUPPLEMENTARY TO QUESTION NO. 193 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, are the Government satisfied with that situation and do they not think that it would be a good idea to try to change it?

HON J E PILCHER:

Mr Speaker, of course the Government are not satisfied with those arrangements, it is just that those are the arrangements that there are. There is no further space in that area for extra car parking and it is not possible, without going into huge expenditure, to produce car parking facilities. If we were to decide that perhaps we would then be told, "Do not do it and spend it on the handicapped centre instead".

HON LT-COL E M BRITTO:

I think, Mr Speaker, that the Minister has genuinely misunderstood my question. Will he appreciate that by adequate car parking I do not mean car parks that do not exist. I am not suggesting that he dig up half of the sand out to provide car parking or to reclaim to provide car parking. What I am suggesting to the Minister, if he will consider it, is a reversion to the situation that existed and has always existed in that area for many, many years in which traffic - mainly during the summer months - went in one direction only at least at weekends when the beaches are more heavily used; that the posts that are on the pavement be removed and that parking be allowed on the pavements in that area so that people can park in the way they have parked for years. Traffic has always been able to move as long as there is a one way flow of traffic and not two way as there has been since the Queensway closure some time back.

HON J C PEREZ:

Mr Speaker, at the beginning of the summer season I put the same point of having a one way system to the Traffic Commission who considered it on two occasions and turned down the request on the advice of the Police. The Police retained a certain amount of leeway to change the system at short notice, if need be, but they thought that the flow of traffic in Gibraltar generally would best be served by having a two way system. We have had problems with very heavy vehicles passing through that area during the hours when the beach was used. Let me also say that the practice of parking on the pavement, which is what the hon Member would like us to continue to allow, is illegal. The pavement is normally beside a retaining wall; the weight of the vehicle on the pavement damages the pavement and sometimes the retaining wall and even if we reverse the flow of traffic there has to be a greater and stricter control of vehicles by not being allowed to park on the pavement. I know that the pavements in that area are in a very bad condition and not worth preserving but the effect that it can have on the structure of the retaining walls could be very serious indeed and that is why we ought not to encourage the parking of vehicles on the pavements. There have been some new parking spaces created past the gate towards the tunnel which did not exist prior to 1991 and therefore the situation has somewhat been alleviated by that. Perhaps if we continue with the reclamation in the area which the hon Member was complaining about, we might get to a stage when we might be able to provide parking facilities in new reclaimed land but at the moment it is impossible to create more parking spaces than the ones that are available.

NO. 194 OF 1993THE HON F VASQUEZ

Is Government making available to the Gibraltar Heritage Trust any of the income it is deriving from Gibraltar's historical sites and, if so, how much has been paid to the Heritage Trust in this way in 1993?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Gibraltar Tourism Agency provides the Gibraltar Heritage Trust with a percentage of the income derived from the Gibraltar Museum. During the period 1 January 1993 to 30 September 1993, £738.10 has been provided to the Trust.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1993

HON F VASQUEZ:

Mr Speaker, may I remind the Minister that section 7 of the Gibraltar Heritage Trust Ordinance provides that the funds of the Trust shall consist of any monies received from the Tourism Agency by way of royalties on ticket sales for admission to any properties on which the Trust has any interest by virtue of schedules 1 and 2 and which are administered or managed by the Agency. Schedules 1 and 2 set out all the historical sites. Does the Minister not agree that the intention of the Ordinance was that the Trust should draw an income by way of royalty out of all the income the Tourism Agency was deriving from all the historical sites and does he think that this paltry amount of £700 afforded by the Museum constitutes sufficient compliance with that section?

HON J E PILCHER:

No, Sir, the Minister does not believe that that was the spirit in which the Ordinance was written because I together with the Heritage Trust drafted the new Ordinance in 1988/89 and the agreement with the Heritage Trust was, at the time, that as regards any sites in which the Heritage Trust had an involvement we would agree what would be the percentage that they would obtain from the ticket sales. I will give the hon Member an example. At the moment we are developing, in conjunction with the Heritage Trust, the Parsons Lodge site. If that were ever

to become a tourist site then obviously the Heritage Trust would get a substantial percentage of the ticket sales. In fact, in the case of Parsons Lodge they possibly would get 100 per cent of the ticket sales because they are doing the project and we are just liaising with them. That was the spirit under which that particular section was drafted, Mr Speaker, and we have kept to the letter of the law and certainly the spirit of the law and that has been discussed with the Heritage Trust in the past.

HON F VASQUEZ:

Mr Speaker, I am interested to hear the Minister say that that was the spirit and that that was the intention of the Ordinance. The fact is, Mr Speaker, that that is not what the Ordinance says. The Ordinance makes it very clear that the Heritage Trust was going to derive an income out of sites managed or administered by the Tourism Agency and the sites from which it was to derive such an income were the sites set out in schedules 1 and 2 of the Ordinance which include all Gibraltar's historical sites. I am referring him to the wording of section 7 of the Ordinance. Is the Minister saying in this House that Government is complying with its undertaking and with its obligations under that Ordinance, Mr Speaker?

HON J E PILCHER:

Yes, Sir.

28.10.93

ORAL

NO. 195 OF 1993

THE HON L H FRANCIS

Will Government establish a permanent exhibition of Gibraltar memorabilia to enhance Gibraltarians' sense of identity and illustrate Gibraltar's history for the benefit of current generations of Gibraltarians and visitors?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, as we have announced publicly and in this House, the Government is no longer responsible for the operation of the Gibraltar Museum. However, the Museum Board has already agreed, as part of its overall programme, to establish a Gibraltarian Gallery which will contain Gibraltar memorabilia. This Gallery will be the central theme of the "Gibraltar Experience" within the Museum which is meant to illustrate the history and culture of the Gibraltar people and their identity.

28.10.93

ORAL

NO. 196 OF 1993

THE HON L H FRANCIS

Mr Speaker, will the Minister for the Environment ensure that the public is consulted before any permanent remodelling of the Piazza takes place?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir, at this stage there is no remodelling of the Piazza but rather a demolishing of what is there at the moment and an opening-up and beautification of the residue.

SUPPLEMENTARY TO QUESTION NO. 196 OF 1993

HON L H FRANCIS:

I quite understand that but as far as I understood from previous interventions by the Minister in the House and, I think, in the press, the remodelling of the Piazza will take place over two phases, the first of which is the demolishing and beautification of the area and the second of which will be a more involved process with a new Piazza in the centre of town. What I am referring to is the second phase of the development. Will the Minister ensure that when that comes to be done that there is public involvement in whatever plans are drawn up to replace what we have there at the moment?

HON J E PILCHER:

Mr Speaker, public involvement will happen through the various mechanisms that we have in support of the Town Planner and the Development and Planning Commission where we have the Nature Heritage Commission made up of representatives of the Heritage Trust and of the Gibraltar Ornithological and Natural History Society. All the Government plans in this area are sent to these councils for their opinion before the Government proceeds to take it as a matter of course to the Development and Planning Commission and therefore, Mr Speaker, in that, as I have just explained, there would be public consultation. But if the hon Member means public consultation, ie getting everybody in Gibraltar to look at the plan and make comments, that is not the Government's intention.

HON L H FRANCIS:

Considering what the result was of the previous planning process, which is the Piazza we have now which most people dislike intensely, I would ask the Minister to reconsider that because it is the heart of the city and therefore should be something that reflects what people want in the centre of their city. It is not too much to ask. We did have an exhibition of various plans at one stage of what.....

HON J E PILCHER:

The Piazza was, in fact, included within that.

HON L H FRANCIS:

That is right. There is no reason why that could not happen again and for people to express what their preference was.

HON J E PILCHER:

If there is a change to that City Plan, Mr Speaker, then the Government will take into account what the thoughts of the hon Member are.

28.10.93

ORAL

NO. 197 OF 1993

THE HON L H FRANCIS

Does Government agree that the continuing dilapidated state of "the boulevard" is an eyesore in the centre of town which leaves a poor impression in the minds of visitors?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, I agree that it is an eyesore and it will be tackled when funds are available.

SUPPLEMENTARY TO QUESTION NO. 197 OF 1993

HON L H FRANCIS:

Mr Speaker, would it not be an idea to hand over the maintenance of some public areas to a successful and energetic company such as Greenarc who would not only take care of the vegetation and of planted areas but also of the physical fabric of the area, in this case the boulevard, where we have balustrades missing, etc. They seem to have done a good job on the flora and fauna; they might extend that to the actual physical fabric.

HON J E PILCHER:

Mr Speaker, the hon Member is making - I do not know how to put it - a mistake as, indeed, other people do. In fact, there was an article only the other day in the Chronicle which spoke about the great work that Wildlife Gibraltar Ltd is doing at the Alameda Gardens. I do not want to detract from the great work that Wildlife Gibraltar Ltd is doing at the Alameda Gardens; I do not want to detract from the great work that Greenarc is doing all around Gibraltar, in fact, they are two of the contractors of the Gibraltar Tourism Agency for which I have nothing but praise. But what I think the hon Member is forgetting and what indeed a lot of other people in Gibraltar are forgetting, is that as Government contractors we have to pay them. So if they take on the Line Wall Boulevard we have to pay them to do it, so I take the hon Member back to the answer which is, "It will be tackled when funds are available".

2.

HON L H FRANCIS:

The key word in what I said before, Mr Speaker, is maintenance. If we maintained the areas we would not have to spend so much money in completely refurbishing them again after years of neglect.

HON J E PILCHER:

Maintenance costs money, Mr Speaker.

HON L H FRANCIS:

Less money than a complete refurbishment.

HON J E PILCHER:

Mr Speaker, when I have the money to refurbish I will be more than happy to discuss and include it in the contract of Greenarc or any of the other contractors.

28.10.93

ORAL

NO. 198 OF 1993

THE HON H CORBY

Will Government say which streets in Gibraltar are washed down with brackish water by hose pipe and how often this is done?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question No. 199 of 1993.

28.10.93

ORAL

NO. 199 OF 1993

THE HON H CORBY

Will Government confirm that all of Gibraltar's streets are swept by hand or by mechanical means and how often this is done?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government runs various programmes in parallel with each other and which encompass the sweeping, general clean-ups and flushing of all of Gibraltar's streets. These are:-

(1) SWEEPING

- (a) Nine districts are covered every day (Mondays to Saturdays).
- (b) Three districts are covered three times a week.
- (c) Eight districts are covered twice a week.
- (d) Eight districts are covered once a week.

There are 28 districts that encompass the whole of Gibraltar.

(2) GENERAL CLEAN-UPS

- (a) Nine districts (litter control areas) which cover 24 streets, are done once a week.
- (b) Eighteen districts which cover 46 streets/areas are done every four months. Many of these areas are also flushed.

(3) CLEANING AND FLUSHING

- (a) Thirteen districts which cover 57 streets are done every six weeks.

If the hon Member wants I have a total breakdown of every single street but it would be very, very difficult to be able to read all that out so I have tried to give him as enhanced an answer as possible.

SUPPLEMENTARY TO QUESTIONS NOS. 198 AND 199 OF 1993

HON H CORBY:

Will the Minister please state if supervision by foremen or supervisors is undertaken to see that the work is done to a high degree of cleanliness?

HON J E PILCHER:

Yes, Mr Speaker.

28.10.93

ORAL

NO. 200 OF 1993

THE HON LT-COL E M BRITTO

Will Government start again the door to door collection of refuse in Irish Town and, if not, will it say how long the present experiment will continue and what criteria will be used to decide if it has been successful?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir, door to door collection of refuse in Irish Town will not start again until after the completion of the trial which is presently being undertaken.

The criteria being used to determine the success of the new system is -

- (1) the feelings of the majority of the citizens of the area together with
- (2) the overall cleanliness of the area, and
- (3) the cost implications.

All three are important and no single element will determine the success or failure of the trial.

SUPPLEMENTARY TO QUESTION NO. 200 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister say how the measure is more economical?

HON J E PILCHER:

Pardon, Mr Speaker, I did not get that.

HON LT-COL E M BRITTO:

The Minister has said that cost is one of the criteria to be used. Is the centralised collection more economical in any way?

HON J E PILCHER:

Not necessarily the one in Irish Town, Mr Speaker. The exercise we are doing in Irish Town we have successfully accomplished in other areas and we will look at further areas in order to try and see how we can centralise refuse collection in Gibraltar. Mr Speaker, in the area of Irish Town in particular the problem was a twofold problem. One was the difficulties which the Gibraltar Industrial Cleaners lorries were having in getting into Irish Town. This was something which was discussed with the Police but however many systems of clamping or towing away that we put, there were always difficulties which meant that because the refuse was put at the doorsteps, when the refuse collection vehicle could not go in, all the refuse was then strewn in Irish Town. This was the main thrust of the institution of the trial system but, as I say, there are the three areas; there is the cost implication, the cleanliness of the area and the feelings of the citizens, Mr Speaker. I think the citizens sometimes do not understand what the law says in relation to litter; something which is important. The law says, Mr Speaker, that rubbish cannot be put on the public highway until 10 o'clock at night, ie rubbish can be put on the public highway between 10 at night and six o'clock in the morning. I understand that people put the rubbish out earlier but that is breaking the law so as we have been implementing more and more control on litter we have realised that people put their rubbish out at six o'clock in the afternoon. So perhaps, Mr Speaker, when people look at the new systems rather than think that they have to walk 50 yards to deposit their litter when they used to deposit it at night, they could do like a lot of the privatised areas in Gibraltar are now doing. These people take their bags with them when they are going to work and put them in the central collection system. That means that they are not placing litter in the public highway and that is what we are trying to do; the Litter Control Authority in trying to beautify Gibraltar. Mr Speaker, my message to every single citizen is that we should all try and help to be able to do that one day.

HON LT-COL E M BRITTO:

Mr Speaker, the first point that arises out of that answer is a failure to see why Irish Town has been singled out when, in fact, Irish Town is the one street, as far as I can recollect, of the whole of the town area that is pedestrianised as from six o'clock in the morning.

HON P R CARUANA:

Purely to victimise the Leader of the Opposition who lives there.

HON J E PILCHER:

Correct, Sir.

HON LT-COL E M BRITTO:

If it is pedestrianised perhaps the Minister could explain why it is that the refuse collection vehicles have difficulty in going down Irish Town to collect the rubbish? Mr Speaker, as expressed by Mr Pepin Delgado on GBC television, one of the aims of the exercise was to improve the environment. If the Minister is saying that by centralising the collection of rubbish he intends to encourage people to take litter out earlier in the evening we are going to end up with what is already happening in places like Cornwall's Lane and Line Wall at the top of Irish Steps, where throughout the day there is a permanent eyesore of bins piled up with rubbish. So instead of improving the environment does the Minister not appreciate that the effect might be counter-productive in that sense?

HON J E PILCHER:

That may well be the case, Mr Speaker, that is why we are undergoing a trial.

28.10.93

ORAL

NO. 201 OF 1993

THE HON F VASQUEZ

Did Government invite any tenders for the location of the petrol station at the Victoria Stadium?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question Nos. 202 and 203 of 1993.

28.10.93

ORAL

NO. 202 OF 1993

THE HON F VASQUEZ

Is Government satisfied that the building of a petrol station at the Victoria Stadium is in compliance with the Town Planning Ordinance?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question Nos. 201 and 203 of 1993.

28.10.93

ORAL

NO. 203 OF 1993

THE HON F VASQUEZ

Is Government satisfied that the location of the CEPSA petrol station so close to the runway does not constitute a safety hazard?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government did not invite tenders for the location of the petrol station at the Victoria stadium in keeping with its established policy since 1988. The overall project has obtained planning and building permission in total compliance with the Town Planning Ordinance.

As part of this process the plans were sent to the Civil Aviation Authority through the Royal Air Force before final approval was given.

SUPPLEMENTARY TO QUESTION NOS. 201, 202 AND 203 OF 1993

HON F VASQUEZ:

Mr Speaker, I hope you will grant me some latitude in the making of supplementaries since there are three questions rolled into this.

MR SPEAKER:

Yes, I know, as long as they relate to the question.

HON F VASQUEZ:

Dealing with Question No. 201, Mr Speaker, is it not Government's policy and aim in the farming out of any of these important development sites to get the best possible deal for Gibraltar especially given the present circumstances of financial difficulty that Gibraltar is encountering?

HON J E PILCHER:

Yes, Sir.

HON F VASQUEZ:

Then, if that is the case, did not the Government of Gibraltar think it was pertinent to farm this area out and find out whether there was anybody else who was prepared to offer Gibraltar a better deal for the development of this site?

HON J E PILCHER:

No, Sir.

HON F VASQUEZ:

Why not? Will the Minister please explain why if his aim is to get the best possible deal for Gibraltar he thinks he can give it to CEPESA without first finding out whether anybody else was prepared to give him a better deal? May I remind the Minister, Mr Speaker, that this morning we have had a demonstration downstairs of people whose livelihood are going to get affected by this decision and does the Minister think that he can so blindly write off their interest like that by giving the site to the first person that crosses his doorstep?

HON J E PILCHER:

Mr Speaker, I have already answered the questions of the hon Member.....

HON F VASQUEZ:

No, he has not.

