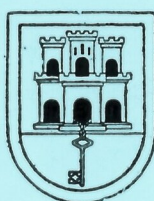


# GIBRALTAR

## HOUSE OF ASSEMBLY



# QUESTIONS AND ANSWERS

28th OCTOBER 1993  
(Volume I)

Nos. 88 to 170

28.10.93

ORAL

NO. 88 OF 1993

THE HON P R CARUANA

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 88 OF 1993

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON H CORBY:

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

HON J C PEREZ:

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

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

HON H CORBY:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

4.

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

HON J C PEREZ:

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

HON P R CARUANA:

One hundred and eighty-three days.

HON J C PEREZ:

Or 183 days.

28.10.93

ORAL

NO. 89 OF 1993

THE HON F VASQUEZ

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, no such criteria have been laid down.

SUPPLEMENTARY TO QUESTION NO. 89 OF 1993

HON F VASQUEZ:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON F VASQUEZ:

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

HON CHIEF MINISTER:

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

HON F VASQUEZ:

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

HON CHIEF MINISTER:

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

HON F VASQUEZ:

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

HON CHIEF MINISTER:

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



28.10.93

ORAL

NO. 90 OF 1993

THE HON LT-COL E M BRITTO

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 90 OF 1993

HON LT-COL E M BRITTO:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON LT-COL E M BRITTO:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON LT-COL E M BRITTO:

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

2.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

MR SPEAKER:

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

28.10.93

ORAL

NO. 91 OF 1993

THE HON F VASQUEZ

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 91 OF 1993

HON F VASQUEZ:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

28.10.93

ORAL

NO. 92 OF 1993

THE HON F VASQUEZ

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

28.10.93

ORAL

NO. 93 OF 1993

THE HON F VASQUEZ

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

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

SUPPLEMENTARY TO QUESTION NO. 93 OF 1993

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

2.

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

28.10.93

ORAL

NO. 94 OF 1993

THE HON P CUMMING

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 94 OF 1993

HON P CUMMING:

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

HON CHIEF MINISTER:

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

HON P CUMMING:

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

HON CHIEF MINISTER:

Mr Speaker, the first part of the question has already been given; and the second part of the question is also no.

HON P R CARUANA:

Mr Speaker, on a point of order, could I remind the Chief Minister through the Chair, that challenges to repeat things outside of the House without the benefit of privilege is a contempt of this House and it has so been ruled in the

Houses of Parliament in the United Kingdom. My supplementary question is this, will the Chief Minister say whether the Government has any commercial relations with that company? In other words, is this a company to which the Government has given any contract or which the Government uses as a contractual sub-contractor on any matter?

HON CHIEF MINISTER:

Yes, this is a company that carries out work for the Government.

HON P R CARUANA:

Is the Chief Minister aware that insofar as the public records of this company are concerned, it appears to have appointed no directors whatsoever; that its engagement in activities is therefore of dubious legality and that certainly, does he agree, that it is not appropriate for the Government to do business with a company that has no appointed directors?

HON CHIEF MINISTER:

Mr Speaker, I do not know whether it has dubious legality or not. I will ask the Registrar of Companies to look into the matter. But since what the company is doing for the Government is in fact engaging in community work with people who were previously living off the welfare, I doubt very much whether the people who were previously living off the welfare and who are now engaged on temporary community work under the direction of this company would agree with the comments of the Leader of the Opposition. But I will make his comments known to them.

HON P CUMMING:

Mr Speaker, would the Chief Minister accept that the secrecy with which the Government carries out dealings with private companies gives rise to rumours and to people thinking that they are on to something that points to corruption and that the secrecy is the cause of all these constituents coming forward and laying for us this kind of information?

HON CHIEF MINISTER:

No, Mr Speaker, I do not accept that there is any secrecy that points to people having any legitimate interest suggesting that there is justification for having beliefs about corruption. I think that it requires in the mind of somebody that that person should be capable of being



corrupt for him to suspect that somebody else is corrupt. In my judgement, Mr Speaker, when Opposition Members go round saying, "The Government is corrupt" what they are telling Gibraltar is, "They are bound to be corrupt because if we were in their position that is what we would be doing". And, Mr Speaker, what I think is scandalous is that Opposition Members who are constantly protecting themselves by parliamentary privilege should be constantly abusing their position in this House by throwing out innuendoes like the one the hon Member has just done and they have not got the integrity to be able to say, "I am so convinced that there are grounds for believing that the Government is involved in corruption that I will say it publicly where I can be taken to court and be made to stand and answer for it". That is what I think is wrong.

HON P R CARUANA:

Mr Speaker, if the Chief Minister will give way. It is precisely why parliamentary privilege exists, because it is thought appropriate that those whose responsibilities are to legislate and to represent the citizens of a community should precisely be at liberty to investigate matters and to air matters which cannot be scientifically proved to the standards required in a court of law; and that is precisely why it is a contempt of this House which the Chief Minister insists on repeating time and time again to challenge an elected member to repeat something outside of the House where he does not enjoy privilege.

MR SPEAKER:

I have been very lenient. First of all, let me pass a ruling on this. The ruling is quite clear. No hon Member can make an imputation against another hon Member and if he wants to do so then he has got to do it on a substantive motion with notice. Therefore I am afraid that I shall be stricter on that line now and inferences, imputations, ironic expressions and all those things are out of order. I have been very lenient so far but I can really get strict and then we will find that the number of questions that can be asked will be very much reduced. Next question.

HON H CORBY:

Just one supplementary, Mr Speaker. SOS 24 Limited are building contractors; this is the licence given to them. Does the Government know that they are doing also security work?

HON CHIEF MINISTER:

Mr Speaker, the company as far as its work for the Government is concerned, is exclusively engaged in taking-on people provided by the Government who have been long-term unemployed; for many years living off supplementary benefits. They are engaged in an area of community projects where the Government is using that company as an intermediary, in addition to a number of others, in order to try and provide an opportunity to those people. It is engaged on work which is funded from the vote on community projects from the Improvement and Development Fund with the hope and the expectation - so far we are encouraged with the results - as I explained in the House, of getting people in an environment where they will not be 100 per cent exposed to commercial pressures. That is to say, if they do not turn up for work one day or they come in late they do not get sacked. They will eventually get used to working in that environment and we will then be able to offer them to other employers who would be more demanding after having been out of work for, in some cases, ten years. That is the work that the Government is providing to this company.

28.10.93

ORAL

NO. 95 OF 1993

THE HON LT-COL E M BRITTO

What steps is Government taking to improve the operation of public counters at the Department of Labour and Social Security and the Income Tax Department to avoid the formation of lengthy queues?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, some queuing at the Department of Social Security public counter is inevitable because most pensioners want to receive their benefits in cash as soon as they are due. The Government will, however, review the situation in the light of forthcoming changes in the benefits system.

The nature of tax inquiries and the length of time spent on individual tax queries is less easy to predict but we have had no reports of lengthy queues or exceptional problems at the Income Tax Office.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware of complaints also about the lack of privacy for people attending the Income Tax Department having to speak about their problems with other members of the public in queues immediately behind them?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, that is a different question, Mr Speaker. I can understand the point the hon Member has made. It is not absolutely necessary for any individual to go and talk across at the public counter about his individual tax problems. He can, of course, write in. Bearing in mind that they are public counters and people do wish to discuss questions maybe relating to PAYE, it does present problem.

HON LT-COL E M BRITTO:

Mr Speaker, in view of the fact that Government is aware of it, would they take any steps to enclose the interview area so that only one person is inside at any given time?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I will certainly undertake to consider the points made by the hon and gallant Member and discuss them with the Commissioner of Income Tax.

HON LT-COL E M BRITTO:

Mr Speaker, coming on to the DLSS, we have had reports - I witnessed them myself - of queues stretching out into the open air even in wet weather and as the Financial and Development Secretary rightly points out, most of them are elderly people and therefore a problem for concern. Is Government aware of this? Are they aware that part of the problem could be solved by having more windows operating, because those windows appear to be closed some of the time? And what steps can they take to prevent a reoccurrence?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I am grateful to the hon and gallant Member for that supplementary. I think clearly it would be possible to staff-up the counters of the DLSS to cater for every peak, and they tend to be at the beginning of the week - Monday and Tuesday - but perhaps he would bear in mind that, as I have said, the system of benefits is likely to be changed and while I take his point that it is not pleasant to have to wait outside in wet weather but queues, I have found in my own examination, do move very quickly. As I have said, we are in fact going to change the system and I am reluctant to consider a permanent change in staffing against that very imminent contingency.

HON LT-COL E M BRITTO:

One final supplementary, Mr Speaker. In view of the fact that the Government is clearly thinking of reviewing the situation and in view of the new benefits and in view of the fact that they have identified peak periods during the week; could the Financial and Development Secretary perhaps consider staggering the payments possibly on an alphabetical basis by names so that we do away with the periods of peaks at the beginning of the week and they are staggered during the whole of the week?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Frankly, Mr Speaker, I doubt whether that would be practical. Old age pensioners like to collect their pensions very soon after the office opens, indeed, some of them queue up as early as 8 o'clock voluntarily although

the office does not open and they just like to do it and some of them like to meet their friends at certain times. I think the sort of arrangement which he has proposed; sort of appointments to receive the pensions, would not really be practical and, as I have said, the system is likely to be discontinued in the very near future anyway.

HON H CORBY:

In the meantime before the new scheme is in place, could the counters be open for that period of time to alleviate people standing out in the rain while the interim thing is going on? Would the Financial and Development Secretary be prepared to open the counters for a small period of time before the new scheme is in place?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The trouble is, Mr Speaker, one can never predict with any degree of accuracy when it is going to rain and, as I have said, this is a short-term problem.

28.10.93

ORAL

NO. 96 OF 1993

THE HON P R CARUANA

Mr Speaker, are employees of the Floks clinic subject to PAYE, social insurance contributions and the fees payable to the Employment and Training Board?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, employees who are members of the crew of Floks are subject to the law of their Flag State and in accordance with international convention they are not liable to Gibraltar income and payroll taxes. Employees engaged locally are subject to the normal local conditions of employment.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1993

HON P R CARUANA:

Mr Speaker, leaving to one side the obvious legal errors contained in that argument since we are not a court of law and we are not concerned with debating matters on a legal basis, but leaving aside the whole question of the legalities, will the Financial and Development Secretary therefore confirm that any Gibraltarian who sets up a business on a Panamanian registered ship is therefore exempt from all of this? For example, if I set up my legal practice on a Liberian registered ship anchored in the port, I am exempt from PAYE from my employees, on income tax on my profits and from all the other things that I must pay because then I would be subject to the laws of Liberia. On a purely political basis, leaving to one side the legalities of it on which I tell him he is wrong, does it not seem to him ridiculous that the answer should be what he has given?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I gave the Leader of the Opposition an answer about the employees of Floks clinic which is the question he asked me. If he wishes to write to me with a proposition in my capacity as Financial and Development Secretary, of course setting up a comparable arrangement, I can assure him that the Government will consider it on its merits and while he is writing to me will he- I have no doubt he may - give me an explanation in respect in which my answer was illegal?

HON P R CARUANA:

Mr Speaker, given that it appears to be the opinion of the Government that they have no jurisdiction or control over business activities or for that matter any activity carried on on a foreign registered ship within the territory of Gibraltar, do they think therefore that banks can set up in foreign registered ships in Gibraltar without being subject to the Banking Ordinance and that insurance companies can set up on foreign registered ships in Gibraltar without being subjected to the Insurance Companies Ordinance and that, indeed, for that matter, that this clinic could practice abortions or whatever it liked without reservation because, after all, it is not subject to the jurisdiction of the law of Gibraltar. Is it the Government's serious position that they have no interest or concern insofar as the laws of Gibraltar are concerned as to what may happen on this ship, leaving to one side the international conventions which relate to the merchant shipping operation of that ship?

HON CHIEF MINISTER:

Mr Speaker, the question is to seek information. The Leader of the Opposition has been given the information which he has sought and the view of the Government is that by agreeing to the Floks eye clinic, on a Russian vessel anchored in the Port of Gibraltar, being able to operate here as it has operated in other countries in the Mediterranean before it came here, it is making a valuable contribution, is bringing new income to Gibraltar and new employment and ancillary activities. In any other area where any other vessel brought in new activity, the activity in question would be considered on the basis of whether it was in Gibraltar's interest or it was not. If it was not in Gibraltar's interest then the operation would be discouraged.

HON F VASQUEZ:

Mr Speaker.....

MR SPEAKER:

No, I am sorry, this is now going into an abstract solution to a legal question which is not allowed.

HON F VASQUEZ:

I do not intend to ask a legal question, Mr Speaker. Is the Chief Minister suggesting that it is in the interest of Gibraltar to have this foreign vessel coming into Gibraltar, contributing nothing to the local economy in terms of PAYE or anything of that nature and taking away the business from the established medical practitioners in Gibraltar who do pay rates, income tax, tax on their profits, etc? Is he saying that that is for the benefit of this community?

HON CHIEF MINISTER:

Mr Speaker, the Government is completely satisfied that whatever minimal negative effect the operation of the Floks eye clinic may have had on the business that was being done before, which was very small, the new business that is being done which was not there before has compensated several times over the level of economic activity. That is, that if we compare today how much money was coming into the Gibraltar economy without the eye clinic, in respect of the work that was being done here in Gibraltar where there was nobody coming from abroad to be treated in Gibraltar and we compare what is being done now and we compare what we would lose if they left tomorrow, we have no doubt at all that if they left tomorrow that would have a negative effect on our economy; no doubt.



28.10.93

ORAL

NO. 97 OF 1993

THE HON P R CARUANA

Mr Speaker, is the Floks eye clinic liable to pay income tax in Gibraltar if it should make profit on its activity in Gibraltar harbour?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the company that provides a service to local customers is liable to company tax on its profits. The company which provides a service for non-resident visitors will be treated as a qualifying company for tax purposes.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1993

HON P R CARUANA:

Mr Speaker, does the Financial and Development Secretary accept that that is entirely inconsistent with his last answer because whether they are providing services to locals or to visitors, the fact is that they are providing them on a foreign registered ship on which he mistakably thinks that he has no jurisdiction.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I do not accept the logic of the Leader of the Opposition's question at all. The two are separate matters. In the first one we were talking about the crew of the ship and in the second we were talking about the taxation of the company depending on whether it is treated as a resident company for tax purposes or a non-resident company; making a very broad distinction.

HON P R CARUANA:

So therefore it follows, does it not, Mr Speaker, that the presence of the ship in Gibraltar is relevant for the purposes of residence even though it is a foreign flag ship? Is the Financial and Development Secretary aware of a letter written on the 8th July 1993 by a Minister which says, "The ship is outside Gibraltar's jurisdiction and it is operating under the flag of another nation. The Health Authority is not bound in any way to comment as to its practices or other matters, no more than it should on private clinics operating outside our frontier boundaries"? Is it the position of the Government that this ship is as good as if it were parked in Algeciras?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, there is no more one can say.

28.10.93

ORAL

NO. 98 OF 1993

THE HON P R CARUANA

Mr Speaker, how many licences are currently in issue for the export of tobacco from Gibraltar?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1993

HON P R CARUANA:

Mr Speaker, will the Financial and Development Secretary say whether those engaged in the export of tobacco from Gibraltar in fast launches require a licence to do that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, no export licences have been issued for the past three years for the export of duty paid or duty free cigarettes, whether they are in fast launches or in any other vehicle.

HON P R CARUANA:

Mr Speaker, regardless of whether it is duty paid or not, is it not the case that a licence is required for the exportation from Gibraltar of goods in commercial quantities?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

HON P R CARUANA:

Therefore whether the tobacco in question is duty paid or not, if they are exported in commercial quantities a licence would be required for that; is that not correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That has struck me as being very similar to the question the Leader of the Opposition just asked to which the answer was, yes. So the answer to the latest question is yes.

HON P R CARUANA:

Therefore as it is obvious to all that there are exports from Gibraltar of tobacco in commercial quantities, can he explain why there are no licences in issue?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, the Gibraltar situation, as far as exports is concerned, is exactly the same as that operated by other territories both within and outside the EEC, that is to say, universally, insofar as I am aware.

HON P R CARUANA:

Mr Speaker, with the greatest of respects, he must answer the question or say that he will not. The fact is, does he accept that there are exports of tobacco from Gibraltar in commercial quantities? If he says that there are, he has already said that that would require a licence, yet he says that there are no licences in issue. And I ask him to explain how that can be; what happens in France or elsewhere seems to me to be entirely irrelevant to the question.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, I have no further information.

MR SPEAKER:

Well, that is the answer. Next question.

NO. 99 OF 1993

THE HON P R CARUANA

Mr Speaker, what was the public debt as at the 15th October, 1993?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, at the 30th September, 1993, the public debt of Gibraltar stood at £92 million.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1993

HON P R CARUANA:

Mr Speaker, can the Financial and Development Secretary say whether Government envisages a need to raise this during the current financial year or in the immediate future as the Government?

HON CHIEF MINISTER:

Mr Speaker, I said at the time of the Estimates this year that we were confident that we would be able to continue to operate within the £100 million. We have got bank facilities that enable us to go from £92 million to £100 million if we feel that there is a need to do it during the course of the year. To some extent that depends on any deficiency that there may be in estimates of revenue; I think on the expenditure side we are expecting to be within the figures laid down in the approved estimates of expenditure. So any need to increase borrowing would result from revenue being less than anticipated, not expenditure being higher. But unless we have a compelling reason to do it we do not expect to be using those facilities.

HON P R CARUANA:

Mr Speaker, will the Chief Minister tell the people of Gibraltar, without hiding behind technicalities concerning companies, how much, in addition to the £92 million which constitutes the public debt, the Government has borrowed through companies that they wholly own and control? Will he tell the people of Gibraltar that?

2.

HON CHIEF MINISTER:

Mr Speaker, he represents 21% of the people of Gibraltar and I represent 73%. He went to an election in January 1992, Mr Speaker, in which one of his major pranks was the question of public debt and borrowing, and the people of Gibraltar apparently are not as alarmed as he is or at least, only 21% of the people of Gibraltar are as alarmed as he is about the level of the public debt. The question is about public debt; he is entitled to ask supplementaries about the public debt and he is not entitled, under Standing Orders, to anticipate a question about the debt of companies which is on the Order Paper to be answered later on by me. Therefore the question he has just put to me is out of order.

MR SPEAKER:

You will have to wait for the other question. Next question.

28.10.93

ORAL

NO. 100 OF 1993

THE HON P R CARUANA

Mr Speaker, will the Financial and Development Secretary explain what are in practice his current role and functions within the Gibraltar Government?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, my function is to advise the Government on financial matters covering the range of Government business generally, and to implement Government policy in those areas for which I have executive responsibility.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1993

HON P R CARUANA:

Mr Speaker, does the Financial and Development Secretary consider himself responsible in law for the finances and good financial management of the Gibraltar Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Where the law, Mr Speaker, indicates that I have a specific responsibility, I do my best to carry out my responsibility within the framework of that law.

HON P R CARUANA:

Is the hon Member satisfied that he is discharging all the constitutional responsibilities imposed upon him and all the other responsibilities imposed upon him by the laws of Gibraltar in relation to the finances of Gibraltar? In other words, will he now say to this House that he takes full, constitutional and legal responsibility insofar as the constitution of the law imposes responsibilities upon him as an office holder; is he willing to say to this House that he takes full responsibility for all of those things?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think I ought to sort of put in a plea for mitigation of sentence after that .....

INTERRUPTION (Laughter)

HON FINANCIAL AND DEVELOPMENT SECRETARY:

..... from the hon Member. I could talk for quite some considerable time about this matter.

HON P R CARUANA:

Yes or no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I made a conscious decision when I came out to Gibraltar to do my best to serve the Government of the day and also to serve the people of Gibraltar and I also decided that it would be wrong and inappropriate, to use a dual expression which I associate with the hon Member himself and he will understand the context in which I quote that expression - or at any rate inappropriate - to engage in a political debate on the question of the role of the Financial and Development Secretary because it is quite clear to me that there is a political issue here and I do not intend to get involved in it myself. I think it would be much better for me to hold my peace.

HON P R CARUANA:

Mr Speaker, does the Financial and Development Secretary accept that whatever political debate might be going on in which perhaps the hon Members on that side of the House and on this side of the House do not differ greatly as to whether it is appropriate that the Financial and Development Secretary should have the role that the law gives him or not, that is a political debate but whatever the political debate going on, does he accept that as the law of Gibraltar stands today, he has certain constitutional obligations and legal obligations and that, with the greatest of respects to him, it is not for him to decide whether it is appropriate or not to discharge, implement and adhere to the laws of Gibraltar?



HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, that was not the point I made. I said it was inappropriate for me to engage in political debate. Of course it is appropriate for me to carry out the responsibilities with which I am charged under whatever instrument of the Constitution or law. They are two separate points and I certainly do my best to discharge my responsibilities.

MR SPEAKER:

I am going to put a stop to that because a reflection on the conduct of a Member of this House, can only be questioned on a substantive motion. Next question.

28.10.93

ORAL

NO. 101 OF 1993

THE HON P R CARUANA

Mr Speaker, I am half minded to withdraw the question because I think we may have covered it in answers to previous questions but just for the record I will put it.

Will Government confirm that the Russian floating eye clinic, Floks, is within the jurisdiction and therefore subject to the laws of Gibraltar?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, it is virtually the same answer as has been given before. The answer is no. The ship is subject to the laws of the country of the flag it flies and the ship Floks is treated likewise and therefore it is not subject to the laws of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1993

HON P R CARUANA:

Mr Speaker, does the Attorney-General accept.....

MR SPEAKER:

We cannot go all over the same argument that we had before, I will not allow it. You are going to get the same answer and we are just wasting our time.

HON P R CARUANA:

Mr Speaker, does the Attorney-General understand that the consequences of him saying that it is outside the jurisdiction and that the laws of Gibraltar do not apply, is tantamount to saying that if a murder, rape or some other serious offence under the laws of Gibraltar were committed on it, he would be without jurisdiction to intervene? Does he not understand that that cannot conceivably be the law of Gibraltar?

HON ATTORNEY-GENERAL:

Mr Speaker, I do not think the Leader of the Opposition understands public international law. The situation is this, that the ship is really a floating island; the flag State has

jurisdiction over that ship when it is in Gibraltar territorial waters which he would know from his studies, which were not that long ago. In fact, if there was a murder, if there was a rape, if there was an assault, if there was serious drug abuse then the State of Gibraltar could probably intervene if invited. But if, in fact, one looks at what is happening on the Floks ship, we have the practice of medicine, surgery and dentistry, all done lawfully and if, in fact, they did it illegally they would be liable to a fine of £50. If one equates that with murder and rape and drug abuse then, of course, go and intervene.

HON P R CARUANA:

Mr Speaker, the Attorney-General's offensive remarks about how long ago I qualified.....

HON ATTORNEY-GENERAL:

I was being nice to him.

HON P R CARUANA:

..... are not relevant but really if he wishes to engage me in legal debate he will succeed in engaging me. I will deal only with the last point that he has made. Does he not understand therefore, that if the law of Russia were to permit abortion on demand and that given that the law of Gibraltar is that abortion is not available on demand, that I simply make the point to emphasise the ridiculousness of the legal view that he has expressed; that in Gibraltar we could all queue up, if we were so minded, to get abortions on demand from the Russian Floks clinic? Does that not strike him as being an absurd state of affairs?

HON ATTORNEY-GENERAL:

Mr Speaker, with great respect, this is really not being understood by the Leader of the Opposition. What I am saying is, the practice of medicine or dentistry carries a maximum of three months imprisonment or a £50 fine under the Ordinance. If one commits murder or rape on the Floks, let us include abortion on the Floks, certainly there could be an intervention but one cannot equate taking a tooth out or having one's eyes fixed with committing a murder or multiple abortions. And I was not being nasty about him qualifying after me, I thought he would have better knowledge of it.

HON P R CARUANA:

My skin is thicker than all that.

MR SPEAKER:

Order, order. I have got to put a stop to this. There are plenty of rules which prevent this kind of discussion going on. I have not applied them but I am going to. First of all, we cannot try and give a legal solution to an abstract legal question and this is what we are trying to do. Secondly, we cannot go into propositions which are hypothetical and therefore we cannot carry on like that. If the question is not on the legal side yes.

HON H CORBY:

The Attorney-General has described about multiple abortions; he said that Government would intervene if invited. Could he explain this?

MR SPEAKER:

Well, we are back to square one. This is a hypothetical proposition. Next question. That is the rule, change the rule and you can do that.

28.10.93

ORAL

NO. 102 OF 1993

THE HON P CUMMING

Why have the names and qualifications of the doctors at the Floks eye clinic not been gazetted as required by the Medical and Health Ordinance?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, this is not required as the doctors are not practising within the jurisdiction of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1993

HON P CUMMING:

Mr Speaker, is the Attorney-General aware that medical practice is carried out in the parameters of many laws and professional guidelines. For example, with the question of ophthalmology carried out in Gibraltar, we would expect that the British College of Ophthalmology guidelines would become regulatory factors even, for example, BMA guidelines about the ethics of fees and so on would be the parameters that would control those activities. Therefore in taking a piece of Russia and planting it in Gibraltar, obviously they expect to carry out their medicine as it would be done in Russia and there are so many other things, for example, the Marxist philosophy of authoritarianism where they say.....

MR SPEAKER:

You cannot carry on like that, making a speech. Put your question.

HON P CUMMING:

My question is, is the Attorney-General aware that Russian medicine cannot be carried out in Gibraltar without all those parameters that regulate it?

HON ATTORNEY-GENERAL:

Mr Speaker, one does not have to go.

MR SPEAKER:

We cannot go on like this. All of these are arguments which are absolutely hypothetical. You have to come to what is going on.

HON P CUMMING:

Mr Speaker, can I just ask another question? If there is a legal case against the ship and.....

MR SPEAKER:

Again, that is a hypothetical question - "if there is".

HON P CUMMING:

Well, Mr Speaker, in Cyprus there were many.

MR SPEAKER:

You cannot make any hypothetical propositions like that. It is just not within the rules. If you make one I would let it pass but this has been going on now all morning.

HON P CUMMING:

Mr Speaker, the Attorney-General is claiming that the laws of Gibraltar are elastic.

MR SPEAKER:

He is saying what the law is and that is the law. You cannot try now to find a solution to the law, that is not allowed in Question Time. Next question.

28.10.93

ORAL

NO. 103 OF 1993

THE HON P R CARUANA

Mr Speaker, will Government state whether and, if so, how it would be possible for a particular voter's ballot paper to be traced after an election?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, it would be possible for a particular ballot paper to be traced after an election but only if there was a court order made and that would be made after hearing evidence on oath that the order was required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purposes of an election petition and I think that is contained in section 49 of the House of Assembly Election Rules.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1993

HON P R CARUANA:

So the answer to the question is, yes. Will the Attorney-General now go on to say how that can be mechanically done? In other words, what is the process that allows a particular voter's ballot paper to be fished out from 50 boxes?

HON ATTORNEY-GENERAL:

It could not be fished out of 50 boxes or 49 boxes. It could only be done if, in fact, there was a court order and evidence had been given on oath.

HON P R CARUANA:

The Attorney-General perseveres with the procedures that is required to be followed in order for the tracing to be lawfully done. What I am asking him is what the mechanics are that enable it to be done in fact once the court orders that it may be done?

HON CHIEF MINISTER:

We cannot tell the Leader of the Opposition how it would be done because it has never happened. If and when it happens and there was a court order we would have to somehow see how it could be done.

HON P R CARUANA:

In other words, the Government either does not know or does not want to answer. Will the Government accept.....

HON CHIEF MINISTER:

No, Mr Speaker, it is not that Government does not know or does not want to answer, it is that the Leader of the Opposition is saying how would something be done which has never been done in the history of Gibraltar. Well, the answer is, until it happens we do not know how it could be done; it is not that we do not know; it is that he is positing a possibility which is totally imaginary. The hon Member is asking the Government, if somebody went to court and got a court order claiming that something had been done wrong in the 1992 election or suppose somebody came along and said they thought that there had been a miscount and that the result might have been different and that the hon Member might have been elected into office with his people instead of ours because of a very narrow gap, then we would have to take serious consideration of that problem and presumably it would be a matter, not for the Government I would imagine, it would be a matter for the Returning Officer. Perhaps the question should be addressed to the Returning Officer because it would be the responsibility of the Returning Officer to go back and start looking for the ballot papers. It is not that the Government does not know, it is not the responsibility of the Government anyway because if anybody is being challenged what is being challenged is the election of the Government. It would certainly be a very odd situation if the Government was responsible for satisfying somebody that was claiming that something illegitimate had happened in an election when at the time the election takes place there is no Government. The Returning Officer is responsible for the proper conduct of the election and the votes and the count under the law. All that we are telling the Leader of the Opposition is from past experience it is not possible to say how such a thing would be conducted because it has never happened.

HON P R CARUANA:

Is the Chief Minister aware that ballot papers in Gibraltar bear a number and that when that ballot paper is given to a particular member of the electorate when he goes to vote, it is state alongside his name the number of this particular voting paper and that that is how it then becomes possible to trace a member's vote because the number of the ballot paper issued to that member of the electorate is known and therefore can be traced? Is the Government not aware that those are the mechanics for tracing a particular elector's vote?



HON CHIEF MINISTER:

Mr Speaker, I have been in this House since 1972 for 21 years, and in those 21 years it is not an issue that anybody has raised because as far as I am aware, whether there is a number or there is not a number has not given concern to anybody because nobody has ever suggested that anybody after the election goes round searching through the papers to try and find out how people voted. I do not know if that is what the hon Member is trying to establish.

HON P R CARUANA:

I ask, Mr Speaker, only because immediately before the last general election a letter appeared in the Chronicle reminding voters that, of course, this procedure existed. What I am asking the Chief Minister is this, in order to prevent that and any consequence that might follow from it occurring, does the Government not accept that it is unnecessary to have in Gibraltar an electoral system which enables individual voters' ballot papers to be traced and that therefore we could amend our laws. Will the Government introduce legislation to this House amending the law so that an individual's ballot paper cannot be traced?

HON CHIEF MINISTER:

No, Mr Speaker, we will not amend such a law because there was, according to him, a letter from one individual in the Chronicle prior to the last election objecting to the law as it existed.....

HON P R CARUANA:

Not objecting, stating what the law was.

HON CHIEF MINISTER:

Well, then we will certainly even less amend the law because the hon Member two years after he read the letter which did not object now has decided to object.

HON H CORBY:

For information purposes, will the Chief Minister tell me for how long the ballot papers are kept?

HON CHIEF MINISTER:

Mr Speaker, I have no idea how long the ballot papers are kept because as far as I am concerned the Government does not conduct the election and therefore we do not concern ourselves after the election with what happens with the ballot papers other than finding out whether we are the Government or the Opposition after the election and, as far as we are concerned, that is the end of the involvement of the Government in the election process.

HON LT-COL E M BRITTO:

Mr Speaker, will the Government consider changing the system and making the same as in the United Kingdom?

HON CHIEF MINISTER:

Mr Speaker, I do not know what is the difference between the system here and the system in the United Kingdom but the fact that it may be different - and I do not know whether it is - because certainly it was not the GSLP that was responsible for introducing this system. This system was introduced as a result of the 1969 Constitution being brought into effect and the AACR, to which the hon Member used to belong before he changed his views, lived with that system from 1972 to 1988 apparently without any problem and in those years when he supported the AACR he apparently thought the AACR could live with those rules without any problem. Since they are obviously in a constant state of hypertension, emotionally and psychologically in the Opposition benches, it may well be that they think that with all the spare time we have we spend all our time going through the votes of that 20% that voted for them so that we can put them, in the black list we are supposed to have, down for the next public execution.

HON P R CARUANA:

I have not said that, the Chief Minister has. I have not said that and no one in the Opposition has suggested that but it is interesting that it should come from the Chief Minister's mouth and not ours.

HON CHIEF MINISTER:

What is interesting is my ability to read their minds by looking at their faces and they do not need to say it.

MR SPEAKER:

Order, order. Let us get down to serious questioning.

HON P R CARUANA:

This is serious questioning, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, personal insults and red herrings will not cloud the issue. Will the Chief Minister accept that, according to my information, this system of numbering does not exist in UK; that if what we have was imposed on us in 1969 by the change of Constitution then a lot of water has flowed under the bridge and it might be the right time to look at the issue again and consider whether what we have is the remnant of a colonial system? In view of his publicly expressed views in other spheres, will he accept that Gibraltar has grown beyond what it was in 1969 and that a system of election which can be seen by all to be patently fairer and more in line with the United Kingdom is more acceptable?

HON J C PEREZ:

Is the hon Member suggesting that the system is not fair?

HON LT-COL E M BRITTO:

Mr Speaker, the hon Member is suggesting that the method that provides for the identification of the ballot paper is not as fair as the method that does not.

HON CHIEF MINISTER:

Mr Speaker, that is a matter of opinion.

HON LT-COL E M BRITTO:

It is a matter of fact.

HON CHIEF MINISTER:

No, it is not a matter of fact that a system that allows somebody to go to court to challenge whether there has been ballot rigging is less fair than a system that makes it impossible because one cannot trace how people voted. So, first of all, it is a matter of opinion and it is not an opinion that I share. The second thing is I have not said it was imposed on Gibraltar in 1969, I said it was introduced in Gibraltar in 1969. I have no evidence available to me that this was something the United Kingdom imposed on Gibraltar as a colonial measure and which the

Gibraltarians did not want. To my knowledge the system that has been operating since the Constitution came in in 1969 has never been alleged by anyone to have produced an unfair election result. Let me say, Mr Speaker, that the only occasion, in my judgement, when that might have been the case and when one could have argued that that was the case, was in the 1984 election when, in fact, the GSLP until 5 o'clock in the morning was in office and then when the last box had to be counted between 5 o'clock in the morning and 7 o'clock in the morning, all the ballot papers in the last box that was counted were all predominantly for the AACR and the GSLP finished in Opposition. Although that unusual set of circumstances might have led somebody to believe that there was something fishy, we as a party have always assumed that the people in Government were honest people who carried out their role with a degree of integrity even though we violently disagreed with their political position and therefore we did not question that result. However, had we chosen to question it, it seems to me that the ability to go to court to get an order and trace the votes and to say, "We now want to see whether the people in the last 600 votes with this unusual pattern, can be traced and whether they will admit that it is true, that that is how they voted". Therefore, in principle - although this is not something that I have given any thought to nor have we discussed it in the Government because it is not an issue that anybody has raised - it seems to me that there is a serious flaw in the philosophy of the Opposition Members because I think the ability to challenge, by going to court, an election result, is a protection for the citizen and not an impediment for the citizen because it enables the citizen to say, "Look, I cannot understand how this result has been obtained from what I know that people are saying and therefore I think somebody has changed my ballot paper and I want my ballot paper fished out of the box to see if the crosses are where I put them". If one were not able to trace it it would be impossible to do. So I am not convinced by any argument that they have used.

HON P R CARUANA:

Mr Speaker, in the first place.....

MR SPEAKER:

This is the last question because we are having a debate and this is not intended. So if you ask a question that is the last one.

HON P R CARUANA:

I am grateful to Mr Speaker for his customary latitude. Mr Speaker, will the Chief Minister accept that nothing that has been said in this House has been to impute unfairness in the conduct of general elections. The Chief Minister, as always, is demonstrating his masterful ability at fielding red herrings in order to cloud or avoid the issue. Will he further accept that elections can be challenged for fraud, for example, in the United Kingdom where individual members cannot be traced? My question, Mr Speaker, is this, does he accept that the philosophy behind the question is that people in a small community might feel freer to cast their vote as they really please if they were entirely certain that it could not, by foul means or by lawful means, subsequently be traced?

HON CHIEF MINISTER:

Mr Speaker, I am grateful to the Leader of the Opposition for his expressions of admiration for my ability.....

HON P R CARUANA:

And for the red herring.

HON CHIEF MINISTER:

In all types of fish and not just red herrings. Fishing any type of fish.

HON P R CARUANA:

The Chief Minister is a fishy person.

HON CHIEF MINISTER:

No, I know he thinks I am a fishy person even though he says there are no imputations in anything that he is saying. The position is that we have no evidence to make us wish to change the law because people are afraid to cast their vote in case it is discovered for whom they have voted which is, it seems, the concern that Opposition Members have. Certainly the nature of the questions that hon Members have been putting in this original question and in the supplementaries, suggests that what hon Members are trying to get at is that the Government in office has got access to the ballot papers which, as far as I am concerned, is not the case. That is to say, I have not seen a ballot paper in all the elections that I have stood since 1972 from the day the count is finished and

I do not know what happens to them or under whose control they are. I am assuming that it is the Returning Officer's responsibility to dispose of those ballot papers in accordance with the provisions of the law. I can only suppose that if hon Members think there is now a risk that we should be fishing around in the ballot papers, which he says is something that I am saying but that he is not saying, well then what is he saying? First of all, we do not know whether it is true that our law in Gibraltar is different from the United Kingdom or anybody else. Secondly, we do not accept that if it is different that is sufficient reason to change it. Thirdly, even if it was different the reason for changing it would have to be that the law that we have today somehow is detrimental to the democratic electoral process and we have no evidence that it is and, therefore, the position is we have no intentions of changing the law simply because they choose to put a question in this House but we will certainly, having listened to their arguments, consider how our law is different from other people's and whether that makes us a better or a worse system than other people's.

28.10.93

ORAL

NO. 104 OF 1993

THE HON P R CARUANA

Mr Speaker, how much has the Newall case cost the Government?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, in my reply to Question No. 143 of 1992 I said, inter alia, that the cost of the Police work undertaken by the Royal Gibraltar Police had been met by the States of Jersey but as a result of the question that the hon Mr Vasquez asked me and as a result of my reply, either his fault or my fault or both faults, that was reported in the press in Jersey and they stopped paying. So the situation is that Jersey paid up until the 18 October 1992, £12,250. Since then we have had to pay our own Police Force bills and those come to £5,500; the Prison costs have been about £70,000 and I have to say again at the risk of being savaged, I cannot quantify the work I have done in my Chambers.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1993

HON P R CARUANA:

Mr Speaker, as a supplementary, given the circumstances of Mr Newall's arrival here in Gibraltar, does the Attorney-General consider it appropriate to seek a grant-in-aid from the United Kingdom by way of contributions to this community for discharging the judicial process in relation to this case and I emphasise that given the circumstances of his arrival?

HON CHIEF MINISTER:

Mr Speaker, I am grateful to the hon Member for the suggestion. I doubt very much whether we will get anywhere but we will try it.

HON F VASQUEZ:

Mr Speaker, one assumes that the payments that were made in respect of the Newall extradition proceedings prior to my question earlier this year, were funded by the Jersey authorities on the basis of an agreement with the

2.

Government of Gibraltar. Can the Attorney-General explain how the fact that a question was asked in this House about these arrangements had any impingement or bearing on those arrangements and why Jersey was left off the hook from paying the costs of this extradition?

HON ATTORNEY-GENERAL:

I do not think it was done, in fact, with the Government of Gibraltar's connivance. What happened was that it was done, I think, between the Police Forces respectively and when it was reported in Jersey - and I am not blaming the hon Member and I am not blaming myself - the politicians in Jersey then spoke to the Police and said, in effect, as I understand it at least, and these are my instructions, "Why on earth are you paying Gibraltar because the reciprocity in extradition means that each country picks up its own bill?"

HON P R CARUANA:

Quite right.

HON ATTORNEY-GENERAL:

We are not criticising them.



NO. 105 OF 1993THE HON P R CARUANA

Mr Speaker, will Government say if it is aware whether Her Majesty's Government has taken any diplomatic steps to challenge Spain's recent assertion that Gibraltar has no territorial waters and that therefore ships lying in the commercial anchorage were not in Gibraltar port?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the Spanish assertion that Gibraltar has no territorial waters is not recent, it is one that is made periodically. Whenever it happens Her Majesty's Government asserts its clearcut and unequivocal position that Gibraltar does have territorial waters and all the ships at anchorage continue to be serviced by Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 105 OF 1993

HON P R CARUANA:

Just one supplementary, hopefully, on this question, Mr Speaker. Will the Attorney-General say what steps, if any, are taken when instances occur, if he will accept as being more than just hypothetical but such instances do occur, of Spanish port authorities communicating with ships anchored in the Gibraltar's commercial anchorage and warning them that they are in violation of Spanish procedures?