HON J E PILCHER:

..... I have answered. He asked, "Did the Government consider (a)?" - and I said yes; "Would the Government consider (b)?" and I said no. The fact that there were people there this morning, Mr Speaker, has got nothing to do with the question here and it is very common of the hon Member who incites people to demonstrations by saying that the Government is not caring for them. We saw the demonstration this morning; the people who were there this morning have already been informed that they will be seen by the Government.....

HON F VASQUEZ:

This is a bit late, is it not?

HON J E PILCHER:

..... and it has got absolutely nothing to do with this question, Mr Speaker. With your latitude, Mr Speaker, I will answer any question that I feel is pertinent given what is in the paper. But the persons who were there exercising their democratic right to demonstrate this morning, have got nothing to do with whether the Government allocated it to CEP SA or put it out to tender and allocated it to anybody else.

HON F VASQUEZ:

Mr Speaker, I am now immune to the suggestion that every time that anybody expresses a complaint or frustration against a Government decision and that everyone who demonstrates against Government does so at the instigation of the Opposition. So I am going to ignore that comment, Mr Speaker. Let me ask the Minister this question, was there any particular reason that CEP SA had to get that site?

HON J E PILCHER:

I do not know, Mr Speaker. They put a good offer which the Government accepted, given what I said in the initial answer which is that the Government does not invite tenders but accepts direct proposals and if the Government feel that that is a good proposal it then acts on it as we have done since 1988, Mr Speaker.

HON F VASQUEZ:

The Minister says Government got a good proposal; he has said that it is Government's policy to get the best possible deal for the farming out of Gibraltar's valuable assets. Why, if they are trying to get the best possible deal did it not occur to the Government of Gibraltar to see whether the other petrol station operators might improve the offer and not only secure more money for the Government of Gibraltar but protect the livelihoods of the people who are employed in those businesses?

HON J E PILCHER:

The Government did not feel it pertinent at the time, Mr Speaker.

HON F VASQUEZ:

I hear the Minister and I think Gibraltar itself will judge whether those answers are satisfactory. Turning to the next question, the question was whether Government were satisfied that the building of the petrol station at the Victoria Stadium is in compliance with the Town Planning Ordinance. And I got the blithe reply, Mr Speaker, that it had got planning and building permission from a committee in which Members of the Government figure prominently. I have before me, Mr Speaker, a copy of the Gibraltar Development Plan which constitutes the City Plan for the purposes of the Town Planning Ordinance. I would like to remind the Minister of the opening comments made by the Minister for Trade and Industry at the beginning of that document where he says, "This plan sets out what we as the Government aim to achieve in the various planning zones and provides the local public and international investor alike, with guidelines. It identifies where major developments will be permitted and sets out detailed planning policies". I think the Minister will be aware that this document is binding on the Development and Planning Commission, that they can only award planning permissions that are compatible with this plan and if they do not they are acting ultra vires. I turn to zone five as set out in this plan, Mr Speaker, and I see that the whole area of the Victoria Stadium including all the area bounded on the north by the runway, on the east by Winston Churchill Avenue, on the south by the Glacis Estate and on the west by the area of the canneries and the old cinema, etc; all that area is delineated as playing fields and open areas. And so I turn to schedule eight of the plan for some explanation as to what on earth playing fields and open areas mean and that section makes very clear that the playing fields and open areas are designed as leisure and recreational areas. And policy LR3 states very clearly, "That the existing provision of parks, playgrounds and informal open spaces will be retained and enhanced for public use" and it goes on to make very clear and specify "that it is important to secure the retention of the existing level of provision and to enhance them for use by the public" that being the open areas. The City Plan was produced by this Government and this Government always say that the public of Gibraltar has the opportunity to make representations on planning decisions by making representations as to the City Plan. Well, here is the City Plan and the City Plan says, "This area will be playing fields and open area" and the Government says very clearly that it is important that we retain what open areas we have in Gibraltar. Can the Minister then say how he considers that the putting of a petrol station in the middle of this area is consistent with the City Plan?

HON J E PILCHER:

Mr Speaker, the Government have often said that the City Plan is a forward-thinking by the Government but has to be flexible given the different circumstances at a particular time in the economic development of Gibraltar. The hon Member is wrong in saying that the Development and Planning Commission acts ultra vires when it goes outside the City Plan. Mr Speaker, the Development and Planning Commission can move outside the City Plan in a specific instance like it has done in various instances over the last year. The decision that the Development and Planning Commission took was that that was in keeping with the area, given the economic circumstances at the time, and planning permission was given.

HON F VASQUEZ:

I am interested to hear that and I have to point out to the Minister that he is entirely wrong because there is Gibraltar case law that has made it very clear that when the Development and Planning Commission steps outside this plan it has no power in law because the Development and Planning Commission exists to put this plan into operation and only this plan. It does not have the power to say, "To hell with the Town Planning Ordinance, we are going to decide whatever we want". It just simply does not have that power. The Development and Planning Commission does have the opportunity to step outside this plan if it changes the plan under section 13 of the Ordinance and that entails, as the Minister is well aware, advertising the scheme exactly so that the public of Gibraltar can make its own representations and make its views felt. We have heard it so often from the Minister, from the Minister for Trade and Industry and from the Chief Minister himself; they keep telling us, "Well, what are you complaining about? Every five years we produce a City Plan and the people of Gibraltar can go and make their views felt". Does the Minister accept that what the Development and Planning Commission - it is not the Development and Planning Commission, Mr Speaker, I think we have to be quite clear about that, it is the Government acting through the Development and Planning Commission because we all know who controls the Development and Planning Commission-have done flies in the face of all the reassurances that this House and the public in Gibraltar have received that we do, in fact, have a democratic planning process? Does he accept that what he is saying is, in fact, that we have no democracy at all in planning decisions in Gibraltar?

HON J E PILCHER:

I do not know what the question is, Mr Speaker, I thought we were in Question Time. leeway is one thing.....

HON P R CARUANA:

Is the Minister asking for the Chair's help then?

HON J E PILCHER:

No, the answer is I have already given the hon Member the answer, Mr Speaker. I gave him the answer at the start; I have answered a couple of his supplementaries and he can stand up and sit down all night and he is still going to get the same answers, Mr Speaker.

HON P R CARUANA:

Mr Speaker, will the Minister accept that the procedures provided by law for enabling the Development and Planning Commission to disregard the content of the City Plan have not been followed in the case of the site on which this petrol station is going to be built?

HON J E PILCHER:

No, Sir.

HON F VASQUEZ:

Well then can he identify on the City Plan where the City Plan allows the development of a petrol station on a football field?

HON J E PILCHER:

Mr Speaker, the hon Member should know, if he is so knowledgeable about law, that, irrespective of his initial comments that the Development and Planning Commission is just a board controlled by a couple of Ministers it is a statutory board which operates under the law. If the Opposition Members feel that the Development and Planning Commission has acted ultra vires then they know what course they have to take, Mr Speaker.

HON P R CARUANA:

Yes, we or the operators of other petrol stations.

HON J E PILCHER:

Anyone who feels that anything done in Gibraltar is ultra vires can have recourse by law. I have given in this House, Mr Speaker, the answers from the Government to the questions that I have been asked. If it is ultra vires then, Mr Speaker, whether it is the Opposition, whether it is any other petrol operator or whoever wishes to do that. They are free, Mr Speaker, to take whatever action. That is why we are a democracy.

HON P R CARUANA:

Is it not the reality, Mr Speaker, that in the hands of this Government there is no physical part of Gibraltar that does not appear to be up for sale to the highest bidder?

HON CHIEF MINISTER:

Mr Speaker, in the hands of the Government, which is the Government elected by the majority of the people of Gibraltar, all the property that is public property will be used to the maximum advantage to secure the political and economic future of Gibraltar's people. That is the job we have been asked to do by the people in an election. The hon Member does not agree with it; right he has got to persuade people that he can do a better job than us.

MR SPEAKER:

That is the position on the matter which has been made quite clear. We must go on to the next question because you are just going to ask the same question and you will get the same answer. We are getting into the rule of repetition which I have allowed to go through but I cannot go on like this all night.

HON F VASQUEZ:

Mr Speaker, I did ask for latitude and you will appreciate that there are three questions rolled into this one answer.

MR SPEAKER:

Yes, that is why, go on to the other one.

HON F VASQUEZ:

Three questions which are totally unrelated. The Government are always the ones who are saying that here we are crying foul play, misdeeds, corruption, etc. How can the Minister satisfy the public of Gibraltar that this decision to grant the petrol station to CEPESA was one taken on proper consideration and under the proper criteria? We have just heard the Chief Minister say that his duty is to get the maximum possible out of the raw material that we have. How can he say he is getting the maximum if he is not putting it out to tender and finding out whether anyone else is prepared to pay more?

HON J E PILCHER:

Mr Speaker, the hon Member has come 360° to ask the first question he asked when he stood up.

HON F VASQUEZ:

As I said I have not got an answer to it, Mr Speaker.

MR SPEAKER:

I am afraid that you have exhausted now the replies and that is it. Next question.

HON F VASQUEZ:

Mr Speaker, there is one other matter, the question of the safety which is the third question. It certainly seems unusual and I have never seen a petrol station within 50 yards of a runway, can the Minister.....

HON J C PEREZ:

There are petrol stations all over Gibraltar back to back with housing estates.

HON F VASQUEZ:

Yes, I notice the interjection. Housing estates do not constitute 300 tons of metal travelling at 200 miles an hour. Can the Minister please satisfy the House as to what information was sought, who the matter was referred to so that the Government of Gibraltar has been satisfied that the location of a petrol station so near a runway does not constitute a safety hazard?

HON J E PILCHER:

Mr Speaker, the Government of Gibraltar is not responsible for the decision of whether the petrol station in its location is safe or not safe. The Government of Gibraltar employs a number of people to deal with these matters. The plans, because they were related to an airport, were sent through the Royal Air Force, Gibraltar to the Civil Aviation Authority in the UK who had their experts look at it and sent a report back saying that the petrol station in no way interferes with the airport, the air terminal or the safety of the area. That is what the Civil Aviation Authority said, Mr Speaker. So the Government and the Development and Planning Commission are happy that the Civil Aviation Authority know what they are talking about.

MR SPEAKER:

That is your answer.

HON F VASQUEZ:

Thank you, that is all I wanted, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, if I heard the Minister correctly he has said twice that the CAA were approached through the RAF. Does that by implication mean that the RAF were approached first here in Gibraltar and that they said that they had no objection to the CEPSA petrol station in its present location?

HON J E PILCHER:

That is the normal system, Mr Speaker. The Ministry of Defence are represented in the Development and Planning Commission, they make the point in there and then all the details are submitted through the RAF to the Civil Aviation Authority.

NO. 204 OF 1993THE HON M RAMAGGE

Will Government say how much money it has received each year since 1988 on the sale of ex-MOD residential properties and will Government list all ex-MOD properties so sold and the price obtained for each?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government embarked on the sale of ex-MOD residential properties late in 1992. To date the Government has sold 14 properties on long leases and five properties on short leases. The total amount collected is £1.908 million.

SUPPLEMENTARY TO QUESTION NO. 204 OF 1993

HON P R CARUANA:

Mr Speaker, as the question appears to request, will the Minister identify the properties stating how much was obtained for each?

HON J E PILCHER:

No, Mr Speaker, the Minister is quite prepared to list the properties but I do not feel that it would serve any purpose in actually identifying who bought the house and for what price, Mr Speaker, because this is a matter related to a tender procedure which the Opposition Member feels should be the best way forward and we feel that the purchase of a property by an individual on a tender basis is commercial in confidence.

HON P R CARUANA:

Mr Speaker, these are public assets. What the Minister is saying to the owners of an asset is, "I have sold it on your behalf and I will not tell you how much I have sold it for". That is what the Minister is saying. This property does not belong to the Minister or to the Government or to the Development and Planning Commission or to the Tender Board, it belongs to the people of Gibraltar and they have a right to know how much they have been sold for and to whom precisely so that they can establish whether the Government have exercised properly their public duty to sell it for the best possible price that that property could have obtained.

HON J E PILCHER:

Mr Speaker, I have said I am prepared to list the properties and I am prepared to advise the Opposition Members of the money we have got from the properties.....

HON P R CARUANA:

For each of them?

HON J E PILCHER:

No, Mr Speaker, in general. We feel, as I have mentioned before, that this is an individual commercial in confidence agreement between an individual and the Government. What we are prepared to do is say, we have sold 49 Europa Road; 11 Town Range; 47 Europa Road; 317 Main Street; 306 Main Street; 1 to 5 Humphrey's Bungalows; 3 Rosia Parade; 4 Rosia Parade; 2 Sandpits; the Officers' Mess and the five short leases of the Rock WT Estate Nos.1 to 4 and 29B Hospital Ramp for £1.908 million.

HON P R CARUANA:

Will the Government say whether there are any of those properties to which the Minister has just referred that have been sold other than for payment in one go at the beginning? Are there any sales that have been subject to lengthy payment terms and payment by instalments?

HON J E PILCHER:

Not as far as I am aware, Mr Speaker, but I am prepared to look into the matter.

HON P R CARUANA:

Is the Minister aware of the payment terms of all of the properties that he has got on that list?

HON J E PILCHER:

Yes, Mr Speaker, there are no special agreements, I am sorry.

HON P R CARUANA:

Mr Speaker, finally, will the Minister say whether this tender process that he says has been operated in this case, had as a rule that the property would necessarily go to the highest bidder? Have any of those properties been sold to a party who did not initially submit the highest bidder?

HON J E PILCHER:

Mr Speaker, in any tender process there is always a caveat that it does not necessarily have to go to the highest bidder.

HON F VASQUEZ:

Mr Speaker, is that why the Minister refuses to disclose how much each property was sold for, precisely because of.....

HON M A FEETHAM:

Mr Speaker, as far as I am aware there has been one particular case where I intervened and said that it ought to go to the second on the list because the second on the list was a Gibraltarian; the bid for the first one was someone from outside Gibraltar and was going to use his company to buy it; and it just happened that the difference in price was so little that we gave it to the second. And, lo and behold, the person who actually got that property happens to be a direct relative of the Hon Mr Vasquez. No. 2 Rosia Parade was the property that Mr Vasquez got and he was the second one on the list as far as the bid was concerned.

VARIOUS HON MEMBERS

(Inaudible)

HON P R CARUANA:

They have manipulated the tender system and when they have been caught out manipulating the tender system they think they can throw their usual red herring into the ring by referring to Mr Vasquez's uncle.....

INTERRUPTION

HON P R CARUANA:

..... they run a tender system, people are entitled to assume that it will go to the highest bidder and by their own admission.....

VARIOUS HON MEMBERS

(Inaudible)

MR SPEAKER:

Order, order, order, order. One at a time.

HON J C PEREZ:

Mr Speaker, we have not manipulated the tender system; we do not run a tender system. When the things used to go to tender they used to cost the Government of Gibraltar dearly and we changed all that when we came into office and we stood for election in 1988 and in 1992 reaffirming the view held in 1988 that we would carry on doing it without the tender system and we have defended it in this House before. The hon Member can go in 1996 and say, "I will reinstate the tender system" and people can vote for him if they want it.

HON P R CARUANA:

No, no, the Minister for the Environment and Tourism has said not three minutes ago that the Government had operated a tender system on the sale of these properties. The Minister for Government Services cannot now stand up and give the Chief Minister's speech on his behalf just because he is out of the chamber and ignore what the Minister for the Environment and Tourism has just said.

HON M A FEETHAM:

Mr Speaker, I did not intend to intervene. The point was made by Opposition Members that we had given a property to somebody who was not the highest bidder and I just made the point that in our judgement it would have been unfair not to have given it to a Gibraltarian, it does not matter whether it was Mr Vasquez or Mr Restano or whoever, the decision would have been the same but ironically the only person who has been second in line and has got a property, as far as I am aware, was Sir Alfred Vasquez.

HON P R CARUANA:

A very noble sentiment. Will the Minister give the list of prices, yes or no?

HON J E PILCHER:

Mr Speaker, I have already said that I will not.

MR SPEAKER:

The Opposition must not keep on asking the same question because they are going to get the same answer.

HON J E PILCHER:

Mr Speaker, I have given the number of properties; I have given the sale price and because Gibraltar is a small place everybody knows who got the property, what they paid for it and what everybody else paid.

HON P R CARUANA:

Well, then tell us.

HON J E PILCHER:

But we genuinely feel that that is a matter which is confidential between the person buying the property.....

HON P R CARUANA:

And the person selling it and that is us.

HON J E PILCHER:

Mr Speaker, the hon Member knows that that is a confidential matter between the person who buys the property and the person who sells the property.

HON P R CARUANA:

But that is the taxpayer, the person.....

INTERRUPTION

MR SPEAKER:

Order, order. One at a time.

HON J E PILCHER:

Mr Speaker, if we do not put it out to tender we lose; if we put it out to tender we lose. I have given the answer, with the exception of the one that my hon colleague has just mentioned, all the others have gone to the highest bidder. He can take that as true or he can take it as not true but that is the answer.

MR SPEAKER:

That is the end of the question. Next Question.

NO. 205 OF 1993THE HON F VASQUEZ

Does Government approve of the decision of the Development and Planning Commission to allow the Bayview Crescent development to proceed in the face of widespread public opposition?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the decisions of the Development and Planning Commission are determined on the criteria they apply for a particular development in question. It is not a matter necessitating Government approval.