HON CHIEF MINISTER:

I think when that happens, Mr Speaker, the ships concerned, particularly if they are people who have never been here before - I think the ones that have been here before are more or less immune to that - would tend to get quite alarmed and to make sure that they are not breaking the law, generally get in touch with the port authorities; the port authorities reassure them that there is no substance on this and, if necessary, that is then reaffirmed by representatives of Her Majesty's Government to the companies concerned.

28.10.93

ORAL

NO. 106 OF 1993

THE HON P R CARUANA

Mr Speaker, will the Government make a statement to the House in relation to the on-going UK Police Fraud Squad investigations in Gibraltar relating to Baltica investments?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the Government is not in a position to make a statement about this or indeed any other investigation which is on-going - only when it is completed.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1993

HON P R CARUANA:

Presumably the Government can speak for itself in relation to whether access has been requested or given to Government files or to Government employees for questioning in connection with that investigation?

HON ATTORNEY-GENERAL:

Mr Speaker, the answer that I gave on behalf of the Government, and it concerns me personally obviously in my work and capacity here, is that in fact we are not going to make a statement in connection with an on-going investigation.

HON P R CARUANA:

But will the Attorney-General at least confirm, if he will confirm nothing else, that the investigation appears to be locally focused; there appears to be a constant local presence and that that would appear to suggest that those who are conducting the investigation have got reason to believe that there is something that they might find, although there may be nothing to find, but they at least think that there is something that needs to be investigated in Gibraltar as opposed to in Denmark, Switzerland or elsewhere?

HON ATTORNEY-GENERAL:

No, I will not confirm that. The investigation is not locally focused at all; it is internationally focused.

MR SPEAKER:

Next question.

HON P R CARUANA:

Mr Speaker, with respect.....

MR SPEAKER:

No, no more, I cannot allow any more inferences and insinuations. If the hon Member has a case he has got to bring it out in a substantive motion and I will not allow any more questions like that. Next question.

HON P R CARUANA:

Mr Speaker, with the greatest of respects.....

MR SPEAKER:

Order, order.

HON P R CARUANA:

On a point of order, Mr Speaker. I do not accept Mr Speaker's assertion, although of course the rules of the House give me no option but to accept it, that I have made any inferences against anyone and if the Chair believes that the Opposition and this House should not ask and answer questions about matters of this kind then I ask myself what purpose Mr Speaker thinks this House serves? I have not suggested that any hon Member of this House is under investigation. I have not suggested that any hon Member of this House has been questioned. I just do not understand how the questions that I have asked conceivably render me open to Mr Speaker's ruling that I had cast insinuations on the members of the Government.

MR SPEAKER:

It is not necessary for me to give an explanation for the ruling. It is quite clear in the Standing Rules that the Speaker is the judge and if there is any desire to review the situation, again the Member has the right to

bring in a motion to the House. But as I say, it is not only the question that I am stopping, in fact, what I am suggesting to the Leader of the Opposition is that if he really believes - which obviously is very clear by the cross-examination that he is doing - that he is trying to fish something out that might be there or might not be there but which the rules of the question do not allow. There is reflection on people who are concerned with this matter and a question which reflects on character is disallowed and therefore that is my ruling. Next question.

HON P R CARUANA:

Mr Speaker, on a point of order, just to answer.....

MR SPEAKER:

No, I will not allow any more answering to me. We are not going to have a debate. I am the Speaker of the House and what I say goes. Next question.

28.10.93

ORAL

NO. 107 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government state what facilities have been lost at St Anne's Middle School as a result of the reduction in the teacher complement?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 107 OF 1993

HON L H FRANCIS:

Mr Speaker, will the Minister not confirm that the special needs streaming that had been taking place successfully at St Anne's has had to be discontinued because of the reduction in the teacher complement?

HON J L MOSS:

No, Sir, I will not confirm it.

HON L H FRANCIS:

Mr Speaker, this is a well-known fact; it has been publicised extensively over recent months and the fact is that special needs are not being catered for at St Anne's any longer because there has been a reduction in the teacher complement. Is he denying that there has been a reduction in the teacher complement?

HON J L MOSS:

I am denying categorically his latest statement that there is no special needs provision in St Anne's.

HON P R CARUANA:

Mr Speaker, will the Minister therefore confirm that in his view all the concerned parents who have expressed their views in public are mistaken?

HON J L MOSS:

I think, Mr Speaker, that there has been a general failure to understand the way that schools, whether they be middle schools or any kind of schools, are actually complemented. There is a system which has been in practice, I believe, for the last two decades or so, which provides for the calculation of how many teachers there should be in any particular school. That system has been used for St Anne's School this year as it has been for all other schools and the figure for the teaching complement that was thrown up is exactly the number of teachers that St Anne's has.

HON L H FRANCIS:

Mr Speaker, if the same criteria has been used for all schools, will the Minister explain why St Anne's, with the pupil numbers of 410, I believe, now has 20 teachers and Bishop Fitzgerald, for example, when special needs children are taken out, has a number very similar to it and has 21 teachers plus one of the special needs teachers that covers for half of the day? So effectively Bishop Fitzgerald with the same numbers of pupils, if one takes out the special needs, has 21½ teachers and St Anne's now has 20.

HON J L MOSS:

May I, first of all, Mr Speaker, be allowed to correct the mistake that the hon Member is making in confusing a special unit with special needs provision. All schools have got provision for special needs but there are only three special units available: one at first school, one at middle school and one at comprehensive school level. That was just to clear up that point. On the other score, the answer is that the calculations were not done by myself, the calculations were done by the professionals in the Education Department who have often been praised by Opposition Members, and that the headteachers of all schools were privy to the results which this exercise had brought about before the termination of the summer term last year. At no point was there a challenge or was there any kind of imputation that the calculations had been done wrongly. I believe that even the Gibraltar Teachers' Association had been shown the way the teaching complements had been calculated and that was the last we heard of it until letters started appearing in the press last month.

HON L H FRANCIS:

Mr Speaker, with respect, I raised the issue in July last year and it was raised subsequently by other people. I do understand that the Gibraltar Teachers' Association is not objecting but I also understand that the teachers

at the school affected are not happy with the situation and, more importantly, the parents are not happy with the situation. I have had personal representations from parents who are noticing the difference in their children because they are not getting the care they were getting previously, especially the slower learning children are having greater difficulties and it is not just acceptable that this is taking place. The question that has still not been answered is why in Bishop Fitzgerald with a similar number of pupils, once the special unit is taken out, has effectively 21½ teachers and St Anne's has 20?

HON J L MOSS:

Mr Speaker, I believe I did answer that question. In any case last year, for example, if we look at the figures that we had for 1992/93, in September 1992, St Anne's had the same number of teachers as Bishop Fitzgerald even though they had 100 children less.

HON L H FRANCIS:

That is no longer the case at the moment.

HON J L MOSS:

No, I said in September 1992. But the point I am trying to make is that there is a system in place which has worked successfully which has been used this time and if the hon Member wants to criticise the system or suggest improvements, he is entitled to do so.

HON L H FRANCIS:

I suggest the Minister takes the teacher back to St Anne's.

HON J L MOSS:

Mr Speaker, that is playing to the gallery if the gallery is interested.

HON L H FRANCIS:

No, not at all.

HON J L MOSS:

That has got nothing to do with what we are discussing. Does he want to change the system or does he not? If he wants to change the system then I am prepared to listen to his suggestions and if he does not then I can assure him that the present system has been implemented correctly.

HON L H FRANCIS:

Yes, I would like to change the system in as far as making it more flexible to cater for problems that do arise. A system cannot be totally inflexible so that when problems do arise that they have to be ignored because the system does not cater for the fact that people can make mistakes and that the system does have its failures.

HON J L MOSS:

Again, Mr Speaker, I am prepared to listen to his suggestions but it is not always wise to change systems because a particular group of people is making more noise than another group of people.

HON P R CARUANA:

Mr Speaker, if you would allow me one supplementary on this issue. I hear what the Minister says about systems and complements and how well it has worked for so many years now. The question actually asked whether there had been a loss of facilities.

HON J L MOSS:

And the answer was no.

HON P R CARUANA:

No, what the Minister has said is that the system has been applied.....

HON J L MOSS:

No, if the Leader of the Opposition will give way. My answer was no.

HON P R CARUANA:

But there has been a transfer of a teacher to another school?

HON J L MOSS:

Yes, but that does not equate to a loss of facilities.



HON L H FRANCIS:

Has that not meant that the streaming that was taking place with the high flyers and the slow learners at St Anne's has had to be discontinued? Is that not the case?

HON J L MOSS:

No, Mr Speaker, what that has meant is that the school has had to organise its teachers according to the resources which it has. If it had one teacher, two teachers, three teachers or 10 teachers too many last year, then bless them, but the fact of the matter is that the system throws up 20 teachers plus one headteacher and that, unlike the system in the past where this was only done every three years, we are now prepared to do look at it on a yearly basis to calculate the school's needs.

HON L H FRANCIS:

So the fact is that there has been a loss because there has been a loss of a teacher and things have had to be organised differently so the end product is that the children at St Anne's are worse off because they have lost that facility that was there before?

HON J L MOSS:

Mr Speaker, in one word, rubbish.

MR SPEAKER:

Well, the position is that you think that there has been a loss, he thinks that there has not and obviously we are not moving from that point.

HON L H FRANCIS:

I would just remind the Minister that he does owe five dinners. He invited me out for dinner for a week if I could prove anything that I had said in one statement in July last year and this is one of the cases in point.

HON J L MOSS:

Yes, Mr Speaker, it does not really relate to this question but that related to the class sizes of, I believe, 50 children.

6.

HON L H FRANCIS:

No, no.

MR SPEAKER:

Order, order. When you ask questions you should stand up. Next question.

NO. 108 OF 1993

THE HON L H FRANCIS

Are there any plans to increase the present complement of teachers employed by the Government Education Department?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 108 OF 1993

HON L H FRANCIS:

Mr Speaker, can the Minister say how far projections are made to envisage when changes in the teacher complement are necessary?

HON J L MOSS:

Mr Speaker, there is a long-standing agreement with the Gibraltar Teachers' Association which I think dates back to 1977 fixing the teaching complement throughout the schools in Gibraltar. That complement has not been changed when the number of pupils has gone up and it has not been changed when the number of pupils has gone down. There is no evidence at the moment that there is a significant increase in the school population, if anything it has been falling slightly in the last couple of years and the point at which the complement would need to be reviewed would be the point at which we see a very dramatic increase or decrease in numbers.

HON L H FRANCIS:

Mr Speaker, if there are no projections being made then it is impossible to tell whether more teachers will be needed in two, three or four years' time.

HON J L MOSS:

Schooling in Gibraltar starts at the age of four so it is difficult to predict certainly what will happen in five years' time but we do monitor the amount of children that are coming into the schools and what I am saying is that the trend going into our first schools is not increasing.

28.10.93

ORAL

NO. 109 OF 1993

THE HON L H FRANCIS

Has Government managed to reverse the declining teacher/pupil ratios at Bayside Comprehensive?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, the teacher/pupil ratio at Bayside stood at 16.32 in September 1992 and at 16.31 in September 1993.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1993

HON L H FRANCIS:

Therefore it is declining! However, why then have the repeat years been taken out of Bayside Comprehensive and moved to the College of Further Education?

HON J L MOSS:

Mr Speaker, first of all, I did not want to say simply yes because I thought that would have been a facetious answer. But the fact of the matter is that we did discuss certain problems which the school had during the summer and one of the problems related to the repeat year and the problem was not just a question of how many boys there were in the school, but the fact that last year very substantial numbers of boys repeating the GCSE's were allowed to stay on at the school and that the experiment, in the words of the school administration, was not a success. It was not a success because the pass rate of the repeat year was extremely low and on top of that it had the undesirable effect of causing a lot of disruption to other students at the school. We felt that by rescheduling this class into the College of Further Education we would be providing them with a different environment, a more adult environment which should certainly assist in developing them as young adults and which might also have, hopefully, the effect of getting them to waste less time and therefore have a higher pass rate.

28.10.93

ORAL

NO. 110 OF 1993

THE HON L H FRANCIS

Mr Speaker, does Government have any intention of reviewing the procedure for assessing parental contributions to scholarships awarded to local students?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 110 OF 1993

HON L H FRANCIS:

Mr Speaker, as the Minister may or may not be aware, I have certainly been made aware by many parents, there is a perceived injustice in the way the system operates because many people feel that there are people who have a certain lifestyle and whose children are receiving full grants whereas other working parents are having to fork out part of the grant - whatever ratio it is - having to earn it by their own hard work and they see this as being unfair. Would it not be a way to allay these parents' fears if the scholarships were awarded not simply on tax information, etc but on a wider means test which takes in lifestyle etc so that these people can be assured that the system is working fairly?

HON J L MOSS:

At the moment, as the hon Member correctly puts it, the Education Department can only assess income and not lifestyle. I do not think that the Education Department would be the correct department, in any case, to institute meanstesting of students or of their parents and although I do also get feedback from parents informing me occasionally of dissatisfaction with any particular part of the scholarship awards system, I would also say that I think we have a very good system; that students in general are pleased at the fact that we have not gone along with introducing student loans, for example; and that there are automatic increases to the grants every year which, for the last couple of years, have been, as the hon Member will know, over and above the inflation in the United Kingdom. So our students should be relatively better off now than they were, say, even two years ago.

HON L H FRANCIS:

I take what the Minister was saying but the question was not aimed at whether the scholarship was enough or not for the student. It is just that there is a perceived injustice and maybe because that there have been increasing numbers of scholarships being awarded there are an increasing number of people who come up with the problem that they see other people who have certain lifestyles, who may have a second home or whatever, not having to contribute to their children's scholarships whereas people who have both parents working are having to contribute. All I am saying is that if the criteria used for assessing the parental contributions to scholarships was widened, this perceived injustice and if there are any injustices that go through the net, could be alleviated.

HON CHIEF MINISTER:

Mr Speaker, I do not think it is really a question of changing the criteria that the Education Department applies because, in fact, what the Education Department does is related to the income of the parent and the income of the parent is confirmed as being accurate. That is to say, what the parent declares is submitted by the Education Department to the Commissioner of Income Tax. What we are really facing is a situation where people are saying that because of what they see happening with scholarships and because they see the student who has got, apparently, a wealthy parent getting a full grant and the student where the parent is working a lot of overtime having a lower grant, they are saying, "There is something unjust about the system". Well, the root of that injustice is that it can only be presumed that somebody is breaking the law and making a false declaration of income. Therefore that is the area in which it needs to be tackled and not through the Education Department. But certainly we are aware of those criticisms and it is something that we have not yet got an answer to.

HON F VASQUEZ:

Mr Speaker, given the last reply from the Chief Minister to the question, is it the Chief Minister's intention then to reinstate the income tax inspectors who were in fact dismissed from the Income Tax Department if it is his intention to chase up?

HON CHIEF MINISTER:

Mr Speaker, nobody has ever been dismissed either from the Income Tax Department or from anywhere in the Government of Gibraltar since 1988 unless it has been an extraordinary case of disciplinary proceedings. I believe there may have been one in six years. So that is the first correction to the statement made by the hon Member in relation to this question. The second thing is, there is no evidence at all that people who are being more honest before than they are being now. The third area is that, in fact, it appears that the major problem arises out of self-employed people because they are not subject to PAYE. The people who are employed and pay PAYE do not appear to be the problem area and we are getting technical aid from the United Kingdom to advise us how better the liabilities of the self employed might be assessed given that it is an area that the Principal Auditor has in a number of years pointed out as one which requires attention from his auditing of the records of the income tax. The area where there were inspectors before employed was partly in relation to chasing up PAYE returns and I can tell the hon Member that the arrears of PAYE for this year will be the lowest in the record of the Government of Gibraltar as he will see when the final figures come out.

MR SPEAKER:

We cannot go into a discussion of the inspection of the income tax. This is, I think, outside the question. Next question.

28.10.93

ORAL

NO. 111 OF 1993

THE HON LT-COL E M BRITTO

What is the procedure in the Employment and Training Board for the approval and issue of work permits and who exactly needs a work permit to work in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, the Employment and Training Board follows the same procedure as has always been followed for the issue of a work permit.

The procedure is as follows: A permit is required by an employer to employ a UK national who has not previously worked in Gibraltar prior to the 1st July 1993 or to employ a nonEEC national irrespective of how long the non-EEC national may have worked for other employers in Gibraltar.

In considering the request of an employer for a permit, the Employment and Training Board first offers employment to those who are registered as unemployed who generally are Gibraltarian or UK nationals who are Gibraltar residents. If there are no suitable candidates available a permit is issued to an employer for a maximum of 12 months. A condition can be attached requesting the employer to train a local person to take over.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, if an employer notifies a vacancy and at the same time or within a couple of days indicates a preference for a Gibraltarian to fill that vacancy, is that employer still required to go through the full interview procedure of a number of applicants or is a work permit issued for the person to whom preference has been given?

HON J L MOSS:

If I understood the hon Member correctly, he said a Gibraltarian. The answer would be no, although within a period of 48 hours I would hope that the Employment and Training Board could have already submitted a number of names for the consideration of the employer.



HON F VASQUEZ:

Mr Speaker, can the Minister confirm that the Government of Gibraltar is not requiring British nationals not resident in Gibraltar but who were working in Gibraltar from the 1st July to obtain a work permit? Are non-residents of Gibraltar who were working in Gibraltar on the 1st July, who are British nationals, required to obtain work permits?

HON J L MOSS:

If they were already working in Gibraltar by the 1st July the answer is no.

HON F VASQUEZ:

Let me then progress the question. But those individuals who were working in Gibraltar who are now seeking re-employment in Gibraltar, do they require a work permit?

HON J L MOSS:

No, again, Sir.

HON F VASQUEZ:

So as a matter of policy those individuals are not required to obtain work permits?

HON J L MOSS:

That is correct, Sir.

NO. 112 OF 1993

ORAL

THE HON F VASQUEZ

Is the Government in any way impeding British subjects who were working in Gibraltar on 1st July 1993 and who are residing in Spain from obtaining re-employment in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

UK nationals who have worked in Gibraltar prior to 1st July 1993 are not affected by the new requirement on work permits. However, under EC law, frontier workers who become unemployed, have to register as such in their country of residence and not in the country where they have been working. For this reason unemployed frontier workers are not included in the unemployment figures for Gibraltar but when an unemployed frontier worker calls at the Employment and Training Board seeking employment, his particulars, such as special skills, are taken and borne in mind when vacancies occur.

SUPPLEMENTARY TO QUESTION NO.112 OF 1993

HON F VASQUEZ:

Mr Speaker, I think the Minister may have misinterpreted the question. Would it surprise the Minister, Mr Speaker, to learn that the Employment and Training Board was actually refusing to endorse and stamp the employment contracts of British nationals who were working in Gibraltar on 1st July, have lost their employment and are seeking re-employment and in fact they have been offered re-employment? Is the Minister aware that the Employment and Training Board is being very difficult about endorsing those contracts of employment?

HON J L MOSS:

The Employment and Training Board has been set up to give priority to Gibraltarians and to long-term residents of Gibraltar and that will always be a consideration when vacancies are registered at the Board.

HON F VASQUEZ:

Is the Minister confirming then, Mr Speaker, that the Employment and Training Board is placing impediments in the way of British nationals who were working in Gibraltar on 1st July, who are seeking re-employment but who happen not to be resident in Gibraltar?

HON J L MOSS:

The first point is that non-residents should be registered in Spain. The second point is that I have to invert with what the hon Member is saying. It is not a question of whether impediments are put in front of anybody else. It is a question that the Employment and Training Board has got to give priority to Gibraltarians which I think is something which is endorsed by the vast majority of the population and on which subject we were actually presented with a petition of over 10,000 signatures.

HON F VASQUEZ:

The point is this. As a matter of policy, it seems clear that the Employment and Training Board is giving priority to Gibraltarians. I think the Minister will accept that under EEC law, of course, it is illegal to discriminate against nationals of other EEC member states. Although we obviously have the 1st July law in Gibraltar in which for those British nationals not resident in Gibraltar on 1st July, that EEC status is withdrawn. I think the Minister is evading the question. Those British nationals who qualify under the 1st July law, in other words, who were working in Gibraltar, are finding it difficult to find re-employment in Gibraltar and therefore I would like the Minister to confirm or deny, that the Employment and Training Board is in fact placing impediments in the way of British nationals who would seem to have qualified under the 1st July law?

HON J L MOSS:

I am sorry, Mr Speaker, is the hon Member again referring to British nationals residing in Spain or in Gibraltar?

HON P R CARUANA:

What we are trying to establish, not in any way expressing a view at this stage on whether the policy would be a good one or a bad one, what the policy, as it operates on the ground, actually is. When the Government legislated the 1st July law, it was subsequently announced by the Chief Minister, that British subjects who were in employment in Gibraltar before the 1st July, would not be affected even if in fact they were living across the border. That was the subject of a clarification made by the Chief Minister. Obviously we understand that whilst they maintain the employment that they had as at the 1st July, no one has said to them that they cannot keep that employment. But if such a person loses that employment, and this is the clarification that we are seeking, that he had on 1st July, does he continue to enjoy the benefit of the Chief Minister's comforting words or does he then lose the benefit of that and then becomes, like every other British citizen, subject to the 1st July law?

HON CHIEF MINISTER:

Mr Speaker, the position is quite simple and straightforward. Any United Kingdom national, whether living in Gibraltar or living in Spain who was working in Gibraltar prior to the 1st July and who is able to obtain employment in Gibraltar, does not have to have his employer obtaining a work permit to employ him. Therefore he is not affected by the 1st July rule, which is a rule that places an obligation on an employer to obtain a permit to employ a new entrant in the Gibraltar economy. Irrespective of the 1st July rule and prior to the 1st July, and since in 1991 the level of unemployment started going on the increase and in fact, in line with the petition that was handed to me and in line with the questions that have been put by the hon and gallant Colonel Britto, the policy of the ETB has been to require an employer to open a vacancy and to require an employer to interview registered unemployed Gibraltarians, United Kingdom nationals and Moroccans, in that order. Whether a United Kingdom national or any other nationality who is resident in Spain can get a job, does therefore not depend on the ETB since the ETB, under Community law, has got no obligation to send him to vacancies because they are not entitled to register as being part of our unemployed. The law of the Community in the only area which helps us is in this one. This is the exclusive area where we have got no obligation. In every other area we seem to be having a burden. In this particular area since the frontier opened - obviously, it did not matter before because there was no frontier work available - somebody that obtains a job tomorrow in Gibraltar and becomes unemployed in Gibraltar is entitled to register as unemployed in Spain and is entitled to collect unemployment benefit in Spain on the strength of the social insurance contributions he paid in Gibraltar. Therefore, the position is that when an employer opens a vacancy, for example, there was a vacancy for a labourer which the Hon Mr Cumming was making enquiries about a couple of days ago, that employer opened the vacancy in the ETB and wished to employ, as a labourer, a United Kingdom national who has been in the Campo Area 18 months, who lives in La Linea and has worked in Gibraltar before 1st July. The ETB said to the employer "We have here 600 people". They sent to that employer 69 Gibraltarians and this United Kingdom national because although they had no obligation to send him since he is not registered unemployed with them, given the fuss he was kicking up, he was actually also given a blue card to go for the vacancy, in competition with the 69 Gibraltarians. If a Gibraltarian cannot compete for a labouring job and get an equal chance to do the job, then we must question who is being discriminated against and that is the policy and that is how it operates. We try to be fair to both sides.

HON F VASQUEZ:

Mr Speaker, with respect to the Chief Minister, surely within the parameters of employment and immigration law, the person

that an employers chooses to employ is the discretion and choice of the employer himself. This is a free society.

HON CHIEF MINISTER:

Absolutely. Mr Speaker, the hon Member is quite correct but if that is the view and the policy of the Opposition Members, then when they came to see me with the petition about their concern about the new rule and in the questions that they put in this House, they should not be saying to the Government, "The policy of the GSD is that employers are free to employ whoever they want." But if that creates more unemployment the responsibilities are of the Government and what is the Government going to do about it. If there are 100,000 people out of work in the Campo Area and employers in Gibraltar are free to employ whoever they want, and the Opposition Members subscribe to that view and think we should do nothing about it, then they should stop asking questions about the level of unemployment in Gibraltar, because then what will happen if we do nothing about it, is that eventually we will be all out of work and the people living across the border will all be working.

HON P R CARUANA:

Mr Speaker, the questions that I have put, if the Chief Minister will accept, was to clarify the policy on the basis, not that it is the policy of the Opposition that it should be different, but rather that there were people who were meeting resistance as it operates on the ground and came to us to say "What are the rules, what is the law, because we are told in the press it is one thing, then we go to this office and that office and it operates something else". The question is therefore calculated to clarify. We the Opposition have, as the Government know, often urged them to pursue practical measures that will protect the job opportunities for Gibraltarians. I am sure it will therefore gratify him to learn that it forms no part of the policy of the Opposition on this side of the House to make it any more difficult than it need be for Gibraltarians to find places of work in their home.

HON CHIEF MINISTER:

Mr Speaker, although it was not a question, let me say that I am grateful for the Leader of the Opposition's remarks and I understood his question in that light. I was responding to the later question from the Hon Mr Vasquez who seemed to be asking me to accept that there was nothing we could do about it. I am saying what we are doing is consistent with what we have been urged to do which is to use, administratively, the possibilities opened to us to try and encourage a greater take-up of Gibraltarians. At the end of the day, if an employer really digs his heels in and says "I will not take any of the 70 people that you have sent me as a labourer and I insist on taking somebody and if necessary I will test it," then of course, ultimately we have to give up. I think we have got a responsibility to try and persuade people to take some of our own people on. After all, if we cannot even produce labourers then what can we produce?

HON P CUMMING:

Mr Speaker, the case to which the Chief Minister referred, sheds light on this issue, because of course we support that Gibraltarians have to have first right. There are two barriers that the UK residents have to overcome. One is the 1st July law and the other is the bureaucratic obstacles and so on which have been demonstrated to be so devastatingly effective that there seems to be no need for the 1st July law with all the political dangers that it has of anti-UK feeling. Yet the other point is that it is only right, it seems to me, that if a UK resident is living in La Linea and working here as a labourer, he is probably not very well off and even though we do not have to go and give him a job but we have to give him information so that he can sort out his life. We can say to him, "There are two enormous barriers here that you do not have a chance in hell of overcoming so use whatever funds you have to clear out and fend for yourself elsewhere". Rather than sending him to an interview, raising his hopes, he gets the job and when he goes back all happy that he has got it; it builds up frustration, so we turn that man instead of a friend into an enemy, unnecessarily it seems to me.

HON CHIEF MINISTER:

I think there are a number of the points that the hon Member has raised which I think I can answer. First of all, Mr Speaker, what we are talking about is the level of people that we already have. To put it in context for Opposition Members, let me say that the research that we have done through social insurance records, shows that we have of the order of 1,000 United Kingdom nationals working in Gibraltar and living in La Linea and other parts of the Campo. This compared to a male private sector workforce of Gibraltarians of 3,000. So they already constituted out of that 4,000, 25 percent before the 1st July. As a result of new regulations being brought in requiring everything to be registered - we did not know before - following petitions received in 1992 and representations made in 1992 about increasing unemployment because of redundancies in the United Kingdom departments, we started monitoring the thing more closely. We then discovered that the rate of new arrivals of United Kingdom nationals was very, very high. In August 1992, I made representations to Her Majesty's Government, given the kind of figures that I have just given, to show how the opening of the frontier, in the context of the representations made to Sr Natalee in 1984, where the Commission had told us we could not get a derogation because it was hypothetical that we would have a problem. But we would have the right to come back under Community law to make a case if we were able to demonstrate that the free movement of labour was having a disruptive effect on our economy. I can tell the hon Member that within the European Community, the average migration of frontier workers is 5 percent. That in the case of Spain, migration into Spain, not surprisingly, is 0.2 percent. That is one fifth of 1 percent of people in Europe migrating to Spain to work.

In our case, it is 25 percent. We have got the highest record of anywhere in Europe and we have a very small economy with very limited resources. I put all these arguments to the United Kingdom. The United Kingdom view was that they needed more information although I can tell the hon Member that we have done a lot of research and a lot of it I have done myself; checking the figures myself to make sure that we could not find ourselves being challenged and faulted. The UK view was that because the major element was the United Kingdom national, it would be particularly difficult. If one has got a situation where one says to Europe, "We need derogations because we are being flooded with labour from abroad and between January and July this year, we have 500 United Kingdom nationals arriving on our doorstep and one German." It is difficult to convince Germany that we have got a case for not allowing Germans to come in. They said to me that there was nothing to stop me, if I wanted to, controlling the situation by introducing regulations which would limit the free movement between the United Kingdom and Gibraltar and make it subject to controls, but that they could not endorse it. If I wanted to do it, then I could do it and the thing was open to me to do it. Effectively at the end of the day, Mr Speaker, we had to take the political responsibility and exercise judgement, which is what we are elected to do. Frankly, I believe that the reaction to that measure has been exaggerated and unjustified and nobody would be happier than the Government if we were able to say tomorrow, "The economy has taken off and we are creating so many new jobs that all the Gibraltarians, all the Moroccans, all Andalusia and the whole of England can all come and work here." Why should we want anything else? The more people working the better it is for all of us, but at the end of the day, if we have got a situation where the jobs market is very tight, we have a responsibility to try and ration those jobs within the constraints of Community law; take the advantage where we can to try and maximise the number of our own people who can get work, because at the end of the day, they have got nowhere else to go to. The guy that is living in La Linea if he runs out of unemployment benefit in Spain is entitled to social assistance in Spain. If he is not entitled to social assistance in Spain, he can go back home and get social assistance there. Our people have only got our resources and those resources are, if anything, in a difficult situation, frankly because we are being asked to cope with cut after cut after cut faster than we can absorb them. In those circumstances, I do not think we have been unfair and I hope that the explanation will satisfy Opposition Members, that we have tried to be as fair as possible in a very difficult situation.

HON P R CARUANA:

It is a very lengthy exposition of arguments that are well known and of course this is not a debate and I must not reply. Does the Chief Minister accept, even if he does not agree,

that even though we understand the urgency and the difficulty and the importance of the employment issue in Gibraltar, that those of us that are not in favour of the 1st July law are not against it because we think it is unfair on British workers. We are against it because we think that it does us incalculable but serious harm in another area of Gibraltar's politics, which is equally, if not perhaps more important, or at least as important as employment, which is the question of British public opinion support for our fight against Spanish hostilities. Will the Chief Minister accept from me at least, that that is the basis upon which those that are against, at least the Opposition's - the British Citizens Association may have a different axe to grind - objections to the 1st July law is domestically political in the sense that we think that it is too drastic a measure, albeit intended to address an important problem because it does incalculable harm in relation to another problem?

HON CHIEF MINISTER:

Mr Speaker, I accept that that is the view of the Leader of the Opposition. It is a view that we do not share. Whatever harm may be, we think, on balance we have to take decisions in this matter and we have weighed all the considerations before the hon Member raised them.

MR SPEAKER:

We have now discussed the point enough.



NO. 113 OF 1993THE HON LT-COL E M BRITTO

Mr Speaker, will Government say whether the renewal of any work permits have been withheld for reason of the employer's failure to pay arrears of PAYE and/or social insurance contributions?

ANSWERTHE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, work permits are issued to the employer and when an employer seeks the renewal of a permit he is asked to produce evidence that he has been complying with the law as regards deduction of PAYE and social insurance.

This preliminary step is being taken prior to action to putting the company into liquidation for failure to pay.

SUPPLEMENTARY TO QUESTION NO. 113 OF 1993

HON P R CARUANA:

Mr Speaker, the Opposition welcomes any action that the Government may wish to take of a legitimate nature to make employers comply with their obligations under the law especially in relation to forwarding monies that they have deducted from their employees' pay packets. It is not their money at all. This question is motivated by a particular situation that has been brought to our attention. Does the Minister not accept that the effect of that action that the Minister says the Employment Board takes is, in effect, to render unlawful in Gibraltar the position of the only party that is the innocent victim in this situation? Because, alright, the employer may not have forwarded it but the chap who becomes illegal from that moment is the employee who has suffered the deduction from his pay packet; the effect is that he is instantly an unlawful worker in Gibraltar; that he loses his residence permit; cannot leave Gibraltar either to Spain or to Morocco because then he will not be allowed back, and the effect is, whatever the salutary motive for doing it, that it seems that the first victim of it is the employee and not the employer?

HON CHIEF MINISTER:

Mr Speaker, let me say that there is nobody that has lost his residence permit as a result or has been told to go back to Morocco because we have got people who have been unemployed for four years and are still here. The position that the Board has taken is in anticipation of closing down the firm and the people becoming unemployed. There have been three companies that the Board has approached on this matter and the idea is to see whether by pointing out to them that they cannot expect to be given permission to employ people, because remember the permission is given to the employer, if in fact they are not complying with the requirements of the contract of employment which is that the people they employ should be properly insured. The initiative taken by my hon colleague and the Employment and Training Unit is in the hope that that approach will result in people being put within the law and avoid the more drastic step of closing down the firm. As I have said, he has tried it in three firms and we do not know to what extent this will have results because it is something that has only been going on for a couple of months.

HON P R CARUANA:

I understand the explanation given by the Chief Minister for which I am grateful to him and I understand the leverage argument. The effect, in fact, is that these chaps are allowed to continue to work because although it is in anticipation of closing them down or as leverage to try and get the employer to comply with his legal requirements - both of which are salutary motives - the actual result is the action that the Government takes to put pressure on one party results in placing another party in breach of the law because, surely, the Government does not expect the employees in question to say, "Well, I am not going to go to work because I am now an unlawful employee because I have not got a work permit". That is what is happening; the contracts are not being renewed.

HON CHIEF MINISTER:

No, Mr Speaker, I do not expect the employee to say, "I will not go to work because I have not got a work permit" because employees do not have work permits. The person who is breaking the law is the employer in employing somebody for whom he has not had a work permit granted. The permit is given to the employer and not to the employee. It is the employer who requests the permit and the alternative is to grant a permit to an employer in the knowledge that that employer is breaking the law.

HON P R CARUANA:

Mr Speaker, the consequence, for whatever reason, of an alien not having an authorised, current, valid, endorsed work contract is that his residence permit automatically lapses and expires and from that moment he becomes an illegal immigrant.

HON CHIEF MINISTER:

No, I am afraid, Mr Speaker, the Leader of the Opposition is wrong, obviously he does not know how the law operates. The permit of residence given to an employee, based on the length of the contract, can, in fact, be retrieved if the immigration authorities so decide. But I have already told him that not only have we got people who have been without work for four years and are still here; we have got people who have got the Protection Ordinance and are still here. So what is the hon Member talking about? Anybody would think that out of the 3,000 Moroccans we have got in Gibraltar, the 20 Moroccans who have been affected in the three companies are suddenly being deported. Well, this is not the case; they have not been leaned on in any way by the immigration authorities or told that they are here illegally or anything else. All the contact has been between the Board and the employer. The employer has come along and said, "I want to have the permits renewed to employ this person" and the employer has been told, "Well, are you, in fact, insuring that person against industrial injury, against unemployment and against all the things that the law and the contract says you have?" And it has been established that the contract of employment approved by the Board the last time round, in respect of which a permit was given to an employer, is not being complied with. The employer has been told, "Look, the situation is that if you do not put yourself in order you will be facing proceedings for failure to comply with the law on social insurance and failure to comply with the law on income tax and if you do not pay up you will be put into liquidation and closed down. So since you have come here to ask for the permit to be renewed we would like to know what steps you are going to take to put yourself up-to-date". That is what has happened. The reason for doing it was to see if that would produce a result where people would, as a result of that early warning system, bring themselves into compliance with the law and avoid us having to go down the route of closing them down. If it does not they will be closed down and the employees for whom the Leader of the Opposition is worried will find themselves in exactly the same situation as they would have been in anyway because what will happen is if we close them down they will all be redundant; they will all lose their work permits and they will all lose their residence permits, according to him. So I do not see how what we are doing is more prejudicial to those involved.

HON H CORBY:

What happens if the firm is in voluntary liquidation or is in liquidation because of PAYE payments and it is liquidated and then forms part of another company, do the Government take into account the arrears in PAYE?

HON CHIEF MINISTER:

No, we have got a problem, frankly, in that area to which I do not have the answer, that is the truth, Mr Speaker. What the hon Member says is absolutely true but it appears that in law a company with limited liability can be closed down one day; leave us arrears of PAYE and social insurance which at the moment under the provisions of the Ordinance, which we introduced after 1988 in order to protect the worker, if the employer goes into liquidation then the tax that has been deducted and not paid and the insurance that has been deducted and not paid, are credited to the worker. So we protect the worker against that loss. But, of course, it means that the rest of us are paying for it and then the guy a week later opens a new company with a new name and starts all over again. Since the position is that with the system as operated until now - I do not really have an answer on how we can do it better - we do not tend to find out in the case of social insurance until about six months after the end of the calendar year and in the case of PAYE until about six months after the end of the tax year. There are at the moment, I believe, from the last report I had from the Commissioner of Income Tax something like 138 employers in Gibraltar who still have not returned the PAYE that should have been returned at the end of July. So until they return that we do not know whether they have actually paid over the tax or not. If when they return it they go into liquidation because we ask them to pay and they cannot pay, we then protect the worker at the expense of everybody else but then the process has to start all over again. So the answer is that the hon Member is right in his question about the nature of the existence of the problem and we have not found a way of overcoming it.

HON P R CARUANA:

Mr Speaker, the Chief Minister says that it is odd that that should be possible under the laws that apply and we agree that that is a simple abuse of the system. In fact, I would invite the Chief Minister to enquire whether, in fact, it is true or not that there is nothing that can be done about it because the Companies Ordinance does contain provisions for the disqualification of persons from acting as directors of companies when the bankruptcy has been caused by certain circumstances and it may well be that that provides a mechanism for permitting flagrant offenders from simply setting up shop the next day by another company and doing the same again.

HON CHIEF MINISTER:

Mr Speaker, I am grateful for that indicator from the Leader of the Opposition. I will certainly have it investigated. The advice I have had until now is that nobody knows how to overcome it but we will certainly get somebody to look at that suggestion.

28.10.93

ORAL

NO. 114 OF 1993

THE HON LT-COL E M BRITTO

How many applications for work permits by British subjects have so far been refused in reliance upon the so-called 1st July law?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

One, Sir.

SUPPLEMENTARY TO QUESTION NO. 114 OF 1993

HON P R CARUANA:

Mr Speaker, given that answer and given the concern, apparently not shared by the Government but held by a large number of people in Gibraltar, that this law is capable of causing political damage to our relationship with British public opinion - I accept it is a concept that cannot be measured, there may be a lot of such damage and there may be no such damage - and given that the law appears not to be necessary given that only one has been turned down, would the Government consider repealing the law in the light of remarks made in the British Parliament of this kind? With Mr Speaker's indulgence, I read from Hansard in the House of Lords of last week where Lord Archer of Sandwell put it to Baroness Chalker, "My Lords, is the Noble Baroness aware that in consequence of recent measures introduced by the Government of Gibraltar, British subjects are in a worse position in relation to employment than subjects of the other European Community States? If the Government of Gibraltar expect, as I hope they will receive, the loyalty of this country, is that not a matter which should be addressed?" To which Baroness Chalker answered, "My Lords, there is no reason that British subjects should be in a worse position but I shall look at the detail of what the Noble Lord said. However, over a period of time we have had extremely positive discussions with the Chief Minister Bossano and if there is a problem in that regard I am quite prepared to look again at that matter". Mr Speaker, I accept that Government Members do not share the concern that those of us who have organised the petition had; but given the potential for damage, being now raised in the House of Lords itself and given that only one person has been kept out of the job market by its implementation; will the Government consider repealing the law?

HON J L MOSS:

No, Mr Speaker, and there is a very simple reason. Statistics can be twisted to suit the argument of the person who is quoting them.....

HON P R CARUANA:

The Minister has quoted the statistics; it is the Minister's statistics and not mine.

HON J L MOSS:

The Leader of the Opposition has done the twisting. One person has been refused a work permit since the implementation of the so-called 1st July law but the fact of the matter which is very noticeable is the very significant drop in the number of new entrants who have actually been seeking work permits. So this has acted as a kind of deterrent to stop people from coming to Gibraltar and trying their luck. There has been a drop in the pressures of numbers to come in and that is the effect which the law has had.

HON J C PEREZ:

The only positive thing the Opposition's publicity has had.