SUPPLEMENTARY TO QUESTION NO. 205 OF 1993

HON P R CARUANA:

Will the Minister say whether the Minister sitting on the board for that application, voted in favour or against the granting of the planning permission?

HON J E PILCHER:

Mr Speaker, the Minister, if the hon Member is referring to me, as the chairman of the Development and Planning Commission.....

HON P R CARUANA:

Yes, I am.

HON J E PILCHER:

It is a matter of policy in the Development and Planning Commission that the way the members of the Commission vote is not a matter for disclosure. However, Mr Speaker, I will tell the hon Member that the people who put in the petition and came to see me know exactly how I voted because in my usual way I told them exactly what I felt when they brought the petition to me. So he may not know but the members who appealed and came to see me do. If he wants to find out all he has to do is find out who are the people who came to my office to talk to me and ask them what I told them. The hon Member must understand that it is not right for members of the Development and Planning Commission to say which way they voted.

HON P R CARUANA:

Is it not easier for the Minister just to tell me now to save me ringing these people at home?

HON J E PILCHER:

I have explained to the hon Member that I will tell him outside but as a matter of policy it is not something which the Development and Planning Commission feel should be made public, Mr Speaker. It would be very easy for me to say, "I voted no" which means the others have voted yes.

NO. 206 OF 1993

THE HON L H FRANCIS

Does the Government plan to introduce any new environmental legislation within this term of office?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, it is not the policy of the Government to announce its plans to introduce legislation either on environmental matters or any other matter until it is ready to do so.

SUPPLEMENTARY TO QUESTION NO. 206 OF 1993

HON L H FRANCIS:

I take it from the reply that that means no, Mr Speaker. I was asking, because this administration has been making the right noises at least, with the environmental awareness campaign and the heritage and environment commission etc, whether it was actually going to put anything in practice in environmental terms on what was suggested by the Opposition during the last session of the House of Assembly. We did have a brief debate on the matter.

HON J E PILCHER:

Mr Speaker, this Government's track record on environmental legislation, I think even Opposition Members will agree, is beyond question. It is not Government policy to announce legislation until we are ready to do so. The answer, Mr Speaker, was not meant to be anything other than the fact that, of course, we have certain responsibilities related to EEC directives; we have our own ideas on the environmental and nature protection that we need to do but we cannot announce that until we are ready to do so.

NO. 207 OF 1993THE HON H CORBY

How many vacant dwellings does Government have that are not for allocation by the Housing Allocation Committee and which are they?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, at present there are two vacant dwellings which are not identified as being for allocation by the Housing Allocation Committee. These are 18/2 South Barrack Road and 26/5 Town Range.

The Government keeps a number of properties vacant needed at short notice to put short-term contract officers into accommodation.

SUPPLEMENTARY TO QUESTION NO. 207 OF 1993

HON P R CARUANA:

Mr Speaker, will the Minister say whether Artillery House in Cannon Lane has been handed over to Government and why it is not.....

HON J E PILCHER:

Mr Speaker, Artillery House was part and parcel of the number of properties that went out to tender about four or five weeks ago.

HON P R CARUANA:

And it has been sold?

HON J E PILCHER:

No, it is still being considered by the Tender Board.

HON H CORBY:

The two vacant dwellings that the Government are putting people in, will they be available to the public for tendering?

HON J E PILCHER:

Mr Speaker, there are, as we have announced publicly, two systems for the allocation of houses. One is to pass the houses as Government housing stock and allocate them through the Housing Allocation Committee, the other is to determine whether those houses can be sold or allocated either in long or short-term leases. We have not decided what we are going to do with these two properties at the moment, nor do we have to because, as the answer says, we need to keep two or three properties vacant in case we have doctors, contract officers or people like that who we may have to bring out at short notice and we need to put them somewhere, Mr Speaker. Sooner or later, we will take a decision and then the two properties will either go to the Housing Allocation Committee for allocation or be put up for sale.

28.10.93

ORAL

NO. 208 OF 1993

THE HON M RAMAGGE

Will Government say what changes have been made to the system of allocation and exchanges of Government housing since the present Minister for housing allocation took over this portfolio?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, no change has been made to either the system of allocation or to that of exchanges since housing was passed under the Ministry of the Environment.

SUPPLEMENTARY TO QUESTION NO. 208 OF 1993

HON P R CARUANA:

What is the system presently in operation in relation to tenants of different Government houses who wish to exchange?

HON J E PILCHER:

Mr Speaker, the system that has always operated which is that if two persons in Government accommodation agree to exchange, then an application has to be made to the Housing Manager for him to give authority.

HON P R CARUANA:

Does the Housing Department maintain a list and act as a sort of broker of people who want to exchange or do these people have to find each other now entirely privately?

HON J E PILCHER:

Mr Speaker, persons in Government accommodation have to find the exchange. The Housing Allocation Unit does not involve itself in trying to identify exchanges for any Government tenant.

28.10.93

ORAL

NO. 209 OF 1993

THE HON H CORBY

How many empty flats does Government have for allocation?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, at present there are 21 empty flats for allocation.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1993

HON H CORBY:

Can the Minister state when these flats will be handed over to people purely on a rental basis?

HON J E PILCHER:

Mr Speaker, I have already made various public statements in relation to the empty flats which the Government now hold and I have said that since we are doing various exercises at the moment in relation to the medical category list; the social advisory list; the problems related to various decanting exercises like Town Range and the fact that Gib 5 is coming on stream shortly; the Government at this stage prefers to deal with these properties not under the housing waiting list but to decant - I think it is another question on the Order Paper - the people at North Gorge; the people at Town Range; the social cases and the medical cases. I must advise the hon Member, in case he gets the wrong impression, that of the 21 empty flats that I was talking about, some 16 of those are pre-war flats. They are not post-war flats that we could utilise for the housing waiting list.

28.10.93

ORAL

NO. 210 OF 1993

THE HON M RAMAGGE

When will the remaining tenants of the Filipinos hostel temporary units be rehoused?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the tenants of the Filipinos hostel are being rehoused at present.

28.10.93

ORAL

NO. 211 OF 1993

THE HON M RAMAGGE

When does Government envisage that the temporary housing at NOP Queensway will be vacated and the tenants rehoused?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, it is not possible to give a date by which all the present tenants will be rehoused nor is it possible to say when the houses will be vacated since it is used as a decanting centre for people with housing problems.

SUPPLEMENTARY TO QUESTION NO. 211 OF 1993

HON H CORBY:

Mr Speaker, does the Government have any difficulty with rehousing these people because some of them are social cases who have been put into the system and who are not in the housing waiting list?

HON J E PILCHER:

This, Mr Speaker, is part of the problem. The Queensway pre-fabs are a decanting centre which should be utilised as a temporary facility for moving people with problems there and out once they are allocated a house by the Housing Allocation Committee. In some instances, Mr Speaker, we have had to put people into the temporary houses at Queensway because of extreme social problems and therefore this is why at this stage I cannot give a definite answer as to the time by which everybody there will be rehoused. It is, notwithstanding that, Government policy to rehouse every single person there and to utilise the area as a decanting centre only.

NO. 212 OF 1993THE HON M RAMAGGE

In the light of rising unemployment, recession and the Government's policy to encourage home ownership, what contingency plans does Government have to assist or rehouse families who are unable to meet their mortgage payments?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the level of home ownership in Gibraltar is around 25 per cent which is amongst the lowest in Europe. Therefore, although there may be instances of some home owners having problems in maintaining their mortgage payments, this is not expected to become a major problem.

In the event of a lender taking possession of a property, this will be dealt with in the normal way problems of homeless persons are dealt with.

SUPPLEMENTARY TO QUESTION NO. 212 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, the Minister says there are no expectations that could become a major problem but has Government got any indications whether a problem could be beginning?

HON J E PILCHER:

I think, Mr Speaker, that this aspect of the question was covered this morning in another question on supplementary benefits. I am tackling it, Mr Speaker, not from that aspect but advising the House that if this were to happen the existing systems for the allocation of houses does cater for people who because of not being able to pay mortgages will become homeless and therefore will be opted. There is a social system which will enter into play before the person is actually homeless.

HON P R CARUANA:

Mr Speaker, the Government will be aware that in the United Kingdom when a similar policy was adopted to encourage greater home ownership the advent of the next recession left many buyers without a job or with reduced incomes because one of the two in a married couple lost his or

her job. The result was literally hundreds of thousands of people who had assumed mortgage debt that found themselves unable to meet their obligation. Appreciating the fact that there is an element of hypothesis in the question, if something like that were to happen in Gibraltar, would the Government then consider some form of mortgage relief policy or would it require people to sell their homes?

HON CHIEF MINISTER:

Mr Speaker, there is absolutely no parallel between the situation the hon Member is describing that happened in the United Kingdom and the situation of home ownership in Gibraltar. Therefore, there is no reason to suppose, even hypothetically, that the problems that were created in the United Kingdom would happen in Gibraltar. In the United Kingdom people bought houses at the top of the property boom and then during the recession they found that the value of the property was less than the value of the mortgage and the equity in the property then became minus and a lot of people were caught out in that situation. The other aspect was that the Conservative controlled Local Authorities virtually drove into home ownership council estate tenants who did not particularly want to become home owners and who found that because they were in council estates when they wanted to sell their property which they had bought as sitting tenants, they could not find any buyers and when they could not pay the mortgages they could not find any way of handling the situation. That is the history of the problems of the last couple of years in the United Kingdom and there is no parallel with the situation in Gibraltar where we have got something like a quarter of the population as property owners and where the bulk of the new property owners have got property at something like 60 per cent of the open market value. People have bought a property in Westside for £40,000 which is identical to a property sold in the open market for £60,000 and on top of that they have had to pay for 50 per cent of the property. Frankly, I do not think there is a more generous system anywhere in Europe in terms of making it easy for people to enter into home ownership and therefore the other side of that coin is that if the cost of being a home owner is relatively low then the cost of remaining a home owner is not at such a high risk. So we are confident that that scenario is extremely unlikely; I cannot say it is impossible because nothing is impossible.

HON P R CARUANA:

Finally, Mr Speaker, I cannot say that I agree entirely with the hon Chief Minister's scenario because the fact that one's property falls in value becomes pretty irrelevant provided that one is making the mortgage payments. The problems were not caused by falling property prices, the

problems were caused by people losing their jobs through redundancies and then not having any money out of which to make their mortgage payments; and the fact that one has bought one's property cheaply and that therefore one's mortgage payments are lower than they might otherwise have been, if one loses one's job then one loses the ability to pay a mortgage of any size, large or small.

HON CHIEF MINISTER:

No, Mr Speaker, I am afraid the hon Member is wrong. The problem was not created because people lost their jobs and could not pay the mortgage; they lost their job, they could not pay the mortgage and they could not sell the house. The houses were repossessed because they could not sell them. If one has got a situation where one has bought a house for £20,000 and one can sell it then one finishes up having an asset which, in fact, if one resells one is able then to move into either rented accommodation or cheaper accommodation or different accommodation. The problem that was created in the United Kingdom was that having had difficulty in maintaining the mortgage payments, the home owner was trapped in a property which was worth less and for which he would get less than the money he owed to the bank so he could not pay the bank; so this is why.

HON P R CARUANA:

So he could not sell the property?

HON CHIEF MINISTER:

He could not sell the property and that is why he was kicked out.

MR SPEAKER:

Order, order. Let us get back to the question which is "What contingency plans does Government have to assist or rehouse families?" That is the question and that is what we want an answer to. Is the Opposition Member satisfied with the answer about the contingency plans?

HON P R CARUANA:

No, Mr Speaker, because the answer is that they have not got one.

4.

HON CHIEF MINISTER:

The answer is that we do not need one because he decides to invent an Armageddon situation which is not going to happen. We do not need a contingency plan for his fantasies.

MR SPEAKER:

Next question.

NO. 213 OF 1993THE HON H CORBY

Will Government make a statement detailing the criteria to be used in the allocation of the Gib 5 housing units and to decide who is entitled to the so-called Option c?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, I have already made a public statement explaining how we propose to proceed with the units in the Gib 5 complex.

For the benefit of the Opposition Member, the position is that we are seeking to maximise the benefit to the housing waiting list in the disposal of these units and at the same time taking into account the need to alleviate the requirement of our senior citizens who in the past have received less attention to their housing problems. For this reason, in the design of the estate, a high proportion of small units was included.

The policy of the Government is to give the opportunity of home ownership to the greatest number of citizens who can afford to enjoy this and to retain a reasonable stock of rented property for those who cannot.

In achieving this objective and in addition to the facilities that have been provided of 50/50 ownership, a new scheme, still at the experimental stage, has been introduced to allow persons to own their own home at a cost that is not too far removed from renting. This is what we have called Contract to Purchase Option or Option C.

It is not possible beforehand, to predict to what extent these proposals will succeed in reducing the housing waiting list for rented accommodation.

In the process of interviewing applicants for these units, account will be taken of their ability to purchase and the yield that will be obtained which will be available for further investment in housing.

Once the process has been started and applicants interviewed, we will be in a better position to make an assessment of the effects of the new proposals and when I am in such a position, I will make a statement to the House or publicly, whatever comes first.

SUPPLEMENTARY TO QUESTION NO. 213 OF 1994

HON H CORBY:

Mr Speaker, who will undertake the interview of prospective tenants?

HON J E PILCHER:

Mr Speaker, we have set up an interviewing mechanism; we have employed four people who have now been briefed exactly on how the systems operate, what the different options are, what one needs to do. These people will be the ones who will be interviewing, initially, all the applicants in the housing waiting list to do the assessment which has been the answer to the question that I have given.

HON H CORBY:

Will this committee not be the Housing Allocation Committee?

HON J E PILCHER:

No, Mr Speaker, the Housing Allocation Committee has got nothing to do with the sale of properties at Gib 5. The Housing Allocation Committee is there to allocate Government stock. Gib 5 is not Government stock, Mr Speaker.

NO. 214 OF 1993

THE HON M RAMAGGE

What percentage of purchasers in -

- (a) Montagu Gardens
- (b) Harbour Views
- (c) Brympton

have returned vacant possession of a Government flat?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, the total percentages of purchasers who to date have returned their flats to the Government housing pool is as follows -

- (a) Montagu Gardens - 12 per cent
- (b) Harbour Views - 10.9 per cent
- (c) Brympton - 8.5 per cent

SUPPLEMENTARY TO QUESTION NO. 214 OF 1993

HON P R CARUANA:

Will the Minister say whether this is in line with Government's expectations? In other words, have all the people that he was expecting to return a flat, returned a flat?

HON J L BALDACHINO:

With the exception of 0.05 per cent, Mr Speaker.

28.10.93

ORAL

NO. 215 OF 1993

THE HON P R CARUANA

Will Government state when it expects the position of Financial Services Commissioner will be filled and whether a political disagreement exists with Her Majesty's Government in relation to the appointment?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the person that is to be appointed has already been identified by agreement between the Gibraltar Government and the United Kingdom Government.

Her Majesty's Government wishes to see some amendments introduced in the operation of the Commission to reflect that the standards of supervision in Gibraltar match those of the United Kingdom. In addition the United Kingdom wishes to see reflected in the Ordinance its overall responsibility within the EEC as the member State with responsibility for Gibraltar's external affairs.

There are differences on points of detail between Gibraltar and the United Kingdom which still have to be resolved and the matter is currently under discussion.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1993

HON P R CARUANA:

Mr Speaker, given that I expect a lengthy reply although I may not get one, I will link two supplementaries together. Will the Chief Minister say whether this whole area has been one in which he has been in dispute with Her Majesty's Government? If so, does he feel able to say what the areas of dispute have been and how they have been resolved?

HON CHIEF MINISTER:

Well, I do not know, Mr Speaker, whether 'dispute' is the right word. If we have got a view which is different from the view of the British Government and the hon Members calls that a 'dispute', then yes, we disagree. But I imagine that unless he expected the Government of Gibraltar not to have a mind of its own, then I can tell the Opposition Member that everything that I do in relation with the United Kingdom then is a dispute. I have just been in dispute

with them because they did not warn me on the 23rd September that the European Parliament was going to consider a motion on Gibraltar and therefore I do not accept that I have got a dispute with the United Kingdom. What I accept is that the United Kingdom has asked for certain things which I do not believe that they are entitled to ask and therefore until we resolve that to the satisfaction of the Government of Gibraltar it will not happen.

HON P R CARUANA:

Mr Speaker, I do not know how much the Chief Minister is going to want to tell me on this but can I ask him whether the dispute relates basically to who rules the roost? In other words, to whom the Financial Services Commissioner is really answerable: to the Governor and through him to the Gibraltar Government, to the Governor and through him to the United Kingdom Government? Is that the nature of the dispute and, if so, how long does he think it will take to resolve and if that is not the nature of the dispute, will he say what is the nature of the dispute to which he has made a reference?

HON CHIEF MINISTER:

Well, Mr Speaker, I have to say I do not accept there is a dispute.....

HON P R CARUANA:

Well, all right, a disagreement.

HON CHIEF MINISTER:

..... and therefore the nature of the difference of view between ourselves and the United Kingdom Government is not as to who is responsible for the financial services of Gibraltar, which is a defined domestic matter, and if they were to say it was not a defined domestic matter then we would be going retrospectively back to the situation prior to 1969 in our constitutional relationship. There has been a public statement. The United Kingdom Government in November 1992, approved a statement issued following a meeting with the Foreign Secretary where it was said that the transposition of Community obligation into the laws of Gibraltar was a matter for the Government of Gibraltar to do by bringing legislation to the House or by introducing subsidiary legislation under the powers of the European Communities Ordinance; the same as they do in the United Kingdom. However, the way the Commission does its job seems to some officials in the United Kingdom to be below the standard that they consider to be British

standard. I am not really entirely qualified to exercise a judgement on that, the Opposition Member as a user of the service may be in a better position than me. But what I am trying to do is to protect people like him from the imposition of standards which will put him out of business to such an extent that he may even be more voraciously interested in doing me out of my job than he is at present.

HON P R CARUANA:

Mr Speaker, very slowly we are getting there. Is the difference of opinion with Her Majesty's Government as to the extent of influence or control over or Her Majesty's Government's requirement as to how the Commission is to do its job? In other words, is it a question of the extent of the hands-on that they have got on the work of our Financial Services Commission?

HON CHIEF MINISTER:

Let me give the hon Member an indication of what has happened. We had a situation where in November last year we had agreed that the United Kingdom - as far as the Government of Gibraltar is concerned we have made this clear to them - has got a legitimate right, as the member State responsible for Gibraltar's external affairs and the member State that has to answer for the proper transposition into our national laws of Community obligations, to have the ability to know that this is happening. We accept that without question. However, our Financial Services Ordinance licenses and controls activities, because we have chosen to do so in Gibraltar, which are not required to be controlled under Community law. Therefore we do not accept that the United Kingdom has got the right to tell us how we license businesses that they do not license in the United Kingdom and that the other eleven do not license. So that is one area where we had a disagreement. There has been, for example, a wish on the part of the United Kingdom to see reflected in some way a commitment that our standards would match their standards. At one stage they talked about the Commissioner ensuring that the way businesses and institutions and professional people were controlled and supervised was in accordance with the laws of the UK. I can tell the hon Member that we rejected that totally because we said, "Look, if we say to the Commissioner that he must act in accordance with the law of the UK then what does it matter what we put in the law in Gibraltar? At the end of the day the man will have a legal obligation to ignore the law of Gibraltar and implement the law of the UK". After a lot of toing and froing, that eventually was changed to say it should match the provisions in the UK. We have now come back and said, "Well, no, if it has got to match it, it has to match it in an area where the failure to match

it can expose the UK to the possibility of infraction proceedings because the non-matching is creating a failure to comply with Community obligations". Frankly, all this was something that I left to the Commission to sort out with the Treasury, the DTI and the Bank of England after my November meeting where I had a political agreement. I had to get involved personally again because after nine months we were no nearer resolving the differences where at that time the dispute was not between me and the Foreign Secretary but between the Commissioner and the Bank of England, the DTI and the Treasury. At the last meeting that I went to in London at which I had the Financial and Development Secretary, the Governor and Mike Constantine with me, I said, "Look, my experts tell me that they do not agree with your interpretation of certain things". One of the things that we have just done in the Ordinance - which I will come to in a minute - shows that kind of difference. We put in our Banking Ordinance everything their experts from the Bank of England told us to put in. When we finished putting everything in then the Treasury said it did not agree with the advice we had had from the Bank of England. We have done something on foreign branches which according to the professional view and advice I have got in Gibraltar is not something that is required by Community law; is not something that other member States are doing; is not something the UK itself does, but it is something that the Treasury insisted on. I have taken the political decision to disregard that advice and do what the Treasury wants in a way to put them to the test. I have said, "If we do everything you say what is your next excuse for not actually going and notifying the Commission that Gibraltar has got the right to be the thirteenth competent authority in the Community?" - which is what we have got the right to be. We have not yet got that and I cannot tell the hon Member how soon we will get it. What I can promise the hon Member is that the resolution of our differences will not be acceptable to the Government of Gibraltar unless it fully protects the interests of the people who have to earn their livelihood in the finance centre.

HON P R CARUANA:

Mr Speaker, the Government obviously enjoy the support, for what they might think it is worth, of the Opposition but I ask him this finally. To what extent does the Chief Minister think that the position of Her Majesty's Government in this respect is caused by some lack of trust in what we might subsequently do in relation to the enforcement and application of these regulations? They must have a conceptual difficulty clearly since it is not one of detail as he has just explained.

HON CHIEF MINISTER:

Well, frankly I do not know why Her Majesty's Government does not trust the Commission or the Commissioner or the staff because when we created the Financial Services Commission Ordinance we actually created something at arms length to the Government which is not the case in other areas. The chairmen of the Financial Services Commission in Jersey, Guernsey and in the Isle of Man, all of which have been given designated status under the Financial Services Act of 1986, are politicians. The Commission is chaired by a politician who is a member of the Government. In our case we said, "No, we want the Commission to be independent of the Government". Our job is to bring business and the job of the Commission is to license them and supervise them and we thought, from the point of view of maintaining standards, it is better that we do not have the responsibility of maintaining the standards because we might be tempted, in a situation where closing somebody down creates redundancy, to try and be lenient. So to avoid that temptation let the person that has to police be an impartial policeman. I cannot understand why with the system which we created, which is different from the one that the UK has which is selfregulating, which is different from the other UK territories which have been given designated status and where there is total political control, they should have less trust in our system than in the others. But certainly if it were controlled by the Government and if they did not trust the Government that would be the explanation. It would appear that they do not trust the professionals that are running the show, I do not know why.

28.10.93

ORAL

NO. 216 OF 1993

THE HON P R CARUANA

Will Government bring to this House legislation to amend the Gibraltarian Status Ordinance so that the children of Gibraltarian women have the same right to register as Gibraltarians as the children of Gibraltarian men?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there are technical problems in relation to this Ordinance which I have explained in confidence to Opposition Members when the matter was previously raised in the House and which I am happy to explain to the questioner outside the House. It is the same explanation I was given when I raised the issue myself many years ago.

We have also explained the position to the Gibraltar Women's Association and currently we are discussing with them how best this and related matters can be progressed.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1993

HON P R CARUANA:

Mr Speaker, really I had almost assumed that the Chief Minister would link this question with the next one which is really where my supplementaries would come. So can I pass on supplementaries to the next question which is on a related issue and I thought he was going to answer them together but he has not.

HON CHIEF MINISTER:

Mr Speaker, if he asks the next question I will answer it.

HON P R CARUANA:

Yes, but it has got to be called.

28.10.93

ORAL

NO. 217 OF 1993

THE HON P R CARUANA

Will Government say what official use, if any, Government makes of the Register of Gibraltarians maintained under the Gibraltarian Status Ordinance?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, as far as I am aware the only practical use made of the Register of Gibraltarians is the granting of additional points in respect of housing applications.

SUPPLEMENTARY TO QUESTION NO. 217 OF 1993

HON P R CARUANA:

Mr Speaker, is it not the case that a stamp from the Registry of Gibraltarians is required in relation to certain non-statutory supplementary benefits and certain functions of the Employment and Training Board?

HON CHIEF MINISTER:

No, Mr Speaker. It is true that people who say they are Gibraltarians may be asked to obtain such a stamp to prove that they are Gibraltarians and it is true that in the administration in these areas there appears to be, occasionally, a misleading impression given to people but the reality of it is that a British Dependent Territories Citizen, by virtue of the connection with Gibraltar, who is not a Gibraltarian or a British citizen who has been a long-term resident of Gibraltar, is treated under all our legislation the same as a Gibraltarian. To my knowledge the only official document that I have ever seen which actually says a Gibraltarian is entitled to something that a non-Gibraltarian is not entitled to is the one on the additional points for a housing application.

HON P R CARUANA:

Mr Speaker, although I will avail myself of the Chief Minister's offer to brief me in private on what the technical reasons are why this is so problematical, the issue is not particularly important at a time that the Gibraltarian Status Ordinance was really almost sort

of a cosmetic product. In other words, no one's legal rights depended on their ability to gain access to that register. But if, as is my information, greater and greater use is being made by the administration it will rapidly become important to people whether or not they can access the register. In the context where people's positive rights depend on it, it becomes slightly more important as to whether or not, on balance, it ought to be amended or not, regardless of the technical difficulties it might bring.

HON CHIEF MINISTER:

I agree entirely with the Opposition Member. But as I have just said, to my knowledge, there is this distinction of 100 points and I can tell the hon Member that there have been many occasions, historically, where in a housing application where the wife is Gibraltarian and the husband is not, the application invariably is put in the name of the wife in order to get the 100 points. Certainly if we develop the system where a whole range of rights depended on whether one was a Gibraltarian or was not a Gibraltarian, I agree entirely with the point that he is making that it would be totally wrong to say to somebody, "Notwithstanding the fact that you were born in Gibraltar but of United Kingdom parents and you are a Gibraltarian in every sense of the word you are going to be deprived of those rights". But I am telling the hon Member that that should not be happening; it is not the intention that it will happen in the future but what I cannot guarantee to him is that it never happens or that that impression is never created because I know for a fact that in the public administration people sometimes get told the wrong thing. When that happens we take action to correct it but I can tell the hon Member that the benefits and the rights and so on are related to being a British Dependent Territories Citizen (Gibraltar) which is the nationality that we have under the British Nationality Act 1981.

HON H CORBY:

The Chief Minister says there is only one use for it, is the Register of Gibraltarians used to obtain the ID card at the moment?

HON CHIEF MINISTER:

No, Mr Speaker, a Gibraltar identity card is issued to a British Dependent Territories Citizen of Gibraltar not to somebody who is a Gibraltarian. It is irrelevant whether one is a Gibraltarian or not.

28.10.93

ORAL

NO. 218 OF 1993

THE HON H CORBY

Will Government explain its plans for a consumer protection unit or an alternative thereof?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government intends to set up an office, in the City Hall, to provide a citizens advisory service. The office would be charged with providing advice and investigating complaints in relation to consumers of both private and public services. In addition the office would be acting in an advisory capacity to guide citizens in any area of the public administration where they may need help or need to be put in touch with an appropriate person to deal with their problem.

Clearly the setting up of this service is one which will have to be monitored and reviewed in the light of experience once it is operational.

SUPPLEMENTARY TO QUESTION NO. 218 OF 1993

HON H CORBY:

Mr Speaker, will the Chief Minister please state when this will come into effect?

HON CHIEF MINISTER:

I hope that it will come before the end of this year. Frankly we had aimed for October but the pressure of work in other directions has made it impossible for us to get it going. We have got the offices ready to start but we have not wanted to make an announcement until we have got the people that are going to manage it and we have briefed them so that people will be ready to deal with customers, as it were, the day we open.

HON P R CARUANA:

Mr Speaker, will the Chief Minister say whose employees will they be; will they be civil servants or what?

HON CHIEF MINISTER:

They will not be civil servants given the fact that I have already said that their job is to put them in touch with the proper officer in the public administration that is to deal with that issue. If somebody has got a problem that requires the involvement of an Environmental Health Officer then the advisory service will get him in touch, if necessary, make an appointment for him and put him, as it were, in the right route to deal with the public administration. They are not a part of the public administration and they will be employed in a 100 per cent Government-owned company that will be contracted to do the work.

HON P R CARUANA:

Will the Government be certain to appoint people that will have no hesitation to confront Government on behalf of the users of this service should that need arise? In other words, are these people entirely independent of the Government and the governing party of the day or not? I have to say that there are names being mentioned as to who is going to run this. If it is going to provide the function that the Chief Minister has described and, in addition, hopefully, the consumer protection function as well which is more connected with the private sector rather than confronting Government, these will have to be people who will not shirk, if necessary, from crossing swords with this or any future Government on behalf of legitimate complaints?

HON CHIEF MINISTER:

I think, Mr Speaker, what the hon Member seems to forget is that we eight are not behind the counters that deal with the public and therefore we certainly would not be saying to the people in the unit, "Your job is to come out tomorrow criticising a policy decision" - that is the job of Opposition Members who are the political voice of the alternative to the Government. But if there is a policy decision and I say here in this House that one does not need to be a Gibraltarian and bring a stamp in order to get an identity card then I think, frankly, that should not be a political issue because I have already said this is what is happening. What tends to happen? What tends to happen is that if somebody is asked to produce the stamp he goes to the Opposition Member and the Opposition Member raises it politically and then I tell him that it is not happening and he says to me, "Yes, it is happening because there are people coming to me complaining that it is happening". I think the independence of that system is so that they can say to the person, "No, the Government has made a public announcement saying you do not need it

so who has told you that you need it?" "So and so in such an office". "Well, wait a minute I will call them up and find out why they have told you that because this is not what the Government has said in the House of Assembly". Frankly, the people who have got to do that have got to be independent of the system. We will have to see how it works and whether we have problems with it or we do not have problems with it. But I think until we start testing it we will not see whether we are giving citizens a better public service and also providing a mechanism to ensure that they are also getting a service for which they are paying in the private sector. But I think the system, ideally, has to work to protect the consumer of both areas.

HON P R CARUANA:

I think the Chief Minister has said that this would provide the services that used to be provided by the consumer protection unit and that that gives certain powers; the consumer protection department had not a lot but some powers in relation to action that they could take. Those powers in the hands of public servants who are subject to the discipline and the control of the public service was one thing. Does the Chief Minister intend that this new body, being, as they are, a company albeit Government-owned but not public servants and not subject to General Orders, will enjoy these almost administrative powers against companies in the private sector?

HON CHIEF MINISTER:

Mr Speaker, the purpose of the exercise is to provide a service to consumers. I do not know what the hon Member thinks there is in General Orders.....

HON P R CARUANA:

Discipline and accountability!

HON CHIEF MINISTER:

Well, yes, discipline and accountability! If the hon Member has got a knowledge of the operation of the General Orders which I have never had in the 21 years that I have dealt with it, I would be happy to be enlightened on it. But certainly I can tell the hon Member that we are operating in a number of areas in providing a service to people through the use of entities like the Employment and Training Board and as far as we are concerned, we are satisfied that the service that is being given is satisfactory notwithstanding the absence of General Orders.

NO. 219 OF 1993THE HON P R CARUANA

Is the Government aware that the permanent Moroccan protest outside No. 6 Convent Place has become a spectacle to the point where tourists can regularly be seen photographing the banners, and what action is Government taking to resolve the situation in a manner that will result in the ending of the protest?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government is aware that the permanent Moroccan protest has been regularly photographed by tourists since the day they started. As far as the Government is aware from the statements made at the beginning by the protesters to the press, the purpose of the protest is to obtain employment or alternately for the protesters to be paid back all the income tax and social insurance contributions they have paid since they first arrived in Gibraltar. The Government is not able to meet either of these demands in order for the protest to end.

SUPPLEMENTARY TO QUESTION NO. 219 OF 1993

HON P R CARUANA:

Mr Speaker, given that the point of a demonstration of that kind is to try and persuade the Government to adhere to one's demands and given that the Government have made it clear that they neither will nor indeed can adhere to those demands, the protest is in a sense futile as far as the protesters are concerned. Does the Government consider that it is a proper use of the right to protest to have a permanent, as opposed to a mobile, protest located in between the Governor's residence and the Government's central office in a way which, I think, brings considerable discredit to this community as a whole, quite apart from the fact that certain of the banners may expose themselves to legal action? But leaving that to one side; given that the interests of the community are a bit wider than some of the demands of the Moroccan workers, is there nothing that the Government feel that they can do to end the protest? Perhaps the question was too subtly phrased the last words are "that will result in the end of the protest" - obviously the dispute will not go away; but the ending of the protest?

HON CHIEF MINISTER:

Well, Mr Speaker, we are limited in our ability to end the protest. I agree with the hon Member that certainly the protest is futile but we have tried to send the message to the protesters that they can stay there till kingdom come and the answer will not be that I can produce jobs. If I was able to produce jobs for people who went with a placard outside my office saying, "This is not Somalia" then we would have 2,000 people down there saying, "This is not Somalia" in order to get a job. But, for example, it was brought to my attention that there was a collection box there and I asked the police if it was legal to have a collection box there because I always thought that it was not. When this was brought to the attention of the organisers of the protest the response was that they would have to have a general meeting of the entire Moroccan community in Gibraltar to vote on whether the collection box was removed or not. We have had one incident where one person, having been legally deported under the laws of Gibraltar, in a situation where that person, frankly, had little right to be here - he was not a longterm resident or anything - had been out of work for a very long time; he was a young man and could go elsewhere, the Moroccan community were encouraged to take over the airport. When I raised the matter with the British Government the response was that although they were constitutionally responsible for the internal security of Gibraltar, they did not have the resources to handle it. If I am not able to finish something my philosophy is that I do not start it. Trying to get those people to move from where they are forcible could lead us to a pitch battle which we might not be able to bring to an end and lead to a worse situation than the one we have got now. But I accept entirely what the hon Member says that really it is totally unreasonable. They have made their point; they are not going to get anywhere with it; we are trying to see whether we can do something for those that we employ, which is all that we have ever been able to undertake to do; to look at the employment and the position for the future of the employees of the Government of Gibraltar. We do not see why the taxpayers of Gibraltar have got to pay money to people who have been made redundant by the MOD.