HON J L MOSS:

On the matter of public opinion and of what is said or is not said in the House of Lords; unfortunately there has been a great deal of misinformation, perhaps even disinformation, on this matter. Many of it generated from local quarters and I personally managed to speak to a large number of MP's during my recent visit to both the Labour and the Conservative Party Conferences; not just MP's but also representatives of the different constituencies and, frankly, once our position was explained to them, everybody understood. So, unfortunately, I think that some people have simply been interested in creating this perceived problem where that law was being presented as being anti-British or anti-UK and perhaps what we need to do is ensure that the statements which are made in Gibraltar, for the outside world in particular on the 1st July law, are actually accurate.

HON P R CARUANA:

Mr Speaker, whilst speaking only for myself and for Opposition Members certainly nothing that we have ever said on this subject is factually inaccurate. But I would ask the Minister whether when he was explaining the position to the MP's in the Labour Party and Conservative Party Conferences, did he say, "We have got a dreadful unemployment problem in Gibraltar and we have got to protect the job market" to which everyone is bound to agree or did he also go on to say, "And by the way, this measure only applies to you Brits, you know, because the Spaniards and the French and the Germans, they can come because unfortunately European Community law prevents us from dealing with them as well"? I understand that that is the position in law. But those British politicians who expressed sympathy and agreement, or at least sympathy, were they aware of the full measure or simply of the fact that it was a measure to protect the job market?

HON J L MOSS:

Mr Speaker, the MP's and everybody else to whom I, at least, spoke was made fully aware of the ins and outs of the measure and they understood that it only applied to UK nationals.

MR SPEAKER:

The question has been ventilated enough. Next question.



28.10.93

ORAL

NO. 115 OF 1993

THE HON LT-COL E M BRITTO

Will Government say which training courses, run under the jurisdiction of the Employment and Training Unit, have been cancelled, postponed or otherwise curtailed and the reasons for this action?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, all training courses being run by the Employment and Training Board continue and none have been cancelled or postponed. However, the effectiveness in terms of those completing the courses obtaining employment is being assessed and therefore the continuation of the present system is under review to ensure that the expenditure on validating the work experience is producing the desired result of those involved obtaining employment. Following the review a decision will be taken as to whether the resources being used in this area would be better employed in supporting greater numbers of trainees.

SUPPLEMENTARY TO QUESTION NO. 115 OF 1993

HON LT-COL E M BRITTO:

Is the Minister saying that trainees in these courses were not actually told to go home; that the company running the courses was not actually told that the courses were being stopped? Is that what the Minister is saying?

HON J L MOSS:

Well, essentially yes. I am not responsible for any comment that any company may be making or may have made to trainees but essentially the position of the Employment and Training Board is that the courses have not been cancelled and have not been postponed.

HON LT-COL E M BRITTO:

Is the Minister saying that there was not even a temporary halt for a number of hours at all; that no announcements were made; that there was no communication between No.6 Convent Place and Mr Olivero of Olivero and Associates

2.

- or whatever the name of the company is. This is a public statement by Mr Olivero; I have not spoken to Mr Olivero. Is the Minister saying that there was no communication telling him that the courses were being stopped?

HON J L MOSS:

The answer is yes, and I would remind the hon Member that the particular company he has mentioned is, in fact, not the only training agent that the Employment and Training Board has.

HON P R CARUANA:

Mr Speaker, there appears to be some confusion therefore in the minds of the general public. I personally received a call from a very concerned mother whose daughter was involved in the cookery course who had basically been told, "The course has been discontinued but if you want to stay in the kitchen working as an employee, you can". Fine, the job was not discontinued but the training aspect of it was discontinued. That is what the woman told me.

HON CHIEF MINISTER:

Mr Speaker, it is quite obvious that that disinformation took place as a result of a communication from Olivero and Associates to the trainees and to the employers on the initiative of that company, not on the instructions of the Employment and Training Unit, No.6 Convent Place or any other agency and the consequence of that disinformation was that the Employment and Training Unit, within 24 hours, wrote to everybody that had received the first letter telling them to disregard the first letter because the first letter was wrong. The trainees had not had their training stopped; the payment to the trainees have not stopped; they continue as employees of the Employment and Training Board, receiving their wages from the Employment and Training Board and their social insurance paid by the Employment and Training Board. The only thing that is being reviewed is the payment to J Olivero and Associates, as was explained in the letter.

HON J L MOSS:

On a factual point, we do not run a cookery course at the Employment and Training Board.

HON LT-COL E M BRITTO:

Mr Speaker, I hope that the Minister and the Chief Minister will accept that obviously in the Opposition we welcome the fact that the courses have not been stopped.

3.

HON CHIEF MINISTER:

Absolutely.

HON LT-COL E M BRITTO:

But will they also accept that it would have saved a lot of worry and concern amongst the actual trainees if the Employment and Training Board had, last week or the week before last, actually come out with a public statement.....

HON J L MOSS:

It did.

HON LT-COL E M BRITTO:

Well, let me put it this way, Mr Speaker, will the Minister accept that one of the senior executives of the Board was due to appear on 'City Talk' last Friday or the previous Friday and at the last minute he turned down the invitation. It would have been an ideal opportunity to have told the whole of Gibraltar that there was no foundation for the rumour.

HON J L MOSS:

No, Mr Speaker, I was not aware of any senior employee of the Employment and Training Board being due to appear on 'City Talk'.

HON LT-COL E M BRITTO:

Let me tell the Minister that there was one invited and he turned it down.

HON P CUMMING:

Can we know, more or less, what these qualifications have cost so far?

HON J L MOSS:

That is a separate question really. It is not that I do not want to answer the question.

MR SPEAKER:

You have not got the information. Next question.

NO. 116 OF 1993THE HON LT-COL E M BRITTO

Does the Government not yet recognise that its failure to implement adequate apprenticeship schemes in basic trades is depriving Gibraltarians of job opportunities and therefore is worsening our unemployment problem?

ANSWERTHE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, there is no evidence available to the Employment and Training Board that the vacancies that are being filled by non-Gibraltarians result from a failure of apprenticeship schemes in basic trades. The training schemes currently in operation in areas like catering and horticulture have been introduced because in these areas there were no local skills but these do not require a long-term apprenticeship.

In addition, in the construction industry there has been a low involvement by Gibraltarians and a number of private sector companies are providing training in the construction trades with the Employment and Training Board support. The intention is to continue to expand training in this area.

SUPPLEMENTARY TO QUESTION NO. 116 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, what sort of training of the nature that the Minister has just mentioned in the basic trades - masons, carpenters, plumbers and electricians, the sources of the traditional apprenticeships - what are the courses, if any, that are going on in these trades or is it, Mr Speaker, that what is happening is very similar to the vocational cadet training scheme that a young man is put into a construction company and he works there for six months or nine months or a year and at the end of it he is considered to have attained a skill?

HON J L MOSS:

The answer, Mr Speaker, is that some training is going on in the construction industry but in the other trades which the hon Member has mentioned there are no separate training programmes as such.

NO. 117 OF 1993THE HON LT-COL E M BRITTO

What was the level of unemployment in Gibraltar of:

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

as at 31st March 1993, 30th June 1993 and 30th September 1993, divided into under and over 25 years old age groups?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, the unemployment figures for the past six months are as follows:

	<u>GIBALTARIAN</u>		<u>NON-GIBALTARIAN</u>	
	UNDER 25	OVER 25	UNDER 25	OVER
25				
March	254	334	15 392	
June	268	381	13 482	
September	301	351	14 462	

SUPPLEMENTARY TO QUESTION NO. 117 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, would the Minister like to comment or possibly give us the reason for the increase in the under 25's as at September; is this only due to school leavers or is there any other reason? If we go back to 1992 the figure for September was comparable to the figure for June 1992 but yet there has been an increase in September 1993 which is in the under 25 Gibraltarians which is not reflected in any of the other three figures that he has given us?

HON J L MOSS:

No, Mr Speaker, I cannot pinpoint the exact reason. What I can say is why it has not happened. The under 18 group has not increased so any increase has been in the group from 18 to 25, it would not affect school leavers.

HON LT-COL E M BRITTO:

The point, Mr Speaker, as the Minister will understand, is that the increase in that group is of the order of 33 whereas in the over 25's it has actually dropped by 30 and in the non-Gibraltarians it has dropped by 20 in the over 25's and remains static in the under 25.

HON J L MOSS:

Yes, Mr Speaker, I understand the point the hon Member is making. My reply is that it is not due to school leavers because even though it is not broken down here, in the answer I have given, I know for a fact that the number of under 18's unemployed has not increased. So any increase has had to be in the 18 to 25 group and there are only a handful of school leavers in that category.

HON LT-COL E M BRITTO:

And the Minister is not aware of any reasons for that change in the 18 to 25?

HON J L MOSS:

Not of a specific reason, no, Mr Speaker.

HON P R CARUANA:

Mr Speaker, other than the measures that we have been discussing already today - the 1st of July law; the Employment and Training Board practices and things of that kind which simply serve to redistribute the existing jobs in favour of the Gibraltarians - what steps is Government taking to increase the number of jobs available in the market? In other words, to create new jobs?

HON CHIEF MINISTER:

Mr Speaker, the number of jobs is expected to decline; we have made that absolutely clear on a number of previous occasions and when we discussed the Estimates of Expenditure for this year we said that, in fact, the emphasis was shifting from the total number of jobs to the employment of local people within that area of available work. Much of the reduction in the size of the labour market that has taken place between 1992 and 1993 is accounted for by the construction industry; that is, of something like 1,000 jobs less that there are compared to a year ago, something like 800 of that 1,000 jobs are

former construction jobs. What the Government is doing in terms of trying to bring about the existence of more jobs is the marketing to try and bring new investors. As far as we are concerned there is no other way of bringing jobs to Gibraltar other than by bringing new investments.

HON P R CARUANA:

Mr Speaker, the number of Gibraltarians currently out of work is 652. Given the observation that is consistently being made that few Gibraltarians were employed within the construction industry - which is the one that has collapsed and we all realise why, because the buildings are up and there are no more being built - but given the fact that the Gibraltarian unemployment is up sharply and that the Gibraltarians were not involved in any great numbers in the building trade, does the Chief Minister agree that the loss of jobs therefore affecting Gibraltarians is primarily outside of the construction industry? In other words, in the general economy as a whole. Because if they had lost the jobs and they were not employed in the construction industry then they must have lost them in some other industry.

HON CHIEF MINISTER:

No, Mr Speaker, because, in fact, the level of increase of Gibraltarians out of work which took place in June is almost entirely identifiable as having happened in May when PSA closed down, apart from the fact that it may be construction skills, in fact that is where the main increase has taken place. If the Leader of the Opposition goes back from March he will find that the level of unemployment of Gibraltarians has been between 550 and 600 since July 1991. If I am telling him that since July 1991 we have lost 1,200 jobs in the economy of Gibraltar, it must follow that very few of those 1,200 jobs were jobs occupied by Gibraltarians. When we have an area, for example, of the construction industry, although the element is ten per cent, one has to understand that ten per cent of 800 is 80 and therefore what we are talking about is that if the construction programme has been finalising, the bricklayers and the steel fixers and the crane drivers were foreign but the girl who made their wages in the office was Gibraltarian. She appears, in our statistics, as being employed in the construction industry and when we lose 800 jobs in the construction industry we lose an element of storemen, time keepers and clerks but we have had relatively small involvement and therefore we think that even with a construction industry which we have predicted is likely to stabilise at something like 700 jobs - this is what it was before

the increase; it went from something like 700 jobs to over 2,000. But when we had 700 jobs, in the 700 we had about 150 Gibraltarians. So if we go back to 700 we have still got the opportunity, we think, to increase the involvement of Gibraltarians in the construction industry and therefore part of the emphasis of the training programmes that we are looking at at the moment is getting more youngsters who have, in the past, not been very keen to enter this industry, to take up training as masons. Even within the construction industry, for example, we have got a very high level of Gibraltarian electricians, why? Because the electricians need to work to British standard in our building regulations and foreign electricians have got a problem but when it comes to the wet trades like painting and plastering and bricklaying, there the Gibraltarians have been five per cent of the workforce, no more than that. So we are looking at those areas.



28.10.93

ORAL

NO. 118 OF 1993

THE HON LT-COL E M BRITTO

Will Government explain how it calculates the unemployment figures?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, the unemployment figure for Gibraltarians consists of all those who are registered with the Employment and Training Board as seeking employment irrespective of whether they are receiving benefits or not and who call at the Unit to enquire about employment at least once a month.

In the case of Moroccan nationals, the same criteria applies but the applicant must keep up his registration by calling at the Unit to seek work at least once a fortnight.

Other nationals are only included for the period when they are receiving benefit.

SUPPLEMENTARY TO QUESTION NO. 118 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, are young persons working on the vocational cadet scheme included?

HON J L MOSS:

No, not as unemployed, they are actually in employment, Mr Speaker.

HON LT-COL E M BRITTO:

Well, they are under training, they are not included?

HON J L MOSS:

They are receiving a training wage, I would remind the hon Member. If I may add, the scheme also insists that on completion of the period of training the trainee should be given substantive employment, so they are not unemployed.

HON LT-COL E M BRITTO:

What happens to the person who has been included because he has been applying for a job regularly and after this period of a month stops coming in? Does he drop out of the figures automatically?

HON J L MOSS:

No, Mr Speaker, what I said in my answer was that they need to call at least once a month; it is not that they drop out after a month.

HON LT-COL E M BRITTO:

But if they stop calling?

HON J L MOSS:

If they stop coming to the Board then one assumes that they are not interested in obtaining a job.

HON P R CARUANA:

Human nature would suggest that that is not necessarily a safe assumption but I accept that there have got to be some rules for this. Mr Speaker, does the Minister think that there are a significant number of persons in Gibraltar who would wish to be in employment; who are not in employment and who are nevertheless not in these figures because they cannot be bothered or they do not, in fact, go down to the Employment and Training Board?

HON J L MOSS:

Mr Speaker, I think that the Leader of the Opposition's question is self contradictory. If they cannot be bothered to go to look for work then they cannot be very interested in obtaining work.

HON P R CARUANA:

The fact that they are not registered at the Employment and Training Board does not mean that they are neither interested nor looking for work; they could be looking for work privately.

HON J L MOSS:

Mr Speaker, but if the Employment and Training Board receives all the vacancies which exist which are open in Gibraltar then somebody who is looking for work should make that his first port of call regardless of whether he is looking for work privately or not. We even get vacancies registered for lawyers at the Employment and Training Board.

HON F VASQUEZ:

Mr Speaker, if I can just ask a quick question relating to this. Could the Minister tell the House how soon after leaving school; how soon after finishing full-time education a young person can register as unemployed? Are there any rules regulating that?

HON J L MOSS:

He can register as being available for employment the minute he leaves school.

28.10.93

ORAL

NO. 119 OF 1993

THE HON LT-COL E M BRITTO

How much money is there in the Insolvency Fund and how much has so far been paid out of that fund?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Mr Speaker, since its creation the sum of £106,117.31 has been paid from the Insolvency Fund.

The balance of the fund currently stands at £429,347.72.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, who qualifies for payments out of this fund?

HON J L MOSS:

There are very clear guidelines as to who qualifies but any legitimate employee of a company which is officially declared to be insolvent has got the right to make claims on the fund.

HON LT-COL E M BRITTO:

Mr Speaker, is there any difference in treatment for payment between firms in the construction industry and firms outside the construction industry?

HON J L MOSS:

No, Mr Speaker.

HON LT-COL E M BRITTO:

Has any payment been made to any firm in the construction industry?

HON J L MOSS:

Yes, Mr Speaker.

2.

HON LT-COL E M BRITTO:

Is the Minister then confirming that the same criteria will apply to employees of that firm as would have been applied to employees of, say, the hotels in the private sector that close down?

HON J L MOSS:

Yes, Mr Speaker.

28.10.93

ORAL

NO. 120 OF 1993

THE HON P R CARUANA

Mr Speaker, how will Government guarantee a pension in the future to those Gibraltarians who have in the past contributed and continue to contribute to the Social Insurance Pensions Fund?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the Government has stated repeatedly that new arrangements will be in place to take over from the existing system when this is wound-up at the end of the year. Persons receiving pensions or entitled to receive them in the future will be covered by the scheme. The details will be communicated to those affected when the arrangements have been finalised.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1993

HON P R CARUANA:

Mr Speaker, the Minister said during the last meeting of the House that the Government would be making a statement during this meeting of the House. Is that still their intention?

HON R MOR:

Mr Speaker, I believe that what we said was that we would be bringing legislation which would allow us to introduce the new scheme.

HON P R CARUANA:

Will that legislation comprise the scheme or will it simply be giving him powers by regulation to make the scheme that he pleases?

HON CHIEF MINISTER:

It will provide the second.

HON P R CARUANA:

Well, and given the Chief Minister's assertion on television that people should rely on his promise for their future pensions; does the Chief Minister say that the future scheme - let us call it that because, of course, it may not be a pension scheme - that replaces the statutory pensions scheme, when that comes to an end very shortly, will not be statutory? In other words, it will not give people statutory rights to a pension?

HON CHIEF MINISTER:

It will give people statutory rights to a pension.

HON P R CARUANA:

And it will achieve that in relation to what the Chief Minister and I would call Gibraltarians whilst at the same time disposing of the Spanish pensions problem?

HON CHIEF MINISTER:

It will give the rights that people enjoy or analogous rights under the present scheme to the people who would have continued to enjoy them if the Spanish pension problem had not been mishandled in the way that it was.

HON P R CARUANA:

Well, in the Opposition we look forward to the details of that scheme. My only point would be to ask the Government whether they do not consider that given the importance in social legislation terms of this area of law, whether they do not consider it appropriate to bring the legislation to the House for consideration and debate rather than just publish the new scheme one fine Thursday morning in the Gazette.

HON CHIEF MINISTER:

Mr Speaker, we are having to break totally new ground in this area in what we are trying to do because we have been landed with the problem with no apparent solution. That is to say, the position that was created in January 1986, regrettably as far as we are concerned because it was avoidable, was that a commitment was given that people who had not contributed sufficiently to earn benefits were given benefits which if they had been charged on the fund would have left the rest of us without any pension.

We have then tried to overcome that problem by addressing all the obstacles that have been raised in technical talks as to why under Community law (a) or (b) or (c) or (d) could not be done and we have found an answer to each one of (a), (b), (c) or (d) down through the whole alphabet. The framework of that scheme is one which I am happy to explain to Opposition Members but they have got to understand that we would be doing ourselves all a disservice the more we explain the mechanics of it and the more we give people the opportunity to try and find flaw with it and that is the position I have been consistently putting forward in the House. We will bring as much as we think it is necessary and desirable to bring to the House and any further information is available on a confidential basis to the Leader of the Opposition if he wants it or not at all.

HON P R CARUANA:

So Mr Speaker, do I understand from what the Chief Minister has just said, that the scheme that they had in mind does not or may not, if subjected to too much scrutiny, pass the test of all the alphabet to which he has described because, of course, if it does pass the test then I do not see why it cannot all be above board so that we know what it is.

HON CHIEF MINISTER:

No, Mr Speaker, he may not understand that. What he may understand is that the world is full of people like him who are prepared for a suitable fee to take up whatever cause however lost it may be and since I am not in the habit of making lawyers unnecessarily rich I do not intend to provide information that will enable that to happen.

HON P R CARUANA:

And he feels that he is justified in venting his irritation at the legal profession at the expense of a pension scheme for the future of the people of Gibraltar about which he will give only as much explanation as he considers the national interest permits?

HON CHIEF MINISTER:

Because, Mr Speaker, whether he realises it or not, I have been elected to exercise my political judgement in what is in the national interest and he has been elected to question it and he is questioning it, which he is entitled to do, and I am exercising it which I am entitled to do and I am totally satisfied that the current



pensioners and the future pensioners are conscious that their pension is in safe hands in the Government and will be satisfied with the arrangements we will put in after the 1st January which is not all that far away.

HON P CUMMING:

Mr Speaker, does the Chief Minister understand the anxieties of those people who want to turn up for their pension and find that it is their right in law and not just on the word of Joe Bossano?

HON CHIEF MINISTER:

No, Mr Speaker, I can understand the anxiety of the people because of the doubts that are being created by Opposition Members but I know that the people have been considerably reassured by what I said a day ago on television and the fact is that if we had not devoted the diligence and attention to try and find a way out of this enormous problem that we inherited, all of us, not just the people outside, all of us here in this room would have been in very, very serious trouble following the end of this year. The position that we inherited in 1988 was that the UK said, "We have paid for three years and now it is up to you" based on a report which said the pensions to the former Spanish workers would cost £250 million. The position of the UK in August 1988 was to say to the Government of Gibraltar, "We helped you for the first three years and now it is up to you to find a way of producing £250 million and there is nothing you can do about it because the responsibility is inescapable" which is, in fact, the advice that they gave the previous Government. Therefore, frankly, although we did not agree with the position the previous Government adopted, we accepted that they adopted it because they got the wrong advice from UK and therefore we hold the UK responsible for giving the wrong advice to the Government of Gibraltar in the 1980's when all of this could have been avoided.