NO. 220 OF 1993THE HON F VASQUEZ

Is Government committed to the attainment of full employment in Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the target of the Government is to bring down the level of unemployment of Gibraltarians to an average of 300 which is the level at which it stood up to July 1991.

SUPPLEMENTARY TO QUESTION NO. 220 OF 1993

HON F VASQUEZ:

The question is asked, Mr Speaker, because of various statements that the Hon Mr Pilcher made at the CPA Conference, which I will quote briefly, and really which seemed to give the impression that all hope had been lost of ever attaining employment and was suggesting that young people should not expect even to find jobs. He said, in a discussion on the question of employment, amongst other things, "the age of technology is such that I do not think that we will be in a situation of full employment ever. One thing that we can do in the protection for future generations is start thinking about the leisure ethic and not the work ethic because there will not be full employment. We need to address the situation of having more leisure orientated societies and we have to stop mentalising children that they are a failure in life if they do not get a job; we need to start now teaching children and putting in our curriculum what happens if you are unemployed." All this seems to suggest that the Minister had actually, as it were, almost given up hope that young Gibraltar school leavers could expect to find a job and I would be grateful for confirmation from the Government that, in fact, Government have not abandoned the ideal of full employment. I certainly accept that 300 unemployed constitutes full employment, if 300 are unemployable and that really Government have not abandoned the notion of full employment for Gibraltarians in Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, I think the answer is quite simple. When Members of the Government and the Opposition go to Parliamentary Conferences they are not making policy statements on behalf of the Government of Gibraltar. They are generally debating, in a rather esoteric framework, philosophical matters and I think the quote that the hon Member has made is that philosophically the Hon Mr Pilcher was saying, "In the western civilisation we are going to have to be looking at a different approach to work". Given the nature of our manufacturing industry I cannot see what new high technology is going to start putting our people out of work. We happen to have a service economy and in a service economy the reality of it is that it is still the most labour intensive area. I think what we have, in fact, in Gibraltar to come to terms with is that the kind of work which we in the past were privileged to be able to say, "That is not for me, that is for a foreigner to do", we need to do ourselves. That is the kind of cultural change our society will have to go through and it is not going to be a painless one but there is, at this stage, no choice. If it was possible for me to say that we could achieve 300 unemployment where the Gibraltarians were all foremen and all the guys digging the holes were Moroccan, Spanish or Portuguese, that would still be the ideal that we would all want because that is what we have been used to in the past. In the future there will be one Gibraltarian foreman and 10 Gibraltarian labourers digging the hole and when we get there, I believe we will be able to bring down the level of unemployment. Obviously the smaller the job market the tougher it will be to meet our target and the bigger the job market the easier it should be for the reasons that I have explained. But we have not given up on that target and it is still our hope and intention to get there.

28.10.93

ORAL

NO. 221 OF 1993

THE HON H CORBY

In view of the continuing increase in the level of unemployment, will Government now give serious consideration to improving the system of unemployment benefit to alleviate hardship in affected families?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government has continued to monitor the situation since the hon Member last raised it in April 1992.

The recent increase in local unemployment this year is almost entirely due to the closure of PSA. The position of local workers is that once their unemployment benefit is exhausted they can claim means-tested social assistance. The eligibility to this is clearly affected by the level of redundancy payments but the scheme is designed to alleviate hardship when such payments become exhausted.

In respect of recent redundancies clearly those affected are only just emerging from the 13 weeks unemployment benefit period. As regards the long-term unemployed which is defined in Community law as 12 months if one is over 25 and six months if one is under 25 - the Government introduced a community projects scheme which I explained to the House at Budget time and earlier today.

The scheme is proving reasonably successful although there have been instances of individuals preferring to remain unemployed and receiving social assistance, the response has so far not been bad at all. Means-tested social assistance is not granted for a limitless period. It is designed to alleviate hardship and it can be terminated if those in receipt refuse to take up employment when it is offered. The situation will continue to be monitored in order to assess what other measures, if any, need to be taken from time to time.

SUPPLEMENTARY TO QUESTION NO. 221 OF 1993

HON H CORBY:

There are cases which the Chief Minister must be aware of where a Gibraltar woman with children and married to a non-Gibraltar man experiences great hardship because the only persons who can claim social assistance are the children and the mother. The benefits fall well below the poverty line and they have a lot of grievances.

HON CHIEF MINISTER:

I do not accept that we have a poverty line as such, as they tend to have in other countries. All I can tell the hon Member is that the level of benefits in Gibraltar, limited as they are, in our experience still produces resistance. We have had people turning down the community scheme because they say, "Well, if I am going to be working for 39 hours and I am going to finish up earning £10 or £20 more than I get on social assistance I would rather stay on social assistance". We have had that on quite a number of cases. So if there are people who are below that level then when we get to them the answer is we will see what happens when we offer them the opportunity to increase the money they take home by being given the chance to participate in this community project.

HON H CORBY:

When they are on social assistance and they ask for rent relief if they live in Government rented accommodation; it is taking quite a long time for that rent relief to be processed. Will the Chief Minister comment on that?

HON CHIEF MINISTER:

Not really, Mr Speaker, because, frankly, the problem is that the hon Member is making reference to specific instances of individuals having problems in the administration of the system. I looked at the question and I provided an answer on the basis of the policy; are we going to change the policy that we have got? The fact that the policy that we have got may, in situations, mean that people instead of getting an answer in a week get an answer in three weeks. I think that we can look at any case when the hon Member says, "Look, there is this person having a problem and they do not give him an answer".

3.

HON P R CARUANA:

Has the Chief Minister noticed or detected an acceleration in the last three or four months in the incidence of redundancies from the private sector?

HON CHIEF MINISTER:

We have had, I think, in the last three or four months, an acceleration of redundancies in the construction industry where a number of firms that had been in existence for some years in one particular case there was a firm that went bankrupt in 1991 and reappeared with the same original name plus 1992 in brackets which has now gone bankrupt in 1993. So there has been a number of these people going bankrupt and the increase of construction workers has been due to redundancies that have been quite large in the last three or four months. This has been reflected more in the non-local labour which is not reflected in our unemployment figures. Between June and September there has been a greater job loss than is reflected by the unemployment figures because the number of people who have become unemployed has been greater than the number of people who have registered because a larger chunk of them were resident on the other side and have registered over there.

28.10.93

ORAL

NO. 222 OF 1993

THE HON LT-COL E M BRITTO

Does Government consider that it would be in the best interests of Gibraltar to seek to improve its relationship with the Trade Unions?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government believes in maintaining good relations with the Trade Union Movement, for this reason, it rarely comments on the press releases issued by a union when there are industrial problems since it believes that such public statements tend to make the finding of a solution to a dispute more difficult.

SUPPLEMENTARY TO QUESTION NO. 222 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, with respect, that does not answer the thrust of the question which is asking the Government to improve rather than maintain, as it is doing, by not commenting on union press releases.

HON CHIEF MINISTER:

Mr Speaker, as far as the Government is concerned, our relation with the Trade Union Movement is dependent on the relationship that certain people in the Trade Union Movement want to have with us and, obviously, if the District Officer of the TGWU appears on television waving a piece of paper as if he was about to have a heart attack and saying that he has just discovered a secret agreement with Sevilana which immediately is reflected in questions from the Opposition Member about whether I have got a secret agreement with Sevilana, it is quite obvious that my relationship with him is not as good as the hon Member's. Perhaps if he tells me what is the secret of his love affair with the District Officer I may be able to learn something from him.

HON P R CARUANA:

The answer to that question is an ordinary ability to communicate with people, to listen to people and not simply to deal with people on the basis that I give them no information and that I impose my will on them with the same arrogance as the Government does. That is the secret of the success.

HON CHIEF MINISTER:

All I can say is that we believe that improving our relationship with the Trade Union Movement or with the TGWU or with the District Officer requires an effort on both sides. From our part we have tried to maintain the cordial relationship which we have had in the 14 years that we spent in adjoining offices. In order to try and do that, we have refused to counteract statements that have appeared with monotonous regularity which we would have had little difficulty in killing because in many cases they were either exaggerated or distorted. Occasionally, like in this particular last instance with Sevillana, we felt we had no choice but to come out and point out that the secret agreement he had travelled all the way to Sevilla to gain, had, in fact, been published in the Chronicle on the 14th May. He was then, as we said in the Government press release, downstairs just finishing a hunger strike which may, I suppose, with 48 hours without eating, given what we see with the people who compare us to Somalia outside No. 6 Convent Place, make one miss press conferences because one gets blurred eyes and all that kind of thing. So we have tried to be as understanding of his problems as we can but in responding, what more can we do?

28.10.93

ORAL

NO. 223 OF 1993

THE HON P R CARUANA

Since when has the Chief Minister believed that Union strike action could wreck the economy?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the effect on economic activity of industrial action is directly related to the nature of the structure of the economy. The structural changes that have taken place in the economy with the reduction in the size of the public sector and the expansion of the private sector makes Gibraltar more vulnerable today to the consequential economic impact of the withdrawal of labour than it was in the past.

SUPPLEMENTARY TO QUESTION NO. 223 OF 1993

HON P R CARUANA:

Several supplementaries arise I am sure the Chief Minister foresees. Mr Speaker, does the Chief Minister continue to adhere to the view that the worker has a legitimate right to withdraw his labour in support of a claim and that he is free to do that without being stigmatised as some sort of traitor or underminer of the future of the whole community of which he is a part, for doing so? Because if going on strike is going to attract the label of almost treachery then really the right becomes nominal and does not become one that has any value in practice.

HON CHIEF MINISTER:

Mr Speaker, I do not know why the hon Member thinks that the effect of a strike on the people who are not on strike actually has any effect on people who withdraw their labour. I think I know a little bit more about this business than the hon Member does so perhaps I can educate him on the subject. We introduced in the laws of Gibraltar the right of postal workers to withdraw their labour in May 1988 which they had been deprived of before there was a GSLP administration. We feel that the fact that we gave postal workers that right does not mean that because they never had it before they now have to use it constantly to make up for its absence before we came into Government. Therefore we feel that there is an excessive use of the right but,

nevertheless, they have the right. But people who have the right to stop the mail of everybody in Gibraltar, for example, must accept that the blame for people not getting their mail must rest with them and not with anybody else. Therefore, as far as we are concerned, the right to withdraw the labour is there and we have defended it and extended it in the legislation of Gibraltar where it did not previously exist. But the consequences of withdrawal of labour are inescapable and have to be faced and if people choose to face it openly then the rest of the community is entitled to know that if they are going to have to pay the price for the withdrawal of labour then they are entitled to know how reasonable is it that they are having to pay that price.

HON P R CARUANA:

In whose judgement?

HON CHIEF MINISTER:

In the judgement of the people who are provided with the information. If Opposition Members accuse us sometimes of not providing enough information and sometimes of providing too much.

HON P R CARUANA:

Mr Speaker, it remains the case, surely the Chief Minister agrees with me, that all industrial action has a detrimental effect on the economy in which it is conducted. There is no industrial action that does not do some damage to the economy because the effect of that would be that these workers were engaged in some futile activity. Is it therefore now the Government's policy that any worker who goes on strike in Gibraltar is undermining the economy and the Government will tell the general public so?

HON CHIEF MINISTER:

Mr Speaker, there are a number of industrial disputes at the moment on which we have not made.....

HON P R CARUANA:

Industrial action?

HON CHIEF MINISTER:

Yes, there are quite a number going on at the moment on which we have not drawn the public's attention. We draw the public's attention when we feel it is our responsibility, as a Government, to say, "Look, this has these consequences". We do not say that people cannot do it. If somebody goes on strike in a private firm then if the firm closes because they lose their customers, the people who have gone on strike go on strike knowing that this is the case. In a situation where we had a Naval Dockyard the decision of the British Government whether to send ships to be repaired here or not was only marginally determined by the state of industrial relations. I can tell the hon Member that if Kvaerner found that it started losing money because it was having industrial problems all the time, it would go away and if Kvaerner went away the effect today would not be simply on the workers in Kvaerner, the effect today would be on the income of the Government of Gibraltar and on the workers in the private sector. Those things have got to be said because they happen to be true of our circumstances and people need to understand that. If what the hon Member wants me to do is to say, "Look, there is no risk and therefore you should all go on strike whenever you feel like it at the drop of a hat because it does not make any difference". Well, if he feels he can deliver that kind of message then I suggest he goes to the next election campaign on a manifesto saying, "If we get elected we will encourage everybody to go on strike". Maybe they will vote for him.

HON P R CARUANA:

Mr Speaker, is this the view that the Chief Minister had in relation to the Government of Gibraltar and Appledore between 1984 and 1988 when as Leader of the Opposition and as a union member he had more than a passing connection with industrial action which could not then have been more damaging to the prospects for the local economy?

HON CHIEF MINISTER:

Mr Speaker, I do not really think the hon member is entitled at Question Time in 1993 to ask the Government of Gibraltar on something that Standing Order says is to elicit information and facts about the Government. What I did or I thought in 1984 as the Leader of the Opposition is none of his business and what happened here before he got elected is none of his business. If he was a citizen in 1984 who wanted to declare where he stood, he should have stood out then and said it. In 1993 the Leader of the Opposition has got the right to say to the Government, "We want information about the Government" and he has asked a question about a statement made by the Government and

4.

I have given him the explanation about that statement. He is not entitled to ask me what did I think as a union official anymore than I can ask him what he thinks as the lawyer that represents Kvaerner.

HON P R CARUANA:

Absolutedy not. Except that he is the Chief Minister and the people of this community are entitled to know the extent to which he has changed his principles.

HON CHIEF MINISTER:

Well, Mr Speaker, my principles are unchanged and the people of Gibraltar who voted for me in 1992 are the same people who voted for me in 1988 and the ones who voted for me in 1984 and, obviously, they believe that I am a man of principle notwithstanding the fact that the Opposition Member and his colleagues are doing everything in their power to convince them of the opposite. They can keep on trying.

MR SPEAKER:

Next question.

NO. 224 OF 1993THE HON P R CARUANA

Mr Speaker, I think this question is almost redundant. I think we dealt with it in a supplementary to a question this morning. But just for the record.

Does Government agree that, given the TGWU's public denial that they requested the passing of the 1st July law which singles out British subjects from amongst other EC Nationals for discrimination, Government need not consult the TGWU before repealing that unpopular law?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government received a petition, on 1st May, which asked that Gibraltarians first, existing long-term residents second and that other newly arrived individuals, should be given priority of employment in that order.

At the meeting held with me I explained to the TGWU that the priority for Gibraltarians could only be achieved by obtaining a derogation from the EC to allow the requirement for permits for newcomers. I informed the TGWU that in actual fact the overwhelming majority of these new entrants competing for jobs with Gibraltarians and other long-term residents, came from UK. I also told them that this fact meant that it was difficult to make a case for restricting all EC nationals but that UK had confirmed that the Gibraltar Government could introduce a permit system for UK nationals and this would not be in conflict with EC law. I told the TGWU that if no progress was made with a general derogation we could proceed with UK nationals whilst pressing the case for the rest. In May the matter was still under discussion with UK and had been since August 1992 when the previous representations had been made to me by the TGWU.

At this meeting the strategy as spelt out above was welcomed by the TGWU representatives in spite of their subsequent denials. In view of the fact that the TGWU has subsequently denied its support for the measure introduced on 1st July, the Government does not feel it has to consult with the TGWU on this matter again. The latest views of the TGWU made public by them have been noted.

The matter continues to be monitored by the Government and at the end of the first year of operation a decision will be taken whether to continue with it or not.

28.10.93

ORAL

NO. 225 OF 1993

THE HON P R CARUANA

Will Government tell this House how much money is owed to banks by companies wholly owned by Government?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position is as stated in answer to Question Nos. 43 and 45 of 1991 and Nos. 117, 118 and 119 of 1992.

SUPPLEMENTARY TO QUESTION NO. 225 OF 1993

HON P R CARUANA:

Mr Speaker, I am aware of the fact that there is a ruling in the House which does not require the Chief Minister to answer that question. But will the Chief Minister answer it notwithstanding that he is not obliged to, in accordance with the ruling, quite voluntarily, on the basis that it is information of interest to the general public in Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, I have already given him the answer to that question not because of any ruling of the House but for the reasons explained in Question Nos. 43 and 45 of 1991 and Nos. 117, 118 and 119 of 1992 and I do not see why I have to repeat the same answer every time he chooses to repeat the same question. What I will tell him is that the position has not changed since the last time he asked the question.

28.10.93

ORAL

NO. 226 OF 1993

THE HON P R CARUANA

Have any public funds been invested in the Gibraltar European Investment Trust Ltd, and if so, what amount as at 1st October 1993?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the sum invested by the Gibraltar Investment Fund in the Gibraltar European Investment Trust Ltd as at 1st October 1993 was £7.93 million.

SUPPLEMENTARY TO QUESTION NO. 226 OF 1993

HON P R CARUANA:

Mr Speaker, will the Chief Minister say in what nature of investments - I do not expect him to list the investments - that money is invested?

HON CHIEF MINISTER:

The whole of that money is deposited in cash in the Gibraltar Savings Bank.

HON P R CARUANA:

Mr Speaker, will he say whether he does not feel that some of the income from those monies could not be allocated on an interim basis to the cost of running the St Bernadette's Residential Home?

HON CHIEF MINISTER:

No, Mr Speaker, that is total and complete nonsense. The Government of Gibraltar was elected on an electoral programme which does not require that the operation of the school should be dependent on the performance of the Gibraltar European Investment Trust Ltd. If we have got a scheme which is supposed to provide a long-term protection for our people, what we called in our manifesto "the rainy day fund" and we start putting our hand in the pot before the storm clouds and the rain have started, I do not know what he would expect to do. So this is not this kind of operation. What we said was that within the budget voted by the House this year, there is already a provision for operating that school provided we can come.....

HON P R CARUANA:

The Residential Home?

HON CHIEF MINISTER:

Yes, we said it in the Estimates and we said it at Question Time.

HON LT-COL E M BRITTO:

The Chief Minister is saying "school".

HON CHIEF MINISTER:

..... provided we can come up with a cost of operation which we consider to be a tenable level of public spending in providing residential care on a temporary basis for respite cases and permanent care for two or three exceptional cases where there is no alternative. Provided we can find a way of running such an operation at what we consider to be a bearable cost which we can repeat in the Budget every year, the money is there. We do not need to put our hand in the Gibraltar European Investment Trust Ltd to do that. That is a safeguard for our long-term future. We have not mobilised those funds and therefore they are still on deposit in the Savings Bank but that is based on a very clear strategy of what we want to do with that money and we are not going to use it for anything else.

28.10.93

ORAL

NO. 227 OF 1993

THE HON M RAMAGGE

Will Government say which housing estates owned by Government or by a company wholly owned by Government have been mortgaged and to whom?

ANSWER

THE HON THE CHIEF MINISTER

None, Mr Speaker.

ORAL

NO. 228 OF 1993THE HON F VASQUEZ

Will Government publish the agreement between them and Companies House (Gibraltar) Limited?

ANSWERTHE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 228 OF 1993

HON P R CARUANA:

Mr Speaker, I am sure with the memory that he enjoys, the Chief Minister will recall that shortly after coming into power, the Government had occasion to comment in this House in relation to the Gibtel agreement, that of course they would never withhold information on the privatisation of a public asset but this agreement had been signed by the AACR with a confidentiality clause in it and now they were stuck with it and since they were stuck with it they could not publish to the House the terms of the Gibtel agreement. Either those were crocodile tears or the Government Members have had a change of heart because it seems to me that they are now, with or without the clause - I do not know if the agreement contains a confidentiality clause or not - they are now doing exactly the same thing. What is the commercial justification for not publishing the terms; there is only one Companies Registry, it is not as if the next chap who wants to privatise the Companies Registry is going to have access to sensitive information.

HON CHIEF MINISTER:

Mr Speaker, I do not think they were crocodile tears because we were not crying, they may have been crocodile something else but not tears. The justification for not publishing it is that in 1988 the Government took a policy decision on the degree of information we would publish about commercial arrangements we entered into and we have maintained that policy and repeated it every time the question has been asked in the case of every agreement. Whether it is Land Property Services; the agreement with Europort; the agreement at Companies House, in each case the answer is, we came in, we took a policy decision and that is what we have done. In the case of Gibtel what the

hon Member is quoting out of context is that the information that was being asked of us we could not give to the people who were asking it because they had signed a clause saying we could not give it to them and that is what we told them.

HON F VASQUEZ:

And he said he would not do the same.

HON CHIEF MINISTER:

No, Mr Speaker, what we said to them was, "You are asking us for information which we cannot give you because you agreed, when you negotiated before we came into office, that this information should not be given and here you are asking us to give it to you".

HON J C PEREZ:

Mr Speaker, if I can clarify that. It is that there was this odd clause in the Gibtel agreement which was not a normal straightforward confidentiality clause. It said that even after the agreement was up there would be a lapse between five and 10 years before any information about the agreement would be able to be made public. I replied in this House to the hon member who had actually been a participant in signing the agreement that that is what he had signed. How could he be the one asking me questions about the agreement?

HON P R CARUANA:

And the Government Members also said that they would not have signed an agreement with a confidentiality clause in it.

HON CHIEF MINISTER:

That is right and the agreements that we have signed have not got a confidentiality clause. We choose not to tell them.

HON P R CARUANA:

..... they never do give the information.

HON CHIEF MINISTER:

Mr Speaker, we said we would not sign an agreement with a confidentiality clause and we have not. We do not give them the information because we do not want to, not because we do not have.....

HON P R CARUANA:

A policy decision, is it? The philosophy of the policy of this Government taken in 1988 and adhered to ever since, is not to give information to the people of Gibraltar about their conduct of the affairs of the people of Gibraltar on behalf of the people of Gibraltar. That is the philosophy of the policy. I accept that it is a policy and the fact that they have adhered to it for three years is not going to prevent us from asking the same question in relation to each new contract that the Government signs in order to highlight it. We think that it is wrong that the Government of Gibraltar should conduct commercial arrangements on behalf of the people of Gibraltar, privatising public services in effect and then refuse to tell the people on what terms they have done so.

HON CHIEF MINISTER:

Mr Speaker, the fact that the Opposition Member thinks it is wrong does not make it wrong.

HON P R CARUANA:

I am not saying that it is wrong.

HON CHIEF MINISTER:

..... because he does not happen to be the conscience of Gibraltar or of the Government of Gibraltar. He happens to be the Leader of the Opposition elected to this House after an election where he fought the campaign on this issue. He does not seem to understand that if one goes to an electorate on a platform and loses, the party that wins the election is not required, as a result of the election, to implement the manifesto of the Opposition. It is required to implement the manifesto on which it got elected and the Opposition Member constantly brings to this House complaints to the effect that we are not doing what the GSD want us to do. Well, they did not even vote for us why should we do it?

MR SPEAKER:

Next question.

NO. 229 OF 1993

THE HON P R CARUANA

Given the Chief Minister's statement that he would sue anyone who publishes such libels in Gibraltar, what steps will Government take against the publishers of the Independent on Sunday newspaper who published in August of this year, that Scotland Yard are investigating allegations that bribes were paid to a senior member of the Gibraltar Government in return for lucrative building contracts?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, in dealing with this matter on the previous occasion that the Opposition Member raised it in relation to other foreign newspapers, I have made clear that the Government would not, at this stage, be suing the newspaper concerned for the libels they have published such as the one referred to in the question, but that I reserved the right to do so at some future date.

The libel published by this particular newspaper which refers to the same investigation into allegations concerning Baltica, as the libels published by the others appears to be deliberately fed to the press by persons unknown to us who are, for reasons best known to themselves, maliciously fabricating these stories. If we are able to identify who in Gibraltar is responsible for inventing the stories in the first place we will sue.

SUPPLEMENTARY TO QUESTION NO. 229 OF 1993

HON P R CARUANA:

But how does the Chief Minister know it is in Gibraltar? First of all, the Chief Minister assumes that the source is in Gibraltar. Well, that is called a rampant imagination at work. But given that he did indeed make the threat which the question eludes to and refers to, what Government is really saying is that the threat only applies to Gibraltarian citizens and to the Gibraltarian press as an attempt to intimidate them into not airing this issue for local domestic purposes because this newspaper is circulated in Gibraltar. Why should the Government sue me if I say it outside this House and not sue the Independent on Sunday that is sold down Main Street to anyone?

HON CHIEF MINISTER:

Because, Mr Speaker, if the Opposition Member is constantly saying that these libelous and malicious fabrications are bad for Gibraltar, I would expect him not to go round saying it but I might not be able to prevent the Independent on Sunday, who does not care about Gibraltar, from doing it.

HON P R CARUANA:

The Chief Minister can sue them.

HON CHIEF MINISTER:

Therefore, since I would expect him not to do it unless he cared more about damaging the Government than about the good of Gibraltar, then he must run the risk, if he has the courage, to repeat publicly and where he can be quoted, the things he may be saying privately.

HON P R CARUANA:

No, I do want the Chief Minister to protect the interests of Gibraltar but everyone except the Chief Minister understands that the interests of Gibraltar require him to sue this newspaper which is what all aggrieved victims of libel do and to the extent that he does not he is lending credibility to the allegation to the detriment of the reputation of Gibraltar.

HON CHIEF MINISTER:

No, Mr Speaker, I am not lending credibility because if that newspaper reported what the hon Member says in this House, it was a thing that he said in this House that that newspaper would be quoting. Not that they are true but the constant innuendos and insinuations which we see today in Question Time when hon Members say, "Well, if the Government do not give us an answer that must be that there are grounds for thinking that the Government are corrupt" and if tomorrow somebody publishes it, "Well, they must be investigating corruption in Gibraltar". In 1992 there was an election campaign where almost every other sentence of the Opposition party dealt with corruption where I had to stand up and say to the Opposition Member at the end of the election, "You have come within an inch of committing libel and if you keep on like this the day we catch you we will take you to the cleaners." I told him that immediately after the count. I told the Opposition Member that he had two choices in front of him - either the election was now over and we worked together for the good

of Gibraltar and in 1996 we went to the people, or he could carry on fighting an election campaign from then until 1996. He has chosen to carry on fighting it and he has chosen to carry on fighting with the same gutter politics that have marked him since the day he arrived in this House and therefore that is what the international press is reflecting, the dirt that they spread.

HON P R CARUANA:

That is absolutely pathetic, Mr Speaker. The fact remains that we have never said any of these things. The fact is that they are being said and the fact is that they are not being said by us. The Government cannot blame us for the fact that this is what people are saying; people do say it and they choose not to sue them when they can, frankly. Does the Chief Minister think that in any mature, civilised democracy, other than in a one-party State, he seriously expects the elected Opposition to allow the Government of the day to be accused of corruption and sit here silently so as not to damage his reputation?

HON CHIEF MINISTER:

Mr Speaker, my reputation.....

MR SPEAKER:

Order, order, order, order. There must be no insinuation against a Member and the Leader of the Opposition must withdraw what he has just said.

HON P R CARUANA:

What?

MR SPEAKER:

That it will be harming his personal reputation and that is not allowed in this House.

HON P R CARUANA:

Of the Government.

MR SPEAKER:

You said the Chief Minister.

HON P R CARUANA:

Well, if I said the Chief Minister I withdraw. Of the Government of Gibraltar.

MR SPEAKER:

Withdrawn and now I think we have reached the point where the matter has been sufficiently ventilated. Next question.

NO. 230 OF 1993THE HON P R CARUANA

Will Government bring legislation to this House to prevent Gibraltar based companies undertaking in other parts of the world activities which could reflect badly on Gibraltar's image?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, it is not possible to prevent Gibraltar registered companies undertaking activities in other parts of the world which could reflect badly on Gibraltar's image since there is no way of knowing beforehand that such activities are going to take place.

SUPPLEMENTARY TO QUESTION NO. 230 OF 1993

HON P R CARUANA:

Yes, Mr Speaker, but I have in mind the case, which I am sure the Chief Minister has been made aware of, of a Gibraltar incorporated company, with no more connection with Gibraltar than that, proposing to be heavily involved with pornographic satellite transmission to the UK and elsewhere and that there appears to be no provision in the Gibraltar law that would enable some authorities in Gibraltar, without saying at this stage which authority, to say, "No, this operates against the public interest and we will deregister you in order to break what is no more than a brass plate link".

HON CHIEF MINISTER:

Mr Speaker, pornography is not my strong card so I am not familiar with the case which the hon Member wishes to bring to my notice. But I have given an answer taking literally what the question says. Can we do something to prevent the company doing something? I do not know if we can do it to prevent it. I think once a company has done something which is wrong and it has happened we may be able then to do something about deregistering it.

HON P R CARUANA:

I accept that. The question is loosely phrased in that respect.

HON CHIEF MINISTER:

Well, that is a different issue. Then I can tell the Opposition Member that as regards being able to deregister a company where the behaviour of the company is one that will bring damage to Gibraltar's image but it means after the event, it has to happen first, then we are looking at what provisions can be introduced into the Companies Ordinance to be able to do that.

NO. 231 OF 1993THE HON P R CARUANA

Who drafted Government press releases Nos. 48/93 and 27/93?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, all press releases are drafted by the Press Office.

SUPPLEMENTARY TO QUESTION NO. 231 OF 1993

HON P R CARUANA:

Mr Speaker, press release No. 27/93 has, after having explained to the media what the Government's position is in relation to the Moroccan workers demands, as a final paragraph, "As regards Mr El Fatuaki it should be known that he is, in fact, an employer and not an unemployed worker and that the business of which he is the owner is currently in liquidation for failure to pay PAYE deducted from its employees". Mr Speaker, as far as I know, all of that information is true but what purpose does it serve in that press release other than to try and lower the public esteem of Mr El Fatuaki, a man who is the leader of a representative body then in conflict with the Government of the day. Is it not a form of intimidation?

HON CHIEF MINISTER:

Mr Speaker, Mr Larbi El Fatuaki, according to the Moroccan Workers' Association is not a leader of such a body. Mr Larbi El Fatuaki was interviewed on television and he presented himself as one of the Moroccan protesters who was protesting about being unemployed - one of the people that the hon Member thinks have now overstayed their welcome outside No. 6 Convent Place. In May this was in reply to Mr El Fatuaki's statement on television with the placards about Somalia downstairs where he said to the people of Gibraltar, "We unemployed Moroccans want either work or our income tax back". We thought the people of Gibraltar ought to know that the person pretending to be an unemployed worker was not an unemployed worker; that the person claiming that the Moroccans should be given back the PAYE was the person who actually pocketed the PAYE of his workers. How can somebody have the audacity to go on

television and say, "The Government of Gibraltar is stealing the PAYE of the workers"? And it turns out that he has taken the PAYE of his workers and putting it into his pocket and we are supposed not to tell the people of Gibraltar that. We are supposed to let the people of Gibraltar continue to believe that Mr El Fatuaki is the protector of the downtrodden. The information that we drew the attention of the public to was already public, in fact, because the putting into liquidation of the firm had happened in February and we drew the attention of the public because the person concerned was actually on our public television misrepresenting things to influence public opinion and the Government of Gibraltar is entitled to put the record straight. We do it as infrequently as we can because we do not believe in exacerbating relations either with Moroccans or with unions or with anybody else. But then comes a point when we say enough is enough. If somebody comes out and starts throwing stones; there is an old English adage that people in glass houses must not throw stones. Therefore I advise all those who live in glass houses, without any intention of intimidating them, that they really need to be looking that they do not have the glass falling on their heads.

HON P R CARUANA:

Mr. Speaker, in relation to press release No. 48/93, is the Chief Minister aware of any precedent for the Government singling out for mention by name a particular employee of the Government who has carried out some act pursuant, presumably, to an industrial action. The Government went into the trouble of issuing a press release saying, "This morning Maurice Key, an ACTSS member employed as a PTO, who is not taking any form of industrial action and is on full pay, left Waterport Power Station without permission and without informing the City Electrical Engineer, made his way to the old King's Bastion Station and himself physically took the necessary steps to withhold electricity from an area of our City". What was the point, what was the motivation, what moved Government to single this worker out for mention by name in an official Government press release?

HON CHIEF MINISTER:

Mr Speaker, this worker is actually the manager.

HON P R CARUANA:

I do not care and it does not make any difference. Does he not have the right to go on strike?

HON CHIEF MINISTER:

We think that if the manager abandons his place of work and goes off somewhere and switches off the electricity, the consumers of the electricity are entitled to know why they had been left without electricity. Let me say that this particular manager is one of three managers who are currently in dispute because they are not happy with something they signed and agreed to in 1991. It may well be that if tomorrow, as a result of this particular dispute affecting three people, we have people being left without electricity and people being affected, we might need to mention who the three people are; how much money they are earning; what they agreed to in 1991; that they have reneged on what they signed and what it is they are asking for. I do not think the individual was happy to see his name. I doubt if he is happy to see it being repeated now by the Leader of the Opposition, because I do not think he was particularly glad of the publicity.....

HON P R CARUANA:

That is why the Government did it.

HON CHIEF MINISTER:

No, the hon Member is doing it all over again, he has just read the whole paragraph, so he has just read that, "Maurice Key, an ACTSS member, employed as a PTO..." We are telling the whole of Gibraltar three times.....

LAUGHTER

HON P R CARUANA:

That is why the Government put it in the press release in the first place. I am glad that the Chair finds it amusing. This is precisely why the Government put it in the press release in the first place.

HON CHIEF MINISTER:

Mr Speaker, then is it that the Opposition Member is trying to intimidate Mr Maurice Key by bringing the question to the House? Of course not. It is a matter of public interest and we thought it was a matter of public interest that people should know how the cut happened and it is our prerogative, as the Government, to bring to the notice of the public the things that we think they ought to know and we thought they ought to know this.

HON P R CARUANA:

And let everybody in Gibraltar now know that the Chief Minister thinks that if somebody exercises the right to strike, the Chief Minister reserves the right to single them out for particular action even though his action may be pursuant to the actions of a wider group in order, presumably, to isolate him for public criticism and for public score. That, precisely, I am putting it to the hon Chief Minister, is why he included this paragraph in this press release.