HON P CUMMING:

Mr Speaker, can I .....

MR SPEAKER:

I think the answer has been given very clearly. Next question.

28.10.93

ORAL

NO. 121 OF 1993

THE HON H CORBY

Mr Speaker, how does ownership of a fully mortgaged share of a flat in Westside or other home ownership scheme affect the owner's right to supplementary benefits?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the question relates to means-tested, non-statutory and non-contributory social assistance which is operated administratively on a strictly confidential basis and details of the means-test levels cannot therefore be divulged. I am however prepared to brief the hon Member on a confidential basis, if he so wishes, outside this House.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1993

HON H CORBY:

Mr Speaker, I have seen a lot of people having a commitment to a full mortgage who have asked for supplementary benefits and have been refused supplementary benefits due to the fact that they own a property and they have been told that they can sell this property and that no supplementary benefits will be given to them. Can the Minister answer that?

HON R MOR:

Mr Speaker, as I have just said, I am prepared to brief the the hon Member on a confidential basis. I am not prepared to go into a debate in this House.

HON P R CARUANA:

Mr Speaker, is it therefore the Government's position that in relation to supplementary benefits this House may not know who is entitled to it; in what circumstances and in what amounts? Mr Speaker, because the Minister says that this is being dealt with on an administrative basis by Community Care Ltd but, in fact, people go to his Government Department and speak to his staff. The question is very simple, Mr Speaker, and it is this, people

of Gibraltar have been encouraged, rightly in my opinion, to become home owners and many of them have done so in reliance upon the 50/50 scheme whereby the Government has paid for half of their property and the lending institution has, in most of the cases, paid for the other half. The value of their half at this stage is therefore practically nothing because one half belongs to the Government and the other half, in effect, belongs to the bank. If such a person loses his job, and the Minister knows that I am in correspondence with him on one such person, surely - and my question is this - is it the Government's policy to say to such a person, "I do not care if you have lost your job; I do not care that you have not got any income coming into your house; you cannot have supplementary benefits because you have got an asset, namely, your mortgaged flat", which is, in effect, worth nothing but even if it were the Government are not saying to people, "Sell your roof in order to pay your grocery bill", are they?

HON CHIEF MINISTER:

Mr Speaker, the so-called supplementary benefits system is discretionary, means-tested, non-statutory social assistance in the context of regulation 1408/71 of the EEC and therefore in accordance with those principles each person is assessed by a number of criteria which includes their availability for employment. In that particular case the Leader of the Opposition is mentioning, which is his correspondence with my hon colleague, there are a number of other factors other than the one in his possession which one really ought not to be debating here but which one could. And in relation to the property, what the hon Member has to understand is that the property can be owned to a greater extent first and then subsequently the extent of the equity can be reduced by increasing the mortgage in order to spend the money on something else. Those factors are taken into account in assessing it.

HON P R CARUANA:

Yes, I understand, Mr Speaker, the system and the non-statutory party in order that we do not fall foul of the other matter as applies to the pensions as well. But what I am asking the Government is whether on the facts that I have stated it is Government's policy that such people should not be given discretion. In other words, whether it is Government's policy not to exercise that discretion to award discretionary benefits to people who have lost their job and who have only their mortgaged house available to them?

HON CHIEF MINISTER:

Not in the absolute terms in which the Leader of the Opposition has described it but when such a claim is looked at it is looked at by going back into the history of the home ownership purchase; into the history of the employment record; into the availability of work; into the jobs that have not been rejected. I can tell the hon Member that in the particular case which he mentioned, in fact, the figures that he quoted in his letter were not accurate nor the terms of periods of unemployment and that the person is already working.

HON H CORBY:

Mr Speaker, then in effect what the Chief Minister is saying is that a change in circumstances might allow him to give the person with a full mortgage social benefits?

HON CHIEF MINISTER:

No, in fact, what I am saying, Mr Speaker, is that first of all we do not really think that this is a widespread or serious problem from what we have seen so far but, obviously, like anything else if it becomes one we need to go back and review how we treat it. In the cases that have happened so far and that we have treated we have found that it did not take a great deal to point the person in the direction of work rather than in the direction of social assistance and therefore the policy is that when people come to apply for social assistance every effort is first made to see to what extent they are unable to find work.

28.10.93

ORAL

NO. 122 OF 1993

THE HON H CORBY

Is the Government satisfied with the staffing levels and standards of residents' care at Mount Alvernia?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the staffing level at Mount Alvernia is a ratio of just under 1:1, a total of 84 staff to 95 residents. The cost of employing the staff in the year 1992/93 was £773,114 having increased from £407,452 in 1987/88. There are no plans for further staff increases. The standard of resident care is considered to be satisfactory.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1993

HON H CORBY:

Mr Speaker, let me say that in each ward there are four four-bedded rooms, four two-bedded rooms and 10 one-bedded rooms; that makes a total of 34 patients in each ward. That means that the staffing levels in as far as auxiliary nurses are concerned during the day is four auxiliary nurses with one nurse, three auxiliary nurses with one nurse in the afternoons and four auxiliary nurses with one nurse at night. That means that in one ward one auxiliary nurse and one staff nurse have to cater for about 32 elderly people and there are three wards with a total of about 92. This is taking away any leave or sickness that any of the nurses might have. Does the Minister think the comparison to the care of the residents is now quite capable of distributing and having care for the people at Mount Alvernia with the ratio involved?

HON R MOR:

Mr Speaker, the Government's understanding is that the level of staffing is very much in line with what it is in the United Kingdom and we have no reason to doubt it.

HON P R CARUANA:

Mr Speaker, the statistic 77 to 94, if I remember it correctly, 77 staff to 94.....

HON CHIEF MINISTER:

No, 84 to 95.

HON P R CARUANA:

Eighty-four to 95, I am obliged to the Chief Minister. That is subject to shift is it not? It is not as if there are 84 individuals looking after 95 residents. In other words, the level of the staffing means in any given shift, bearing in mind the demands of the shift are greater during the day than at night for the reason that most residents are asleep at night, but even allowing for all that, are the day-time shift, for example, and the night-time shift adequately staffed to deal with the burden of work imposed upon them; not whether the total number is enough?

HON CHIEF MINISTER:

Mr Speaker, the reason why we have given the information in total number was because when it was first suggested some years ago that the ratio of staff to residents was wrong somehow, what we did was we got somebody from the United Kingdom to take a look at it and he came up with a figure which was put to us on the basis of total staff to total beds, as it were, irrespective of whether the beds are occupied or not and irrespective of whether people work in the morning shift or the night shift. The management of the institution here, in the UK or anywhere else, has to make a decision on how many people should be put on the night staff and how many people should be put on the day staff which is not sacrosanct. Sometimes it depends on whether one has got elderly people who have got problems that require attention at night or whether one has elderly people who are all asleep at night in which case there is one person awake all night but one wonders why they need to be awake all night if everybody else is asleep. So the position is that we are not, as the Government that is providing the financial support to the institution, involved in the management determining how many people should be on the morning shift and how many people should be on the evening shift. But in looking at whether the home needed to have more money given to it because they were short of staff, what we did was we asked, "How does one normally assess a staffing level in a residential elderly peoples home?" and the answer we got was, "It is normally assessed on the ratio of beds to staff". Just under 1:1 is considered to be a fairly normal ratio, that is how we have done it.

ORAL

NO. 123 OF 1993THE HON H CORBY

Mr Speaker, what was the cause of the recent fire at the Haven, what damage was caused and what records have been lost?

ANSWERTHE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the professional assessment of the cause of the recent fire at the Haven, indicates it was provoked with malicious intent.

As a result of the fire, damage was caused to the walls, ceiling and floor; old filing cabinets and office furniture; a heater; an electric fan and to the telephone and electrical installations of the office in which the fire occurred. Resulting smoke damage was also caused to the ceiling and walls of offices, passages and rooms in the surrounding area.

This office was only being used to temporarily store outdated books and Gibraltar Gazettes as well as old put-away files related to the calculation of pensions. No important records were lost.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1993

HON H CORBY:

In as far as the security aspect of the building is concerned, can anybody enter this empty building and roam around everywhere without being seen or without anybody detecting them? Is there no security force because it can happen again tomorrow if somebody goes in and wants to burn up the place?

HON R MOR:

Mr Speaker, this is very much like trying to offer security resistance to, for example, people who want to plant bombs or terrorism. Unless one can possibly have a situation where everyone who enters the building is followed around it is practically impossible to stop anybody who wants to set fire. If I may say from the reports which I have from the Fire Officers, the person could have actually

started this particular fire and would have been in the Portuguese border by the time the fire ignited. What I am trying to say is, however much security you try to implement, it is practically an impossibility, given the number of people who call at the Haven and the number of access points to practically every office within the Haven.

HON P R CARUANA:

Mr Speaker, the Opposition of course understand that there is a limit to the number of precautions that can be taken against malicious arsonists and that really the security system is not yet invented which is safe against want and malicious hands. But, for example, are Government offices, especially the Government offices that contain valuable records of the sort the loss of which would impede the work of Government, protected by smoke detectors and fire alarms? If there had been a smoke detector which is mandatory in the private sector in respect now of new developments, and a fire alarm, presumably the fire would have been detected almost immediately that it broke out and therefore the precautions that we recommend to the Government are not precautions that prevent the arsonist doing his foul deed but precautions that enable the Government's property to be protected from the consequences of that foul deed as soon as possible. In other words, that the fire be detected before the chap has reached the Portuguese border.

HON J C PEREZ:

Mr Speaker, I understand that the Fire Brigade are to advise the Government on certain measures that might need to be taken. Certainly we were concerned very much because of this fire because there are people working in that building 24 hours a day permanently and there were people working on overtime on the same floor at the time of the fire.

(UNIDENTIFIED)

They did not detect the smoke?

HON J C PEREZ:

They did not detect the smoke, I am afraid. The Fire Brigade have been looking at it and they are going to make some recommendations in respect of the building in question. Of other buildings and how we treat other fires, frankly it is an issue where I could not tell the House where all these sensitive files are kept by the Government - certainly I do not know where the ballot papers are, Mr Speaker, other files might be more commonly found.



HON P R CARUANA:

The ballot papers are not safe either because they are in the building where the last fire took place: in the Supreme Court Registry.

HON J C PEREZ:

Then the Leader of the Opposition might be under suspicion for that one.

HON P R CARUANA:

This is the second fire in a Government department which has been only fortuitously detected and at the time of the last House of Assembly when we asked questions in relation to the fire at the Registry, we were told the same as we are being told now, that the Fire Brigade were advising. How many more fires have to occur before somebody gives and takes the very simple advice which the Government already accepts because they make the private sector comply with it, to fit smoke detectors which cost about £13 each?

HON J C PEREZ:

The Leader of the Opposition says how many more fires it would take, so it is not worth answering.

HON H CORBY:

When I have gone up to the DLSS it is practically impossible-it is Fort Knox - to get to either a Minister or someone in that department because there are numbered locks everywhere on this floor.....

HON R MOR:

That is why I was not burnt.

HON H CORBY:

The Minister might have been if it had reached his floor. But maybe the solution would be as numbered code locks which are put because the only people who would go there to work or something to do with the actual area.

4.

HON R MOR:

That is precisely the situation, Mr Speaker. On the floor that the fire occurred, workmen needed access to go in and carry out some work and that is why the person who went in was able to open the door. As a matter of interest, Mr Speaker, the records which were burnt were related to the calculation of Spanish pensions, so he might be happy to hear that.

;

28.10.93

ORAL

NO. 124 OF 1993

THE HON H CORBY

Mr Speaker, when does Government envisage that it will be able to publish regulations under the Disabled Persons Ordinance so as to give meaningful substance to that Ordinance?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, work is continuing in examining all the areas in which legislation can be brought in and I cannot give a date by when it will be completed.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1993

HON H CORBY:

Mr Speaker, there are two main points which I am going to make which the Government might take into consideration. The first one is that there is no protection in as far as the pre-schooling of the handicapped is concerned. The second one is that there is no legislation to protect the elderly disabled persons - as in the case of the Cosquieri family. The social services used to monitor the people concerned. Will Government take into consideration that the social services should liaise with the handicapped people in order to monitor those children who are looked after by old people and who need to be monitored so that the Cosquieri incident does not happen again?

HON R MOR:

Mr Speaker, even without the regulations that the hon Member is after we are, of course, prepared to do that.

HON P R CARUANA:

Does the Minister accept, which is really the philosophy behind the question, that the Ordinance itself did practically nothing - I think there was one section about ramps of access to new buildings - and that apart from that the actual Ordinance itself did nothing of substance for the disabled persons in Gibraltar and that really

2.

the Government must recognise that they have so far not addressed those concerns and that the concerns of the handicapped and the needs of the handicapped can only be addressed when we put regulations on the table and in place we can then see what they achieve?

HON R MOR:

Mr Speaker, that is why, as the answer to the original question says, we are continuing to examine the regulations that need to be brought in.

28.10.93

ORAL

NO. 125 OF 1993

THE HON H CORBY

Mr Speaker, is Government unable to open the St Bernadett's Residential Home due to lack of funds and, if so, is this due to incompetent budgeting?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Answered together with Question No. 126 of 1993.

28 10 93

NO. 126 OF 1993

ORAL

THE HON H CORBY

Mr Speaker, what is the Government's plan for the management of St Bernadette's Occupational Therapy Centre and Residential Home?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, when the decision was taken by Government to add a floor to the building which is to house the Adult Occupational Therapy Centre following representations from the Handicapped Society, it was made clear to the Society that the new facility will not be operated by the Civil Service but that the Government will provide financial support for the operation. At Estimates time it was stated that this additional support was not included in the £511,000 earmarked for the handicapped but that additional funds would be vired when necessary. It is still the intention of the Government to provide additional funds when it is able to identify what arrangements can be put in place for the running of the home to provide respite care so that families can temporarily place their handicapped in the care of the home and also those who have nobody to care for them. The Government continues to study how this can be done at a cost which can be sustained for the foreseeable future. The management of St Bernadette's Occupational Therapy Centre will continue as it has been operating in the past from the new premises which are nearing completion.

SUPPLEMENTARY TO QUESTION NOS. 125 & 126 OF 1993

HON H CORBY:

Mr Speaker, it was said in their manifesto in their list of achievements that the completion date for the Therapy Centre was 1992. We are very much at the end of 1993 and from what we have heard inasfar as Government is concerned is that there is lack of funds and there is no date whatsoever for when the home would be opened. This is worrying, not only for the people of Gibraltar, but also for the people who care for the handicapped and the Society as well. We had a demonstration not so long ago because the Chief Minister did not want to see the people concerned and it took them a walk so that he then said "Yes". Will the Government announce why it has not been opened and how long it will take to open the Residential Home?

HON CHIEF MINISTER:

Mr Speaker, the answer has already been given. The fact that the Society for the Handicapped decided to call a

demonstration in order to ask for a meeting with me, is, I think, a reflection of the fact that everybody seems to think that calling a demonstration is the flavour of the day if they want a meeting with me. I have just had a demonstration today at lunchtime from people from gas stations who want to have a meeting with me. I did not know they wanted a meeting with me but I have discovered that this morning. The position is that I have had probably of the order of 200 meetings with the Society since we approved the addition of a first floor. We told them in the 200 meetings what we have just told Opposition Members and I will tell them the same thing at the next meeting. That is to say, that introducing civil service gradings and conditions into the operation of the home would make the running of the home prohibitively expensive on a per capita cost. Residential homes for handicapped people are not normally part of the civil service. We are prepared to look at any other reasonable arrangements. At one stage we said to them, "Why does not the Handicapped Society make the arrangements and come to us and tell us what the bill should be?" They felt they did not have the expertise to do it. At our last meeting when we discussed this at length, somebody suggested that they had contact with people who run homes in Spain. I said that we were happy to see whether they could come up with any ideas and then somebody else suggested that they had contact with people that run homes for local authorities on contract in the United Kingdom and we agreed to have these people coming to Gibraltar. This was agreed with them at this meeting. These people arrived in Gibraltar. The company was called Milbury Homes. We then had all sorts of letters in the press saying we are privatising. We were not privatising anything. All that we were doing was what we had agreed to do; listening to somebody who was supposed to know more than us and more than the Society. The consequence of that report by Milbury, which we have studied since, was that it created a level of professionals in the running which put it beyond the amount of money we feel reasonably we can put into the system. As I told the representatives of the Handicapped Society when they came to see me and they brought me the petition asking me for the meeting, the Government was not prepared to enter into a commitment unless it was confident it could deliver what it was entering in. It is no good saying, "Do not do the Piazza and spend £70,000." £70,000 would pay for six weeks and then what happens after six weeks, what do we do, do we close it? So the position is that we are committed to opening the home, otherwise we would not have spent £0.5million in putting it there in the first place. The home has cost £1.25million and the original budget in 1987 was £400,000. When the builder that was supposed to be building it went into liquidation, we had to put in somebody afterwards to finish it. As I have explained to them when they came to see me, "If you say where has the money gone, well the money went to the contractor." If the contractor

has got retention money, which he has, but the contractor is no longer in existence, the only thing you can do is use the retention money for the new contractor." If when the new contractor comes in and says, "They have not connected the sewers, they have not connected the water, they have not connected the electricity, the falls are all wrong, if it rains the place is going to be flooded." One has to put all these things right and having spent £1million, if one has got to spend an extra £0.25million, one spends that extra £0.25million to put it right. All this has been explained on a number of occasions. The position when the Society asked to meet me recently was that they were told, "It is not that I do not want to meet you, it is that I have nothing new to tell you other than what I have told you in previous meetings. Therefore, since at this particular time, we have a number of other pressing commitments, if there was something new that I could say to you that we have now come up with a solution, or if you say to me that you have come up with new ideas," which is what they have just said to me in the petition that they have brought me; that they have come up with new ideas. Well then I am happy to sit down with them and listen to those new ideas. I need to make it clear that if people choose to have a demonstration, it is their democratic right to have it. We will look at the arguments on the merits of those arguments and the fact that there is a demonstration, as far as we are concerned, does not alter the merits of the argument. The merits of the argument are the same with or without the demonstration. They will be given the same consideration. We will not hold it against them that they have a demonstration but neither will we be influenced. Because there has been a demonstration, we must now say what was black was white. What was black was black and at the end of the day we have got a responsibility to discharge. We try to do it to the best of our ability. If people are not happy with the way we do it, they have the chance to change their minds in 1996.

HON P R CARUANA:

Mr Speaker, can the Chief Minister give an indication, although obviously it would have to be a very broadbrushed figure, of how much it would cost to adequately staff and run the residential facility in the home on the basis that it were done on the same sort of basis as Mount Alvernia, with medical input by the Gibraltar Health Authority? That sort of institution, what might it cost to run on an annual recurrent basis?

HON CHIEF MINISTER:

Mr Speaker, when the hon Member says adequate, what is adequate is a matter of dispute. That is to say, if we have got at the moment 68 persons who are considered to be either mentally or physically handicapped and needing support and help, the resources of experts for those 68 persons, in the view of the Government, is the same whether the persons are living at home with their families or living in a residential



home. That is to say, we do not need more social workers because they are not with the family than you need because they are with the family. We do not need more occupational therapists, we do not need more of everything. We have got families whom we understand, by looking after somebody who is handicapped, are prevented by their obligations and their love and their care for that person, from having a break during the year and that we need to provide a facility where the handicapped person can be looked at in replacement of what was happening in the home. If in the home they needed the doctor, they call the doctor. If we are providing a residential facility for the family to go on holiday, we do not need a new doctor for the residential facility because the back-up is the same backup that was being there before and that is part of the problem that we have, that if we look at the situation of saying, if we were sending everybody out of Gibraltar to some remote location somewhere, we would need to have in that remote location so many doctors per person and then the adequate staffing of that isolated unit would be £0.75million. That is what it would cost. If you were building a home in the middle of nowhere, with every conceivable expert, caring for every conceivable eventuality.

HON P R CARUANA:

We are in Smith Dorrien Avenue, next to the Health Centre. How much does it cost?