HON CHIEF MINISTER:

Mr Speaker, the point that we made in the press release was, in fact, that the gentleman was not on strike, that he was getting paid by the Government to do a job and he went off and did something else, which is very peculiar. We have a manager in charge of a shift in the Generating Station and we find that the manager, who is supposed to make sure that if there are people on strike he breaks the strike to keep the supply going - that is what managers normally do in other parts of the world - went in solidarity with the people below him. He was not involved in any dispute and he had no claim, this was at the time when there was a claim for the low pay. Let me say that although we are not at this stage saying how much he earns, he earns of the order of four or five times what the low paid get paid. So I suppose he had pangs of conscience and that is why he was identifying himself but at the end of the day he was the manager on duty and we thought, "Well, people ought to know that it is not that there is a strike in the Generating Station; it is not that the workers in the dispute have gone home and shut the engines; it is that the manager has gone and switched off a district. Look, the manager is not on strike and the manager is being paid by the Government". This is a very abnormal situation. In any other part of the world, General Orders would have come into play and instead of being in a press release he would have been in front of the Deputy Governor. Of course, we did not do that.

MR SPEAKER:

Next question.

28.10.93

ORAL

NO. 232 OF 1993

THE HON P R CARUANA

Will the Government introduce legislation in the House to require a creditor to give his debtor a minimum period of notice of intention to advertise a winding-up petition?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government has not received representations from anyone for new legislation to be introduced.

SUPPLEMENTARY TO QUESTION NO. 232 OF 1993

HON P R CARUANA:

Mr Speaker, Government Members may not be aware that in the United Kingdom rules require a creditor to give notice of intention to publish a petition precisely because it is the act of publication of the petition that can very often cause, on a domino effect basis, the failure of a company in the context where the debt may be in dispute. If one is a company that is on shaky financial ground, one of its creditors issues a petition, gives no notice, as the law of Gibraltar, as opposed to the law of the United Kingdom, does not require him to do; the first thing that the businessman finds out when he opens the Chronicle in the morning is that a petition to wind him up has been advertised and the effect of the advertising of that petition is that his bank will freeze the account, suppliers will freeze credit and the pack of cards will come down. Mr Speaker, that has happened very recently in Gibraltar in the case of the last hotel that was publicly said to have had financial difficulties and it is precisely the reason - I will mention by name : White's Hotel - why in the United Kingdom there is a rule which for some reason has not been extended to our legislation which requires the issuer of the petition to give, I am not sure if it is seven or 10 days notice of intention to publish, to give the company petitioned, if he considers that the petition is spurious, the opportunity to go to court and get an injunction to prevent the petition being advertised.

HON CHIEF MINISTER:

Mr Speaker, I am advised that section 123 of the Insolvency Act 1986 requires a creditor to give three weeks notice to a company asking it to pay the sum due and that this is the same as is provided in the winding-up provisions of the Companies Ordinance in Gibraltar. I am told that under the Insolvency Rules 1986, the provisions for proceeding with advertising a winding-up do not contain a requirement for prior notice to the company which is the subject of the advertisement. But if the hon member wishes to write to me and bring what he has to my notice I will certainly look at it again.

NO. 233 OF 1993

THE HON P R CARUANA

Mr Speaker, will the Government introduce legislation in the House to make jury service compulsory for women in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 233 OF 1993

HON P R CARUANA:

Is that out of the conviction that women do not make good compulsory jurors or out of some other conviction which the Chief Minister may now wish to explain to us?

HON CHIEF MINISTER:

Mr Speaker, the hon Member may not have been here in 1989 when the matter was previously raised and I gave a detailed explanation of our views or when for the second time running in 1991 the hon and gallant Lt-Col Britto raised the matter and we gave him again the same explanation. I am sure he can ask his colleague to tell him what the answers then were because the position has not changed.

HON P R CARUANA:

And the position has not changed even in the light of the recent representations made in public by the Women's Association?

HON CHIEF MINISTER:

The two previous times that the Opposition raised it was because the Women's Association had made representations and it did not make any difference and it does not make any difference now.

NO. 234 OF 1993THE HON P R CARUANA

When does Government intend to organise a supplementary Electoral Register?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, no date for this has yet been fixed.

SUPPLEMENTARY TO QUESTION NO. 234 OF 1993

HON P R CARUANA:

Would the Government address their minds to the question of a date and I think there was a vote in the Estimates this year for this purpose? Does that mean that we might have one during the course of the current financial year?

HON CHIEF MINISTER:

We put a token sum this year in case we could start the process this year. Frankly we have not really given it a great deal of attention. Our views, as I think we expressed at the time after the election, were that we thought it would be better to see the big movement of people into the new housing estates taking place rather than to do a supplementary register and then find that many people have changed addresses and we have to start all over again. So we might wait for the Gib 5, which is 580 units, to be out of the way.

HON P R CARUANA:

The timing is not essential except in the context of the next general election. Does the Chief Minister agree that if possible it would be preferable to avoid the confusion that arose last time from having this exercise too close to a general election and too close to the conduct of a census - which presumably will not happen again for some time - and people getting confused as to whether they had registered for voting or filled in their census forms?

HON CHIEF MINISTER:

Mr Speaker, I have always been of the view; I think I am expressing really a personal view rather than a policy decision on the part of the Government in this matter; since I arrived in the House in 1972 that it not ought to be beyond the wit of man to have a system that could be regularly appraised.

HON P R CARUANA:

Absolutely! So do I.

HON CHIEF MINISTER:

But I do not have the answer. I can tell the hon Member that these have been my feelings.

HON P R CARUANA:

Well, Mr Speaker, certainly in the Opposition we would be supportive of a system that operated in that way. As I understand it operates in the United Kingdom.

28.10.93

ORAL

NO. 235 OF 1993

THE HON P R CARUANA

Is Government aware of the widespread belief that Gibraltar based fast launches are increasingly being used in the cross straits drug trade?

ANSWER

THE HON THE CHIEF MINISTER

The Government is aware that there is a belief that some Gibraltar based craft are engaged in the cross strait drug trade. The Government is not in a position to establish how widespread that belief is.

SUPPLEMENTARY TO QUESTION NO. 235 OF 1993

HON P R CARUANA:

Mr Speaker, obviously the Government are not aware except that of course there are periodic drug hauls on our shore and the belief is based on some evidence. Does the Government feel that there is anything that they could do that they are not already doing or in addition to what it is already doing, that would help protect Gibraltar from the consequences of being connected with this sort of activity?

HON CHIEF MINISTER:

Let me make clear, Mr Speaker, that this is an area where the Government believes that whatever resources need to be found have to be provided. Not only for the sake of protecting our own people from this cancer but because we have got, as part of the international community, the obligation to make sure that Gibraltar is not being used in international drug running. I am not sure how one can go about it. I can tell the hon Member that certainly if we could get the Drug Investigation Unit, of which we have talked a number of times, that might help us to produce better results than we have had until now because if we really were able to nip this thing in the bud, then it is not necessarily as big as some people think it is.

HON P R CARUANA:

Mr Speaker, given that, as it has been explained to me, the essence of the case is that in fact much of the activity which is allegedly being done does not involve the bringing of drugs to Gibraltar at all, if that were true would it not seem to indicate that really effective action is much more likely to target the movements and activities of fast launches in and out of Gibraltar rather than the drugs themselves which very often do not come here?

HON CHIEF MINISTER:

I do not suppose that the hon Member is really talking about fast launches because fast launches are already very rigidly controlled and I think there are about three of them. I think he is talking about all the other launches that are not defined as fast launches and have got outboard motors. I think the difficulty with that is that although it is said that it is known who is doing it and who is not doing it, because it is not possible to prove it, the general formula seems to be that if one does not allow anybody to have a boat then nobody can get engaged in the trade which seems to us to be going too far. Therefore we would be prepared to support action which was capable of targeting those that need to be targeted and which still allows other citizens, who have the right to own a boat if they want to own one and who are not using them for anything to do with the drugs trade, to own them and operate them.

HON P R CARUANA:

Mr Speaker, but the problem is, as the Chief Minister has often said, a grave one. I think it requires grave action and I think the average citizen of Gibraltar understands that grave action is required and that that might impose on him a degree of inconvenience. For example, how many bona fide users of speed boats for leisure purposes does the Chief Minister think ever have occasion to take those speed boats outside of Gibraltar's territorial waters?

HON CHIEF MINISTER:

I have no idea. I am not a speed boat owner and I do not go out either by boat or any other way.

HON P R CARUANA:

Mr Speaker, does the Chief Minister agree that the average citizen of Gibraltar would not feel that the Government has gone too far if they impose the rule that speed boats operating out of Gibraltar may not leave Gibraltar's territorial waters after certain times? My understanding is that this involves going right across the Straits.

HON CHIEF MINISTER:

Mr Speaker, I do not think the hon Member can say so bluntly that the citizens of Gibraltar will understand restrictions when we have a situation where, when the previous administration brought to the House the Fast Launch Rules which we supported, they were taken to court by aggrieved citizens and the court ruled the rules to be unconstitutional and threw them out. Then we had the situation where one individual, who is not even a native of Gibraltar, was refused a licence and wanted to have legal aid to sue us for not letting him have a fast launch and is now threatening to take it to the House of Lords. So that is not an indication to me of people being willing to accept necessary restrictions for the common good.

HON P R CARUANA:

I do not think that the gentleman to whom the Chief Minister is referring who is commonly known in the legal profession as Gibraltar's vexatious litigant is representative of public opinion in Gibraltar.

HON CHIEF MINISTER:

No, no, he may not be but we only need one to be involved in very long, detailed, expensive and explosive situations and therefore, as far as we are concerned, we are totally committed to the fight against drugs. I said at the beginning of this session of the House, immediately after the elections - not 100 per cent, 110 per cent. These people do not deserve any sympathy or understanding. They are ruining the lives of hundreds of youngsters and the trade needs to be cut not only for our own youth. We have an obligation to make sure that other people in the neighbouring country are not being poisoned whatever political differences we may have with them. We do not want Gibraltar to be a party in any shape or form, laundering money, being used as a base or any other way to youngsters in Spain being poisoned by this venom. Mr Speaker, I cannot speak more strongly about the nature of the commitment. I am not prepared, and I will be totally honest with the Leader of the Opposition, under the guise of this to have things introduced which put restrictions on people which are theoretically about drugs but in practice about other concerns and other attempts to mollify our people.

28.10.93

ORAL

NO. 236 OF 1993

THE HON LT-COL E M BRITTO

Is Government giving consideration to taking away from the Royal Gibraltar Police the responsibility for immigration control at the land frontier and/or the port?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the matter is presently under review.

SUPPLEMENTARY TO QUESTION NO. 236 OF 1993

HON LT-COL E M BRITTO:

Does that imply that the arrangements will be similar to those at the airport? That is that the persons in charge of control will be employees of a private company?

HON CHIEF MINISTER:

No, Mr Speaker, the matter has been under review ever since the External Frontiers Convention because if we are included under the Convention, as we want to be, we would have to remove immigration controls at the frontier and the port.

HON P R CARUANA:

Well, not at the port.

HON CHIEF MINISTER:

Yes, Mr Speaker, because at the moment the port would become an external frontier for movement exclusively from Morocco. We would need to have someone there only when the ferry from Morocco arrives.

HON P R CARUANA:

But given the arguments that have on occasions been used by Spain against our inclusion in the External Frontiers Convention, is precisely some spurious allegations that we are somehow incapable of operating a secure immigration post and that somehow we are going to allow Gibraltar immigration and customs to be the weak link of the whole

external frontiers where all sorts of terrorists and persona non grata will gain access to the whole of the European Community; does it not seem imprudent in the wake of that argument to actually be taking the steps that the Government is proposing to take in respect to immigration control which would seem to strengthen the hands of those that would argue that the controls.....

HON CHIEF MINISTER:

No!

HON P R CARUANA:

Yes, but if they were saying that when they were in the hands of the Police and in the hands of public servants, do we not run the risk that they will say it more loudly if it is a privatised..... And my goodness, privatised services are criticised even..... Look at Group 5, they are the laughing stock of the Prison Service and of the Home Office and of the Police Service for the number of prisoners that they let slip their net. And these are arguments.

HON CHIEF MINISTER:

Mr Speaker, I think the arguments used by Spain have moved since they were what the hon Member said because to a very large extent the Portuguese formula demolished the basis of that argument. The argument now is more centred on the airport. This is why the European resolution which was voted on today mentions specifically the status of Gibraltar and status of the Gibraltar airport. Frankly, there is a point in what the Spaniards are saying about the airport in the context of the External Frontiers Convention and that is that although the External Frontiers Convention provides for a two years delay between the removal of controls at land frontiers and the removal of controls at external international airports, at the end of that two years period the free movement provision drives a coach and horses through the 1987 Airport Agreement. So one can see that the shift in the emphasis which is to say that by agreeing the External Frontiers Convention they will effectively be agreeing to scrapping the 1987 agreement. There is a point in that and I think that is really where it is centred at the moment. This is why the Belgian presidency, which is apparently working on some possible formula with some possible Community involvement and some possible Community funding to sweeten it, is concentrating on the airport and not on anything else as the link to break the obstacle for the external frontiers.

28.10.93

ORAL

NO. 237 OF 1993

THE HON P R CARUANA

Will Government explain the division of responsibility and day to day functions and decision-making between the Government on the one hand and His Excellency the Governor on the other hand, in relation to the issue and renewal of residence permits?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Principal Immigration Officer issues and renews residence permits under the Immigration Ordinance. Any appeals go to the Governor who takes Government's views into account when considering the appeals. The position of the Government is that a person must be in employment in a job for which a work permit has been given to his employer or have enough funds so as not to be a burden on the state, to be given a residence permit. The question of having enough funds so as not to be a burden applies equally to Community nationals.

SUPPLEMENTARY TO QUESTION NO 237 OF 1993

HON P R CARUANA:

Mr Speaker, as to the Government's policy as opposed to the Foreign Office's views, which of the two prevail upon the Immigration Officer? Does he implement the policies of the Gibraltar Government or does he implement the policies, whatever in any day they might be, of the British Government?

HON CHIEF MINISTER:

Well, I think, Mr Speaker, one would say that generally he reflects the policy of the Government of Gibraltar but there have been a number of instances, I regret to say, where he has taken a decision which does not coincide with the views of the Government of Gibraltar.

28.10.93

ORAL

NO. 238 OF 1993

THE HON P R CARUANA

Mr Speaker, what agreement (if any) has Government entered into with Sevillana de Electricidad SA, either directly or through the Joint Economic Council?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there is no agreement between the Government of Gibraltar and Sevillana. There is a cooperation agreement between the Council for Economic Coordination of which Gibraltar forms part together with La Linea, San Roque, Algeciras, Tarifa, Los Barrios, Castellar, Jimena and Ceuta on the one hand and Sevillana on the other. The agreement provides for opportunities for investment in the area to improve economic development and job creation.

SUPPLEMENTARY TO QUESTION NO. 238 OF 1993

HON P R CARUANA:

I think this is what is commonly called the Acuerdo Marco.

HON CHIEF MINISTER:

That is correct.

HON P R CARUANA:

Mr Speaker, is the Government aware of any investments that Sevillana will make in Gibraltar pursuant to that agreement or is this just a piece of paper with no practical consequence?

HON CHIEF MINISTER:

We hope that it will be more than just a piece of paper with no practical consequences but at the moment, honestly, that is all it is. The initiative, frankly, came from the other side and it came at a time when it was considered to be desirable to be able to announce this given that there were certain political events taking place in Spain if the hon Member throws his mind back. We did not want to stand in the way of whatever advantage might be gained by those who were involved in that exercise.

28.10.93

ORAL

NO. 239 OF 1993

THE HON P R CARUANA

Will Government outline and explain the details of the so-called Carracao proposal relating to joint use of the airport?

Well, obviously, Mr Speaker, we are aware of what is said in the press but we would like to know whether that is all there is to it or not.

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I would like simply to remind the hon Member that the timing of this is the same as the timing of the previous agreement. They both happened at the same time.

The idea put forward by Senor Carracao at the Economic Coordination Council was for some form of local entity to be created to direct and manage the use of the airport as a commercial arrangement which would not carry implications on the disputed issue of sovereignty.

In principle it is worth exploring the concept to establish whether a mutually satisfactory arrangement is possible. At the meeting in Ceuta, Senor Carracao proposed and all the members of the Council accepted, that he would continue to discuss his idea with me before any formal proposals were considered for public debate, in the knowledge that speculation about what may or may not be under discussion can make the finding of an acceptable formula more difficult.

I am not in a position to give any details because there is nothing further to add for the present and in fact a suitable formula may not materialise at all.

SUPPLEMENTARY TO QUESTION NO. 239 OF 1993

HON P R CARUANA:

Mr Speaker, I rely on recent press comments at my peril but is the Chief Minister aware that apparently Mr Carracao no longer wishes to be photographed with him because he has today issued a public statement accusing him of kicking him in the shins? That is to say, that the Chief Minister has apparently kicked Mr Carracao in the shins and, in fact, cancelling the next meeting of the Joint Economic Council until such time as the Chief Minister becomes more cooperative. Is the Chief Minister aware of these reports?