HON CHIEF MINISTER:

It depends on whether we are looking at it in Smith Dorrien Avenue on the basis that they are actually near the Health Centre and if they need a doctor, they can get one, which is not the proposals that have been put to us. The proposals that have been put to us is that because one is in the home, one might be nearer the Health Centre than when one was living in Europa Point, but now the home must have a resident doctor. That is why we are saying we are not prepared to enter into a commitment of creating that level of involvement of all sorts of professions. First of all because we have not got the money to be able to do it, and secondly, because we are not convinced that we need to duplicate support services because we are taking them from their house to a place for two or three weeks whilst the family can go on a holiday and then come back and pick them up from the home. Obviously, the people that we employ in that home have got to be people that have some knowledge of how to look after the handicapped and that care about those people and that will give them the support that they need to replace what they were getting in their homes with the family. I cannot put a figure on what that would cost, but I can tell the hon Member that it would be a fraction of the other figure that I have given him. It might be £100,000 or £200,000 or £150,000, I do not know, because to some extent, we have also to see what would be the turnover; how many people would be there at any one time; how often they would make a use of it; how the rosters would operate, all these sort of things we have not got because we have not got passed step 1, which is - What is the facility required to provide?

HON P R CARUANA:

Finally, Mr Speaker, it is really the last part of that interesting dissertation that really is the answer to my question or gets anywhere near it. The Handicapped Society may have a higher specification than the Government is willing to fund in relation to how the ideal home for the disabled would in a utopic situation be resourced. My question was how much would it cost to run the residential side of the home on the same sort of basis as Mount Alvernia is run, which is basically with nurses and carers and caretakers for the home and cleaners and cooks, but not with physiotherapists resident on the staff...

HON CHIEF MINISTER:

Well, I am afraid, Mr Speaker, Mount Alvernia is all on civil service rates of pay and conditions.

HON P R CARUANA:

But how much would it cost on that basis to run the home?

HON CHIEF MINISTER:

I would say probably £0.5million per annum.

HON H CORBY:

The Chief Minister said that at one stage it would cost in the region of £400,000 and now the Residential Home has cost £1.5million. There have been allegations made that the Government was told not to build the Residential Home on the site because it had tunnels underneath with debris and it would cost much more to lay the foundations. Also there was an allegation made of mismanagement of funds. Will the Government comment on this?

HON CHIEF MINISTER:

Yes, Mr Speaker. Let me say it is complete news to me that anybody was saying that we should not build the floor on top of the Residential Home, given the enormous lobbying to which we were subjected to build it. I wish somebody had told me that there was an argument against building it. I can tell the Opposition Member that one of the comments made by Milbury when they came here, was that the new thinking in the United Kingdom is to get away from building a Residential Home such as this. Many of the ones that they run in the UK for local authorities are houses that have been converted to make them suitable for occupation by persons with handicaps where the groups are no more than three or four because they want to get away with the idea of putting people in an institution. I wish we had known that earlier frankly but when Milbury came the building was already finished and the money was spent. So, frankly, we acted, because we thought that this was what the Society wanted. At no stage was it ever suggested to us that the site was unsuitable, to my knowledge. As I have said, whether the

money has been well spent or ill spent, the money was paid to the contractor and anybody that has dealt with the construction industry knows that once a contractor gets into difficulties and goes into liquidation, there is nobody that you can go and claim things against. We discovered afterwards, when we thought the building was nearly finished, that there was still a lot of things unfinished which the retention money was not sufficient to cover for the new contractor. Alright, we kept the retention money, but we could not keep more than the retention money. The retention money did not go far enough and therefore we had to pay again for things which we thought we had already paid once. The money had to be found and it was found.

MR SPEAKER:

Next question.

28.10.93

ORAL

NO. 127 OF 1993

THE HON H CORBY

Mr Speaker, will Government say whether it is satisfied that St Martin's School is adequately staffed?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT  
AND YOUTH AFFAIRS

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1993

HON H CORBY:

Mr Speaker, I believe that handicapped children in as far as learning abilities are concerned and other areas, a letter must be sent to the Department of Education stating that they want to take into the school children with disabilities and this is vetoed by the Minister but with the existing resources. I know for a fact that there were four children who wanted to go in but due to the resources in the school itself they had to disregard two of them because there was not any staff to cater for them. I believe that St Martin's School requires one nurse in the nursery and an assistant. Would the Minister comment on that?

HON J L MOSS:

Certainly, Sir. Somebody has obviously been lying to the hon Member. I have got no power of veto about who goes in or does not go into St Martin's School. I think that what the hon Member is probably referring to is early educational intervention.....

HON H CORBY:

That is right, pre-school age.

HON J L MOSS:

.... pre-school age can go into St Martin's School. The fact of the matter is that St Martin's School was set up in 1977 and it was set up to take 30 children and I will tell the hon Member for his benefit what the level of staffing is. It consists of one headteacher, a deputy

headteacher, three teachers with special education allowances; there are also six classroom aids, an enrolled nurse, a welfare assistant vehicle escort and a school attendant driver; there are also two cleaners who assist with feeding at mealtimes. If the school is not willing to take on any extra children over and above the 19 it presently has then that is a matter for the school administration but the school was set up to take 30 children, it has got 19 children and I certainly have not vetoed anybody going into the school.

HON H CORBY:

Mr Speaker, due to the fact that there were two children who were not taken in, there must be a requirement there for the education of further children with learning disabilities or for the parents of handicapped children to take them on a pre-school basis in order to acquaint them, not only the children but the families with what they have to cater for in future life.

HON J L MOSS:

Yes, Mr Speaker, I totally agree with the hon Member. It is certainly advisable to have early education and intervention and if the school has got the space and the resources to take the children there is no reason why it should not happen.

HON H CORBY:

Will the Minister commit himself to saying that if asked by the staff or anybody to consider this he will consider it favourably?

HON J L MOSS:

I have already indicated that the school, as far as I am concerned, could take the children on tomorrow. If the school wishes to take on the children they will have my full support but what I have also said is that it is our belief that they have adequate resources to take on the children because the school was set up to take up to 30 children and it has only got 19 children.

HON H CORBY:

Again I have to stress, Mr Speaker, that two children were disregarded in as far as they needed this facility and they were disregarded because they could not afford to take the children on with the staff that they had at the moment.

HON J L MOSS:

Mr Speaker, I will repeat that the school was set up to take 30 children, it has got 19 children, 30 minus 19 equals 11 - this is a very basic arithmetic lesson. There are two children of pre-school age who could be going into that school which would still leave ample room for other pre-school children to move into the school if it was so required and I have not vetoed the entry of those two children into the school.

HON F VASQUEZ:

Mr Speaker, I wonder if I could just interrupt, we know now that the Minister has not vetoed the entry of those children; could he undertake that if he found out that the school was perhaps wrongfully refusing to admit these children that he would prevail and lean upon the school to make sure that they did admit the children if, indeed, they have this excess capacity?

HON J L MOSS:

We can only in this matter advise the school because the children are of pre-school age. I am sure that taking the children's interests into account, the school should be able to take on the children but I cannot order them to take on children who are not legally of school age.

28.10.93

ORAL

NO. 128 OF 1993

THE HON H CORBY

Mr Speaker, will Government say whether the income of family members of a disabled person is taken into account when deciding the level of allowance receivable by that disabled person?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, at present the allowance is not affected by the income of the family. The Government is considering what to do in cases where there is hardship.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1993

HON H CORBY:

Mr Speaker, I am thinking in the case of a person, like the one in the Cosquiere case who has taken over from the parent because there is nowhere at the moment to house this disabled person. Is the income of that person taken into consideration or are facilities given so that this person can fully meet her commitment to this disabled person?

HON R MOR:

Yes, Mr Speaker, that is taken into consideration.

28.10.93

ORAL

NO. 129 OF 1993

THE HON P CUMMING

When was the refurbishment of the Maternity Ward commenced and when is it expected to be finished?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the refurbishment of Maternity Ward was commenced last year. As I mentioned in my last Budget speech, Maternity would be taking longer to refurbish compared to all the other wards, because it involves two floors and is therefore being done in three phases. The first phase involved four bathrooms plus toilets and these have already been completed.

The refurbishment works have entailed major construction works to provide an extension to the ward. The type of airconditioning that has been installed has taken longer because it has been laid to suit Maternity's special requirements, which include labour rooms and the Special Care Baby Unit. Therefore upper Maternity will now have specifically designed areas such as double delivery suite, partitioned to give privacy and an admission room which can also be used as a delivery room. All these rooms have been fitted with marble. A new unit has also been built for neo-nates requiring special attention.

The extension to the upper ward was planned in order to enable mothers to have their babies at their bedside at all times. Also sophisticated consoles by the beds are being fitted and a lift is being installed to connect upper and lower Maternity so that mothers can safely take the babies from one floor to another.

Upper Maternity is now nearing completion and works to lower Maternity will be starting soon.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1993

HON P CUMMING:

Mr Speaker, the Minister has not answered my question at all. I greatly appreciate everything that she has said, I think it is wonderful but she has not said when the works started and when they are expected to finish. Last year could have been the end of December or it could have been the beginning of January. The conclusion anyway,



Mr Speaker, is that it has taken an excessively long time. The fact that it is on two levels, really it is a ward like any other that also have four bathrooms. The length of time is not justified by the things that she has been saying. I would like to know, Mr Speaker, what company is carrying out these refurbishments to Maternity?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have given the hon Member a very comprehensive reply. I have told the hon Member when exactly the refurbishment started which was a year ago; I have told the hon Member that it was done in three phases; the first phase started with the bathrooms which have already been completed; I have told the hon Member that the second phase is nearing completion; I have told him the extent of the construction works and the sophisticated equipment and the works that involve Maternity, Mr Speaker, and all the answers I have given him have actually been given to him specifying the actual dates.

HON P CUMMING:

So far, Mr Speaker, it has taken a year. Can the Minister now tell me how much longer it is going to take for all the phases to be completed?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I have told the hon Member that the first phase was completed; the second phase is in the process of being completed and the third phase will take, I presume, a couple of months to be completed.

HON P CUMMING:

So we could roughly say the whole process has taken a year and a half?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, that is right and I would expect the hon Member to compliment the Government on the actual fact that we have a first class Maternity Ward.

HON P CUMMING:

Mr Speaker, can we know what company the contract to refurbish Maternity has been given to?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the actual construction company that has undertaken the works is the same one that has undertaken all the other refurbishment works related to the hospital.

HON P CUMMING:

Is that a joint venture?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, it is one hundred per cent Government-owned, JBS.

HON P CUMMING:

Government-owned. So, in fact, what we have here is the old Public Works Department thing again?

HON MISS M I MONTEGRIFFO:

No.

HON P CUMMING:

Is there a penalty clause for taking longer than estimated in the contract?

HON J C PEREZ:

What has the hon Member got against the old Public Works?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, on the contrary. Even in my Budget speech a couple of months ago I told the hon Member of the extension of the works that had been already undertaken within the Medical Services. I do not want to bore the House again with the details but I think we have a fantastic record and we have, not only KGV refurbished but nearly the whole of St Bernard's refurbished, Mr Speaker, with really first class standard of wards within St Bernard's Hospital.

HON P CUMMING:

So in fact what we have then is a set-up very much like the old Public Works except that the salaries are now higher, taking just as long as the Public Works would have done in the old days.....

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I am not saying that.

HON P CUMMING:

..... and a company which masquerades under the thing of being private is, in fact, giving unfair competition to the real private sector?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I do not really know what the hon Member is on about. I am telling the hon Member what we have achieved within the Medical Services; I am prepared to remind him again of all the works we have undertaken within the Medical Services and he now brings to the House a new scenario where he is trying to diminish the work that is being undertaken by the workers, Mr Speaker.

HON P CUMMING:

I am talking about the length of time, Mr Speaker, that this thing is taking. It is taking excessively long for one ward to be refurbished. I am trying to establish why this is so. Was there a penalty clause for excessive length of time in carrying this out?

HON MISS M I MONTEGRIFFO:

Mr Speaker, if the hon Member would have listened and would have taken note of the answer that I have given him, he would have realised the extent of the refurbishment of Maternity Ward has taken longer because of all the extra requirements that we have needed because we are talking about three phases within Maternity Ward, Mr Speaker.

28.10.93

ORAL

NO. 130 OF 1993

THE HON P CUMMING

Is the refurbishment of KGV now completed?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, KGV underwent extensive refurbishment over the last two years. As I mentioned in my last Budget speech, there only remained one bathroom to be refurbished and works on this are well under way.

SUPPLEMENTARY TO QUESTION NO. 130 OF 1993

HON P CUMMING:

Mr Speaker, so in other words it has taken two years to refurbish KGV. There is a dribs and drabs concept here. I was told last week that the male bathroom of the acute wing had not even started but presumably, as the Minister says, it has now been started. But, in fact, it has taken two years to complete this process by dribs and drabs.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I would not describe the refurbishment of KGV as being undertaken as dribs and drabs but I can tell the hon Member now that we have a completely refurbished KGV Unit and what is now being refurbished is one sole bathroom and I am told that that bathroom has taken a little longer than the others because there was some problem with the plumbing in the basement.

HON P CUMMING:

The fact of the matter is that the work was halted for many months leaving the male ward without a proper bathroom.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, because we are talking about four bathrooms. We are talking about two female bathrooms and two male bathrooms and therefore the males were not left without a male bathroom, Mr Speaker.

28.10.93

ORAL

NO. 131 OF 1993

THE HON P CUMMING

What improvements have been carried out to the general layout of the Health Centre and has this been done according to the preferences of the doctors?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as I informed the House during the Budget session, the Gibraltar Health Authority acquired the top floor at the Health Centre previously housing the Environmental Health Department. Works are already well under way to improve the general layout to the Health Centre which will provide more clinics, more office space for all the staff, and a major improvement to the patients waiting area. I gave a commitment to this House, that the whole of the staff would be consulted. I am pleased to say that the plans have had the approval not only of the doctors, but of all parties concerned.

28.10.93

ORAL

NO. 132 OF 1993

THE HON P CUMMING

Has there been any progress in discussions between the Health Authority and the MOD concerning the MOD making use of facilities at St Bernard's Hospital following closure in mid-1994 of the RNH and what benefits is it hoped that such shared use will bring to the Health Authority?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, negotiations between the Gibraltar Health Authority and the Ministry of Defence concerning access by MOD personnel to St Bernard's Hospital facilities are still continuing. It is hoped that a decision will be taken shortly. Therefore, until such a time, I am not in a position to comment any further on the matter.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1993

HON P CUMMING:

It seems to me, Mr Speaker, that when this was last brought up in the House there was a sort of uncharacteristically floppy kind of attitude towards the MOD on this matter. It was not seen as an opportunity for some improvement of our Health Authority. Seeing as there for once the boot was on the other foot, they were looking for something that we had and that we can give them. I would like to know what criteria the Minister has laid out for those who are negotiating this business?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as far as the Government and the Gibraltar Health Authority are concerned, if we are talking about negotiations that are being undertaken between the Government and the MOD, those negotiations will be one that will not detriment the entitled patients of Gibraltar, Mr Speaker.

HON P CUMMING:

But neither will there be any attempt to improve them. They will not detriment them but neither will there be any attempt to improve them.

2.

HON MISS M I MONTEGRIFFO:

Mr Speaker, if within those negotiations we are able to improve them then that is part of the negotiations but as I said before we are in the middle of the negotiations and until those negotiations are completed I am not in a position to give this House any information on the progress of those negotiations.

NO. 133 OF 1993THE HON P CUMMING

Will Government state who are the persons who constitute the Health Authority, the Management Board and the Medical Advisory Committee and how often has each of those entities met in the last 12 months?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, much of the information requested by the hon Member is available or can be inferred from the relevant sections of the Medical (Gibraltar Health Authority) Ordinance, 1987.

The Gibraltar Health Authority was established under Section 3 of the Ordinance. It is composed of:-

- (a) The Minister for Medical Services and Sport (myself) as Chairman;
- (b) The Administrative Secretary of the Government of Gibraltar (Mr E Montado);
- (c) The General Manager (Mr E E Lima);
- (d) Two registered medical practitioners on the nomination of the Medical Advisory Committee, currently Dr Cecil Montegriffo (Consultant Psychiatrist) and Dr Patrick Nerney (GP Health Centre);
- (e) One person appointed by the Governor after consultation with the Gibraltar Trades Council, currently Mr Norman Santos;
- (f) Three other persons appointed by the Governor not being persons in the whole or part-time employment under the Crown in right of its government of Gibraltar, of whom one shall be a barrister or a solicitor of the Supreme Court, currently Mr Eric Ellul, Mr Albert Isola and Dr John Cortes.

The Management Board was established under Section 11 of the Ordinance in order to assist and advise the General Manager in the execution of his functions. The composition is as follows:-

- (a) The General Manager (Mr Ernest E Lima);
- (b) The Director of Nursing Services (Mr J Rocca);



2.

- (c) The Hospital Manager (Mrs Brenda Cortes);
- (d) The Specialist in Community Medicine (Dr A Bacarese-Hamilton);
- (e) The Chairman of the Medical Advisory Committee (MAC) (until a couple of weeks ago it was Dr A Soler. The latter resigned recently as Chairman of the MAC. Once a new Chairman is selected the appointee will take his place);
- (f) The Vice-Chairman of the MAC (currently Dr M Maskill);
- (g) The Medical Officer-in-Charge of the Royal Naval Hospital.

The Medical Advisory Committee was established under Section 12 of the Ordinance. The membership is composed of all registered medical and dental practitioners employed by the Authority. I do not believe that the hon Member wishes me to bore this House by going through the list and I shall therefore refrain from doing so. If, however, he would like to have all the names, I shall be only too pleased to provide him with them on request.

The Health Authority has met once since October of last year.

The Management Board has met officially on five occasions since the 1st October, 1992. Although I should point out that the members who constitute the Board work closely together and meet and discuss professional matters practically daily during the course of their official duties.

The Medical Advisory Committee is under no obligation to inform the Authority on the number of times not met, therefore I am not in a position to know if it has met.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1993

HON P CUMMING:

But the Minister is not in a position to phone the Chairman of the Medical Advisory Committee and ask when they met?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, that is the position.

HON P CUMMING:

The reason being, presumably that the Health Authority does not feel the need for the professional input of the advice of the Medical Advisory Committee?

HON MISS M I MONTEGRIFFO:

No, on the contrary, Mr Speaker, the Health Authority is in a position to listen to the professionals and if the professionals find that they do not need to consult the management or the politicians then it is their prerogative, Mr Speaker.

HON P CUMMING:

But surely, Mr Speaker, the spirit behind the way it is laid down in the Ordinance is that the Health Authority needs the advice from the Medical Advisory Committee and will ask them to advise it on professional issues?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, but if they do not get that professional input it is not the fault of the management or the politicians within the Health Service. That is what I am telling the hon Member.

HON P CUMMING:

But, surely, Mr Speaker, the whole purpose of setting up the Health Authority was to professionalise its structure and therefore this Committee is of vital importance to feed into the Health Authority constantly professional views and therefore it is surely in the interests of the health service that the Minister should chase them up so that they do meet, if they do not feel like it; so that that they will take more interest in the interests of serving the Health Authority.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I do not think it is the Minister's function to chase them up. The Committee is there, which is the Medical Advisory Committee, and if they do not write to the Minister perhaps it is because everything is functioning well.

HON P CUMMING:

Is it not more likely, Mr Speaker, that in fact they have so often tried to get their point of view through and failed that they have just given up in frustration?

HON MISS M I MONTEGRIFFO:

That is not the case, Mr Speaker, they have never tried.

HON P CUMMING:

Mr Speaker, does the Minister agree that the whole purpose of setting up the Health Authority was to de-politicise the functions of the medical services and in that set-up the role of the Minister was limited to that of chairman of the Health Authority whereas, in fact, the structure as envisaged in the Ordinance is practically defunct? And is it not so, Mr Speaker, that in previous answers to questions that I have put to the Minister, "What does the Health Authority...?" and so on, the Minister has answered with the point of view that obviously says, "Me and my staff, my immediate assistants are the ones who lay down policies for the Health Authority", rather than, "I am the Chairman of the group that lays down the policies"?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I tend to disagree with the hon Member. What I have said in the past is that the Minister sets down the policies. The day-to-day running of the Health Authority is actually undertaken by the management of the Health Authority, Mr Speaker, which answers the hon Member's questions.