HON CHIEF MINISTER:

It is complete news to me since I have not seen Senor Carracao since we were in Ceuta together and did not kick him then, I can categorically deny having kicked him.

HON P R CARUANA:

This is what the GBC News has carried today that apparently whenever the Chief Minister's next meeting is in his diary, he can rush to the office tomorrow and scratch it because it is not going to be on.

HON CHIEF MINISTER:

All I can say is that certainly we have tried to create a framework of cooperation with neighbours which does not mean that we mince words about where we stand on fundamental issues. I do not think we could cloud that. I honestly believe that we could still have strong views on these matters which we do not have to sacrifice and try and find ways in which by working together our citizens on both sides of the frontier would benefit. It appears to be very difficult to be able to do that. Let me say that I, for example, at the last meeting took the opportunity of bringing them up to date on the question of the Spanish pensions because all the mayors have got citizens in their areas; by saying, "I do not want people blaming Gibraltar. This is coming up and you better know it is coming up".

HON P R CARUANA:

The two kicks in the shins are apparently the Chief Minister's refusal to accept his proposals on the airport and on the pensions business.

HON CHIEF MINISTER:

For the benefit of the Opposition and the public of Gibraltar, let me say first of all that at our last meeting in Ceuta we left it, as I have just said, that Senor Carracao would pursue the matter with me outside the Committee on the basis of doing it privately without publicity but to date he has not made contact. So there is nothing for me to turn down because he has not proposed anything other than the idea that I have spelt out. What I have just told the House is the sum total of what I know about his idea. He has not added one full stop or comma to that. He proposed that it would be better if we pursued it sort of face to face alone in a room without any cameras so that we could have a brainstorming session and we all agreed in Ceuta that we would do that and see whether we

could come up with something that we could explain to the rest and explain to the public. But the meeting has never taken place because it was on his plate. Let me say that what I have said on the Spanish pensions publicly I explained in detail at the meeting in Ceuta to all eight mayors of all eight municipalities in anticipation of the news hitting the public so that it would not catch them unawares. I said, "You are going to have in greater or lesser numbers some pensioners somewhere. There will be some pensioners in Jimena, some in Algeciras. So all of you could be facing a rush from some of your constituents. So you can have it straight from the horse's mouth that this and this are the facts. Soon I shall have to come out publicly so I am telling you beforehand so that when the time comes you help in reassuring people and telling them that this is not the Gibraltarians keeping their money and taking away their pensions". I regret the news the hon Member has given me because it seems to me that he is doing the opposite of what I asked him to do in terms of maintaining good relations with our neighbours in the Campo.

28.10.93

ORAL

NO. 240 OF 1993

THE HON P R CARUANA

Is the failure to reach an airport agreement preventing the success of Government's economic policies?

ANSWER

THE HON THE CHIEF MINISTER

The policy of the Government is to attract to Gibraltar residents and investment which will substitute for the loss of external income brought about by the rundown in the MOD presence. This policy does not depend on the 1987 Airport Agreement with Spain being implemented and was not formulated on the assumption that it would be, since the airport agreement has always been unacceptable to this House and the majority of the people of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 240 OF 1993

HON P R CARUANA:

Mr Speaker, the question says "an airport agreement" and not "the airport agreement" and that distinction has become significant in that none of us subscribe to the 1987 Airport Agreement. The question is "Is the failure to reach an airport agreement..." clearly implying an agreement other than the Airport Agreement of 1987. In other words, what the question is intended to ask is whether the Government considers that, stated positively, an airport agreement, which of course would have to be entirely acceptable to Gibraltar, would boost the economy of Gibraltar. Is the corollary correct? Does the Government consider that the actions of an acceptable airport agreement is detrimental to the development of the economy?

HON CHIEF MINISTER:

Mr Speaker, the Government does not accept that for airlines to fly to Gibraltar from any country other than Spain we need the agreement of Spain. We do not that accept as a matter of policy because if we accepted that, we would have already conceded sovereignty of the airport if we needed their permission for an airline to fly here. It is quite obvious that we need their agreement for Iberia to fly to Gibraltar and therefore, as far as we are concerned, an agreement with Spain for flights from Spain is not a necessary condition for the economic programme of the Government. The economic programme of the Government was not formulated on the assumption that in 1993 we would be able to get the agreement of Spain to flights to Spain which was not there and has not been there since 1987.

HON P R CARUANA:

But, Mr Speaker, regardless of the legality of whose permission is needed in law, is it not the reality and not the legality that the reason why airlines from countries other than Spain have not availed themselves of Gibraltar Airport over the last..... One can go back almost as far as one likes even before the Airport Agreement - has been precisely because they have not wished to tangle with Spain that has always threatened to take reprisals against any airline that used Gibraltar Airport?

HON CHIEF MINISTER:

No, Mr Speaker. We do not believe that that is true and we have never seen any evidence of that if we are talking about airlines flying to Gibraltar in order to deliver passengers to Gibraltar. Now if the hon Member is talking about airlines flying to Gibraltar in order to deliver passengers to Spain, then obviously what they are doing is using Gibraltar as a substitute Spanish airport and there the consideration is that if the Spanish authorities are in a position to stop the passengers coming from Sotogrande to the airport, then there is no point in putting a plane to Gibraltar if the people who are going to take the plane live in Sotogrande. If the people who are going to take the plane live in Gibraltar then what Spain does or does not do at the frontier is not a factor. In our view the exclusion of Gibraltar from the 1987 Liberalisation Package and 1993 Liberalisation Regulations is something that we are fighting as a matter of policy and as a matter of principle but, as was made clear in the European Court of Justice by the legal representative of the European Commission, the argument that the Commission used was to say that Gibraltar cannot claim that it is damaged by exclusion because the exclusion does not prohibit anybody from flying to Gibraltar because inclusion removes the right of the authorities in Gibraltar to approve flights. The liberalisation process is not one that says that people will fly to Gibraltar. The liberalisation process says that the Government of Gibraltar cannot prevent people from flying to Gibraltar. So that is what we would gain by being in. We would not be able to prevent them coming. At the moment we are able to get them to come with one condition which has nothing to do with Spain, nothing to do with an airport agreement and nothing to do with the EEC. It has to do with money. Any airline is prepared to put any flight from any airport in Europe to Gibraltar if we are prepared to underwrite the commercial risk. We have had that confirmed 100 times if we had it confirmed once.

28.10.93

ORAL

NO. 241 OF 1993

THE HON P R CARUANA

Would Government approve of an airport agreement which enabled passengers destined for Spain to avoid passage through either or both of Gibraltar Customs and Immigration?

ANSWER

THE HON THE CHIEF MINISTER

The policy of the Government is that Gibraltar should be included in the External Frontiers Convention which has been vetoed by Spain since July 1991 because of its application to Gibraltar as part of the territory of the EC under Article 227(4) of the Treaty.

Clearly there is no need for a bilateral treaty with Spain to remove immigration controls if the Convention is signed and does not exclude Gibraltar.

If Gibraltar were excluded we would have to consider the implication for Gibraltar's territorial integrity of a bilateral deal to seek to restore what is ours by right.

Obviously the answer to the question, as drafted, is not one which can be given a simple yes or no without sending out a misleading message to both our people and the neighbouring country.

28.10.93

ORAL

NO. 242 OF 1993

THE HON F VASQUEZ

Mr Speaker, does the Government believe that Gibraltar should be granted representation on the Committee of Regions established under the Maastricht Treaty?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position is as stated in answer to Question No. 86 of 1993.

SUPPLEMENTARY TO QUESTION NO. 242 OF 1993

HON F VASQUEZ:

Since that question was put in March we have had the passage of some seven months. We seem to be no nearer to securing a seat in the European Parliament and it certainly does not seem realistically possible that we will in the foreseeable future attain that. We know that the Committee of the Regions is due to be formed soon given that the Maastricht Treaty is about to come into operation. I and Members of the Government attended a meeting of the Commonwealth Parliamentary Association here in Gibraltar where the general consensus of both the representatives of the Government and the Opposition was that it would be beneficial to Gibraltar to seek representation on that Committee given that it helps Gibraltar to obtain representation on any international forum at which we can put forward Gibraltar's cases and defend Gibraltar's interests. In the light of all that, I really would be grateful for some indication from the Chief Minister as to why he takes the view that in fact it is not in Gibraltar's interests to seek representation on that Committee?

HON CHIEF MINISTER:

Mr Speaker, I told the hon Member in answer to a supplementary that if he read the Treaty he would know why. Obviously he wants me to read the Treaty to him; so I will. We took legal advice from our legal experts in the Community on this before I gave him the answer that I gave him in March. The advice I got in March was that Articles 198(A), (B) and (C) of the Maastricht Treaty provide for the establishment of a Committee of the Regions having

advisory status. By Article 198(A), 24 of 189 members of the Committee are to come from the United Kingdom and most important, our legal advisors told us, the third paragraph of Article 198(A) provides "The members of the Committee and an equal number of alternate members shall be appointed for four years by the Council". The Committee of the Regions is not elected by the natives. It is appointed by the Council acting unanimously on the proposals from the respective member States. I do not know what the hon Member thinks we can do to persuade our Spanish neighbours to vote unanimously for our inclusion in the Committee of the Regions but if he thinks of some way we can overcome that tiny obstacle in Article 198(A) we would certainly think we have some chance of getting there. In addition the region in the United Kingdom covers a population of 2.25 millions. If we were represented by one regional councillor from the United Kingdom who would be responsible for 2.25 millions plus 17,000 Gibraltarians, I do not think we would have any more voice then than we have today with Lord Bethell and Alf Lomas.

HON F VASQUEZ:

It has been helpful and it is interesting to note what the Chief Minister has said. He is not really taking an objection to the idea of Gibraltar being represented which is what I had assumed from his answer in March. He is saying not that we should not be in the Committee of the Regions but that he thinks that it is unlikely that we would be able to secure that. The same answer can be given for Gibraltar's case for representation in the European Parliament per se.

HON CHIEF MINISTER:

No, Mr Speaker. If the British Government agrees to allow the people of Gibraltar to vote in a European election, there is no way that Spain can veto that decision. I am telling the hon Member that the regional representatives are appointed unanimously in the Council. Therefore the Spanish members of the Council would have to vote and if they vote against, since it has to be unanimous, they can veto it. If the United Kingdom gives us the right, which we are entitled to have, to vote for a Member of Parliament and they are the ones who are denying it to us. Nobody else! If we cannot make a case with Britain for us to vote for the European Parliament where a Member of Parliament represents 600,000 people what chance is there of going for a regional representative representing 2.5 million people which requires the unanimous consent of the Spaniards? So the logical thing is concentrate our energy and our thrust where we have got the stronger case.

HON F VASQUEZ:

The fact is that the whole raison d'etre of the Committee of the Regions is precisely to represent those far flung regions of the Community; those regions that tend to be under-represented; the peripheral regions; the people who do not really have a say, so to give them a central input into the decision-making of the Committee. Everybody knows that the Committee of the Regions is going to have very little power anyway but it is a sop to the regions and it is a talking shop for them. It seemed certainly from the reactions of the Members of Parliaments who attended the CPA Conference that there will be a great deal of support. But in fact Gibraltar is a very good case for inclusion on the Committee of the Regions. I do not know where the Chief Minister has got his 2.25 million people from. I do not know whether he has just divided the 36 millions by 24. I think it is clear that that is what he has done.

HON CHIEF MINISTER:

No, Mr Speaker. The regions in the United Kingdom are going to be made up of four constituencies and each constituency.....

HON F VASQUEZ:

(Inaudible)

HON CHIEF MINISTER:

Yes, the regional representations from the United Kingdom, of which there are 24, are going to be based on a distribution where several constituencies will make up one region. Each constituency is 600,000.

HON F VASQUEZ:

To cut it short, Mr Speaker, clearly we would need to convince Britain. What I am putting to the Chief Minister is does he not consider it worth trying? If the end in itself is a seat on the Committee of the Regions and is worth aiming for, surely it is worth making representations to Great Britain that perhaps Gibraltar should be conceded a seat? I know there are a lot of hurdles. We would have to get over the British hurdle first and then we would have to get over the question of the approval by Spain on the Council. Is it not worth a shot to try to.....

HON CHIEF MINISTER:

No, Mr Speaker. I do not agree with the Opposition Member. This is what I am telling him. He thinks it is worth me going to the UK and saying "Although for the rest of the UK it is one for every 2.25 millions we want 23 regions of 3 millions each and one region of 17,000 and we want you to go and propose it to the Council and whilst I have convinced you that one Gibraltarian is worth 1,000 Englishmen, you then go to the Council and convince the Spaniards that we are worth 1,000 Englishmen and 1,000 Spaniards." Frankly I think I would be wasting a lot of time and energy on a totally fruitless task because what I am saying to the hon Member is that like so many other things we do in Gibraltar, if we spend our time arguing here whether it should be the Regions or the Member of Parliament.....

HON F VASQUEZ:

It should be both.

HON CHIEF MINISTER:

No. It should not be both because if we go for both we will get neither. In the Regions we do not stand a chance. It is inconceivable that Spain should not veto it. Therefore if we go for the Regions we could be making the mistake of being fobbed off by being told, "We will propose it to the Council and we will see if we can get a unanimous decision". There is no prospect of getting a unanimous decision. Everybody knows that. Can the hon Member honestly think that there is the remotest possibility that Spain will vote for Gibraltar to be a region?

MR SPEAKER:

Order, order. There is no point in going any further now. The Government have made the position absolutely clear. It has been stated about three or four times already. Next question.

28.10.93

ORAL

NO. 243 OF 1993

THE HON P R CARUANA

Will Government state its policy as to what the future status of Gibraltar should be?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the policy of the Government is to obtain for the people of Gibraltar international recognition of their inalienable right to self-determination so that in the exercise of this right the people should freely and democratically determine what the future status of Gibraltar should be.

As a general policy, the Government is committed to decolonisation in accordance with the doctrine of the United Nations and in keeping with the declaration of the decade for the eradication of colonialism by the year 2000.

In the present term of office the Government is committed to a review of the Constitution to increase the level of self-government as envisaged by the 1969 Constitution, with the United Kingdom retaining responsibility for defence and foreign affairs. This would not change the status of Gibraltar as a British Dependent Territory.

SUPPLEMENTARY TO QUESTION NO. 243 OF 1993

HON P R CARUANA:

Mr Speaker, does the Government not have a policy as to what their target status for Gibraltar is? If, for example, Britain were tomorrow to recognise our right to self-determination, that Spain were to withdraw its claim, how would the Government want the people of Gibraltar then to exercise their right to self-determination? The answer may be that the Government's thinking has not been developed to that extent. What I am asking is does the Government have a target for what they want the status of Gibraltar to be when the time comes?

HON CHIEF MINISTER:

Mr Speaker, I think the hon Member is confusing the role of the Government with the role of the Party. The Party fought an election in 1992 and in its election manifesto put what was the policy that it would pursue as a government. I know the hon Member expects, as I do, that we will continue to be the Government for a long time to come but in the present term of office we do not expect to have achieved decolonisation. We expect to have achieved the necessary conditions leading to decolonisation. When the time comes for the people of Gibraltar to exercise their right of self-determination and if at that time we are the Government of Gibraltar, then we will give a recommendation to people as to how they should vote. If we are the Opposition in Gibraltar we will then do the same thing from the Opposition benches and the hon Member will do it at the same time as we do.

28.10.93

ORAL

NO. 244 OF 1993

THE HON P R CARUANA

Will Government comment on the state of relations between the British and Gibraltar Governments?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the relation between the British Government and the Gibraltar Government are as cordial and harmonious today as they have been since the 25th March 1988.

SUPPLEMENTARY TO QUESTION NO. 244 OF 1993

HON P R CARUANA:

The Chief Minister means as a result of the members gaining power or as they were the day before?

HON CHIEF MINISTER:

I cannot speak for what they were like on the 24th March 1988 because we were in the Mackintosh Hall counting votes.

HON P R CARUANA:

Mr Speaker, I ask the question because in relation to many things, for example, the extent to which the Government of Gibraltar receives news and information of the United Nations initiatives and of European Community initiatives and of the problems the Government of Gibraltar are facing in relation to the finance centre and all the various problems or differences of opinions that arise there and apparently few meetings taking place at a political level between the Government Member and the Minister of State at the Foreign Office with responsibility for Gibraltar, does the Government agree that it appears to be, what could most generously be put, a business like relationship and which could, least generously be described as, at least in private, a relationship of hostility towards each other across the negotiating table?

HON CHIEF MINISTER:

Mr Speaker, the Government has been elected to look after the welfare and the interests of the people and I have made clear from day one that that is my only loyalty and the Government of the United Kingdom has been elected to do the same thing for its electorate. As far as I am aware, from what the previous Government used to tell me when they were in office and I was in Opposition, there were very often behind closed doors quite acrimonious debates between London and Gibraltar on the closure of the Dockyard, on the removal of the frontier guard and a hundred and one things. What I can tell the hon Member is that whenever there was friction between Gibraltar and London, as the Leader of the Opposition, I always sided with the Government of Gibraltar and not with the Government in London. He appeared on television a couple of days ago suggesting that it was my attitude towards London that was responsible for some of our problems. I can tell the hon Member that the level of coolness between me and London is like a love affair compared to the relationship that I have with him.