HON P CUMMING:

We have it exactly from the Minister's mouth, Mr Speaker. The Minister lays down the policy but in the Ordinance it is the Health Authority that lays down the policy not the chairman of the Health Authority. In other words, this is another of those elastic laws that the GSLP does with the Ordinance whatever it feels like and, in fact, the Health Services are not being run by the Health Authority but by the Minister and a small group of assistants.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, on the contrary. I have already told the hon Member and I have explained the functions of every Board and what the functions are laid down as far as the Ordinance is concerned and I am actually giving a commitment to this House, Mr Speaker, that it is not the Minister who runs the Health Authority on a day-to-day basis otherwise I would not be here, I would have been exhausted by now. I have a Management Board, the Board carries out its functions on a daily basis, Mr Speaker, and what I am telling the hon Member is that what the Minister does is set down the policies of the Government.

HON J C PEREZ:

She is no Florence Nightingale, Mr Speaker.

28.10.93

ORAL

NO. 134 OF 1993

THE HON P CUMMING

Is the Health Authority now in a position to effectively audit internally the financial administration of medical prescriptions, and have the prescriptions now been made available to the Principal Auditor following his statement last year that he could not fully substantiate the expenditure of £1.9 million on prescription payments?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 135 of 1993.

NO. 135 OF 1993THE HON P CUMMING

Is internal audit now being carried out in the Health Authority, or does its absence continue to represent a serious weakness in financial control as described by the Principal Auditor last year?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, when the Principal Auditor mentioned in his report of 1990/91 that he could not fully substantiate the expenditure on prescription payments, he was not referring to the whole of the amount constituting a financial year. The prescriptions that were not readily available pertained to a week's batch. They had been moved to another store. During the audit of subsequent years, all prescriptions requested have immediately been made available to the Auditor.

As far as the internal audit of the Health Authority as a whole is concerned, the Authority acquired a financial system tailor-made to suit its requirements with the flexibility that there are other Government departments who have shown an interest in adapting the system. So the Principal Auditor could not have been referring to this. We believe that he was referring to the Salaries Department which was done manually but the computerisation of this area cannot be done in isolation from other Government departments.

The Authority believes that the computerisation system introduced enables it to control the expenditure effectively and introducing an internal audit system in addition to the auditing that is done by the Principal Auditor would not be a cost-effective way to monitoring expenditure.

SUPPLEMENTARY TO QUESTION NOS. 134 AND 135 OF 1993

HON P CUMMING;

Mr Speaker, the Minister has made reference to changes such as computerisation which in her view is helping to carry out an audit function, how is it then that in the report that she has just laid on the table the Auditor once again draws attention to a serious financial weakness in the Health Authority of the continuing absence of internal audit?

HON MISS M I MONTEGRIFFO:

Mr Speaker, because as I have said in my original answer to the question, we have already had information that he is referring to the Salaries Department.

HON P CUMMING:

Mr Speaker, the Auditor has made a general comment on the whole of the Health Authority, he has not confined it to one department or another. He says, "there is an absence of an internal audit function" which obviously we must take to be of the whole of the Health Authority and not just one department otherwise it would be a misleading statement.

HON MISS M I MONTEGRIFFO:

Mr Speaker, as far as the Health Authority is concerned, the comments made by the Principal Auditor refer to the Salaries Department and when we are talking about the auditing procedure and the financial procedures that the Health Authority have, we are satisfied that we have a system, Mr Speaker, that I would dare say today in this House of Assembly, which is second perhaps to none within the whole of the Government. We have a financial information system, Mr Speaker, which is really 100 per cent.

HON P CUMMING:

Mr Speaker, when the Minister said how wonderful it was in comparison to the whole of the Government - I thought for a moment she was going to say world or Commonwealth or something like that. If the rest of the Government's financial accountability is worse then it is in a terrible state. Mr Speaker, is the Minister aware that in the small countries of the Commonwealth where there was a debate recently about accountability, there are Parliaments in the Commonwealth where the Minister personally is given a report on a weekly basis on exactly how the finances are going; then on a monthly basis the Minister reports to Parliament, and on a three-monthly basis the Accounts Committee again reports to the ..... So that not one penny can be lost through negligence. Mr Speaker, there has been a serious criticism by the Auditor about finances in the Health Authority and I do not feel that the Minister has defended that.

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I am telling the hon Member is that we have a financial information system that, if the hon Member wishes to go and see it, is second to none. If the Minister requires any information at all within the health service she can actually ask the expenditure that has been expended within the last couple of days and we get a breakdown, Mr Speaker. What I am telling the hon Member is that having spoken as the management of the Health Authority needs to for the Principal Auditor, he was referring to his report as far as the Salaries Department was concerned, not as far as the expenditure of the whole of the health service, Mr Speaker.

28.10.93

ORAL

NO. 136 OF 1993

THE HON P CUMMING

Will Government say what plans (if any) it has for the contractorisation or privatisation of procurement of medical supplies by the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, none.



28.10.93

ORAL

NO. 137 OF 1993

THE HON P CUMMING

Does the Health Authority consider desirable that Nursing Assistants should be offered training and a career structure to Enrolled Nurse level?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 138, 139 and 140 of 1993.

28.10.93

ORAL

NO. 138 OF 1993

THE HON P CUMMING

Does the Health Authority consider that the present ratio of trained to untrained nurses is satisfactory for a nurse training programme which would be acceptable in UK?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 137, 139 and 140 of 1993.

28.10.93

ORAL

NO. 139 OF 1993

THE HON P CUMMING

How many nurses are at present employed at the Health Authority and how many are recommended by the Government's own so-called "Rocca Report" and how many are recommended by the Hill Report which was welcomed and accepted by the GSLP when in Opposition?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 137, 138 and 140 of 1993.

28.10.93

ORAL

NO. 140 OF 1993

THE HON P CUMMING

What is the state of industrial relations between the Health Authority and ACTSS Nursing Committee following the collapse of the Joint Working Party?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in 1987/88, at the time of the Hill recommendations, the complement of nursing staff in the Medical Department was 173 trained staff and 108 untrained.

The Hill Report recommended an increase in these numbers from 173 to 221 trained and from 108 to 146 untrained. This was to take place based over a seven-year period and subject to review during the course of implementation. In addition, the report argued that the increased level of staffing would be largely self-financed by the reduction of overtime levels and by the phasing out of local allowances for extra duties, which should become less necessary as a result of higher staff levels.

After 1988 a start was made in the implementation of the report and the matter monitored and kept under review. The Rocca Report reviewed the position and new recommendations were made and accepted by the Government which provided for 193 trained staff and 126 untrained. At the same time local allowances were kept and there were no major reductions in overtime work. This is the complement to which the Health Authority is currently committed. Obviously, the matter continues to be monitored and kept under review in the light of changes in nursing practices and other developments. Nevertheless, the complement figure currently in place is 20 trained staff more than in 1988 and 18 untrained more than in 1988.

During the course of these changes in staffing levels, the Government approved that an opportunity should be given to all enrolled nurses to carry out a crash course to be able to become staff nurses. Although there were no enrolled vacancies in the complement, the newly qualified staff nurses, who are occupying enrolled nurses positions in the complement, were upgraded on being successful and paid as staff nurses. A similar exercise was done in respect of nursing auxiliaries to enrolled nurses. The net effect of these changes including upgradings of many of the staff in post has contributed to the salaries bill of the staff increasing in 1987/88 from £4,759,120 to £8,628,300 in 1992/93.

2.

At present, therefore, the trained staff in post amount to 202 trained and the untrained staff to 86.5. The ratio of trained to untrained staff is therefore considered to be more than satisfactory from the point of view of a nursing training programme that would be acceptable in UK.

There are no plans to provide for nursing assistants to be able to move into the grade of student nurses, which is what is required to meet UK and EEC requirements for nursing qualifications. However, should the staffing ratios in future warrant any changes, the matter would be reviewed at the appropriate time.

Currently, the position is that what is required is to continue the recruitment of untrained nursing assistants who are now entering into the service after completing an induction course in Mount Alvernia, which at the same time helps to provide support for Mount Alvernia's staffing levels.

Although this information and explanations have been provided, during meetings of the Joint Working Party, regrettably, the Staff Side have continued in seeking further increases in trained nursing staff, arguing that there has been a decline in trained staff and an increase in untrained staff, notwithstanding the evidence to the contrary. Since it was impossible to reconcile the opposing views, the Staff Side withdrew from the Joint Working Party. Other than this, there has been no alteration to the working relationship between the Management and the Staff Side.

The policy of the Health Authority will continue to be to recruit new entrants as nursing assistants in order to achieve the targeted complement.

SUPPLEMENTARY TO QUESTION NOS. 137, 138, 139 AND 140 OF 1993

HON P CUMMING:

Mr Speaker, will the Minister confirm then, if I have got this right, that the complement at present is 288?

HON MISS M I MONTEGRIFFO:

Mr Speaker, if we are talking about the complement trained and untrained, the complement in post is 202 trained and 86.5 untrained.

HON P CUMMING:

Then 288 is the total at present. So, in fact, when we talk about the staff in the hospital there are three important numbers. One is the complement at present which is 288; the complement to which the Government is committed which is 319; and the previous commitment that the Government had to the Hill Report which is 367.

HON MISS M I MONTEGRIFFO:

I have given the hon Member all the figures that he has asked for, Mr Speaker.

HON P CUMMING:

Yes, so that in fact there are substantial gaps between those three figures. May I ask then when the Government expects to fill the complement that it is committed to. That is to say, when will we move from 288 to 319?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what the Government is doing is phasing out and taking into consideration all the changes that have taken place within the nursing practices and changes which I know the hon Member will understand because he has been a tutor within the Health Service himself. What I am saying is that the Government is committed to a target and I have spelt it out in my answer, Mr Speaker, that we are committed to 202 trained staff; at the moment we have in post 202 and 86.5 but the target is naturally higher.

HON P CUMMING:

Mr Speaker, 288 is the present complement. In the good old days of the AACR administration we always took the nursing complement to be 300 minus about three to five which the Minister claims that it was 281. Let us suppose even that it was 281, I remember it being 297. Let us take 281 which the Government gives. It means that now there are only seven more nurses in post than there were then.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, the hon Member must understand that when we talk about the complement, that in 1988 even when we are talking about a certain complement there were in 1988, 12 vacancies in the complement and today those vacancies have been filled.

HON P CUMMING:

Then, Mr Speaker, we must have been reaching atrocious levels of unemployment. The problem is, Mr Speaker, that we are running a service which is increasingly more sophisticated and increasingly more demanding because we are catering to a public that knows more and more about medical matters and there is more and more scope to serve them with advance in technology and therefore there is more and more need for improving numbers and now it turns out that we have 288, the same number as we had before, except that now many of them are completely untrained whereas before they all had some level of training and prospects of whatever training they were willing to undertake.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I have actually told the hon Member that the scenario is the opposite. We have more trained staff nurses than before, Mr Speaker, and since 1988 we have a situation that admissions to the Health Authority have been kept at the same level and even though we had a Hill Report that recommended that we should do away with extra allowances, they have not been done away with and we have not cut down overtime levels. So what I am telling the hon Member is that we have a much better situation now, Mr Speaker, than what we had before.

MR SPEAKER:

One more question.

HON P CUMMING:

Mr Speaker, we are talking about four questions here.

HON MISS M I MONTEGRIFFO:

I have given very comprehensive replies.

HON P CUMMING:

Mr Speaker, in the last House of Assembly Mr Bossano said that the staff nurse complement was over the complement by 30. It stuck in my head and I tried to do some research to try and understand that figure and, of course, first of all, it was never completely established what the staff nurse complement should be because in the days of the AACR it was a number dependent on how many people wanted to study and how many people achieved qualification in

the course of a year. So it was never really established what the complement was, but all the promotions recently taken to staff nurse in the last four years had come from the grade of the enrolled nurses who had not themselves been replaced. So in other words we are talking about a senior grade moving from enrolled nurse to staff nurse which is considered, for training purposes, a senior grade. This therefore has twisted the ratio of trained to untrained in such a way that it may be impossible to run a course that would be acceptable to the UK. I know it is not the intention to run any course but it may be necessary at any time.

HON CHIEF MINISTER:

No, Mr Speaker, the hon Member is wrong. What the Government did at the time in consultation with the staff - he was still in the hospital then - was to agree to introduce crash courses which the UK said we could do as a one-off exercise because we were not happy to have a situation where the people who had been recruited in the past with the expectation, as he knows, that they were able to interrupt their training in Gibraltar. We had a situation where, frankly, I feel that the system we had in Gibraltar was better than the system they had in UK where somebody was able to stop, maybe because of family commitments or other problems, and then at a later stage they were able to resume their training where they had left off and complete it and in the intervening period their experience in the wards, I think, helped to compliment their understanding of the theory when they came back to school. But we were told by UK that this could not be done, that the training had to be that it had to start and it had to finish and if it did not finish then one was out and one could not go back again. We felt that that was unfair to the people who had stopped expecting to be able to come back again and therefore the UK agreed that all the people who had previously been training and stopped at enrolled nurse should be given the chance once to go back and finish the state registered nurse training. This we gave to everybody. We did not know what the result would be but the effect was that the result was much better than we expected and we found ourselves, as he correctly says, with a lot of people who moved from being enrolled nurses to having been trained as staff nurses but the complement of staff nurses was not increased. If he looks back in the 1987/88 estimates he will find that the staff nurse complement was shown separately in the old days. We had a commitment that the people concerned would be paid as staff nurses when they finished their training even though there was no vacancy for a staff nurse at the end so they continued filling the job on the ward that had been done by an enrolled nurse previously but they got the pay of a staff nurse. We could not move them out and employ another enrolled



nurse because there was no other job for them to do. In addition, because it was possible at the time to move from being a nursing auxiliary to being an enrolled nurse and there was not a separate stream for student nurses - which was the UK system which Hill recommended we had to introduce here and the educational team recommended we had to introduce here - we gave the same opportunity that we had given to the enrolled nurse to the auxiliaries and therefore the auxiliaries moved into the enrolled nurse grade. If he takes the staff nurses and the enrolled nurses that have qualified as a result of these changes, the total number of staff nurses and enrolled nurses together is more than the total number of enrolled nurses and staff nurses before and therefore the loss has been at the lower grade of nursing auxiliary. All the nursing assistants that are being taken into the hospital are being taken on the first grade of nursing auxiliary of the National Health Service in the UK; they are being paid what nursing auxiliaries get paid in the UK and they are doing, broadly speaking, a similar function. Whereas in UK they said the auxiliaries are going to be either Grade E or Grade B and the Grade A were 85 per cent of the auxiliaries in the Health Service as a whole and the Grade B 15 per cent, we made everybody in post Grade B - 100 per cent - and we made all the new entrants Grade A. So the structure we have got now is that we have got staff nurses in post over and above the complement around 30 more than we need. Those 30 were previously enrolled nurses are in the wards in which they were enrolled nurses doing broadly the job they were doing before but getting paid as staff nurses. We have got auxiliaries in the wards who are now doing the work of enrolled nurses some of which are being absorbed because there are vacancies in the enrolled nurse grade. And we have got auxiliaries and assistants who in our case are being paid in a ratio where since the new system came in from UK everybody who was employed on that day was employed on an auxiliary and on the higher of the two scales (Grade B) and everybody who has come in since that day has been employed on the lower of the two scales (Grade A). But we are still, in terms of proportion, considerably better off in paying our staff and in grading them than the comparable National Health Service Hospital in the UK where the ratio is 85 per cent, Grade A and 15 per cent, Grade B although with the passage of time that will be correcting itself as people are reduced in one grade by natural wastage and new entrants come into the other grade. So for all these reasons which we have tried to explain to the Staff Side we believe that we have got a better proportion of qualified staff, perhaps a number of people who are qualified in excess of what they really need for the complement that we have, but we will have to wait because we made a commitment and we did not think (a) that so many people were going to apply as did, and (b) that so many people would pass as did, and we are stuck with it.

28.10.93

ORAL

NO. 141 OF 1993

THE HON P CUMMING

What is the waiting time for an out patient to receive physiotherapy?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, at present waiting time is from three to four months. However, depending on the medical condition of the patient, he or she will be seen immediately.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1993

HON P CUMMING:

Mr Speaker, does it not seem that this indicates that there is need for more physiotherapy staff?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON P CUMMING:

Mr Speaker, is it not likely that if one has to wait three or four months for physiotherapy by that time either one is completely knackered or one has got .....

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, in view of the last part of the answer that I have given to the question.

28.10.93

ORAL

NO. 142 OF 1993

THE HON P CUMMING

Is the facility of having glasses prescribed still available through the Eye Department?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, if the hon Member is referring to optical ones, the answer is yes.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1993

HON P CUMMING:

So that one can go up to the hospital and make an appointment to have ones eyes tested and get a prescription for the glasses from the hospital?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, that is the position.

HON P CUMMING:

Thank you, I am very glad to hear that. I have been assured by so many people so well qualified to know that I am very surprised that this is the answer. It may be that we have now reverted to that. Was there a gap then at a time when this was not possible?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, not as far as the question "Is the facility of having glasses prescribed still available through the Eye Department?" is concerned. The answer is yes, Mr Speaker, if he is referring to optical ones.

2.

HON P CUMMING:

Mr Speaker, is it necessary now to go to the Health Centre first to get a letter from a doctor in order to get an appointment to have your eyes tested at the hospital?

HON MISS M I MONTEGRIFFO:

That is the subject of another question which I will be replying to the hon Member, Mr Speaker.

28.10.93

ORAL

NO. 143 OF 1993

THE HON P CUMMING

What facilities are available for getting urgently prescribed medicines at night?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, insofar as the hospitals are concerned, there is always one hospital pharmacist on call for the purpose of dispensing medicines in cases of emergency. This facility is available when the medicines which are required are not held at the wards or in the Accident and Emergency Department.

With regard to the community, there is always one pharmacy available to make up prescriptions in cases of emergency. For practical purposes the pharmacy nominated by the Health Authority is the pharmacy on duty for dispensing after hours.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1993

HON P CUMMING:

Mr Speaker, so it means to say that if one has to call the doctor at, say, one o'clock in the morning, the doctor prescribes antibiotic or whatever it is, where does one go then to find who can be called to.....

HON MISS M I MONTEGRIFFO:

No, it is not a question of where one goes to. The doctor knows which is the pharmacy on duty and that pharmacy will prescribe whatever medicines are required, Mr Speaker.

HON P CUMMING:

So in fact the information will come from the doctor that comes after hours, he will say, "This is the number to call" or, "This is the place to go to"?

HON MISS M I MONTEGRIFFO:

No, the doctor, in fact, will actually ring the pharmacy and tell the pharmacist the medicines that are required for the patient, Mr Speaker.

28.10.93

ORAL

NO. 144 OF 1993

THE HON P CUMMING

What is the procedure to be followed by patients seeking treatment or advice for minor conditions or injuries of the eye?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the procedure to be followed by patients seeking treatment or advice for minor conditions or injuries of the eye is either to visit the Eye Department, seek an appointment at the Health Centre or visit the Casualty Department.

SUPPLEMENTARY TO QUESTION NO. 144 OF 1993

HON P CUMMING:

Mr Speaker, were services from the Eye Department interrupted for any period of time for these minor conditions that I am referring to?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we had a situation where the new ophthalmologist that was appointed by the Health Authority had introduced, in his professional judgement, certain procedures. Those procedures were procedures that the management of the Health Authority found difficult to argue against because we were talking about medical arguments. Nevertheless the management of the Health Authority advised the ophthalmologist at the time that they did not consider that those procedures were the proper ones and they have been monitoring the situation and since then - we are talking about three weeks ago - the ophthalmologist has reverted to the procedures that were in place before he actually changed the system, Mr Speaker.

HON P CUMMING:

So, in fact, we returned to what we had before?

2.

HON MISS M I MONTEGRIFFO:

That is right, Mr Speaker.

HON P CUMMING:

The Minister, I am sure, is aware of the many, many complaints that we received and the anxiety that it has caused but if she assures us that it is over then thank you very much.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the hon Member will be happy that there has been no political intervention; it has been the professional and the management actually deciding what is best for the patient.

HON P CUMMING:

I think it is always legitimate for the Minister to intervene on behalf of the public that needs the services of the hospital.

HON MISS M I MONTEGRIFFO:

Sometimes it suits the Opposition when the Minister should intervene or not, Mr Speaker.

28.10.93

ORAL

NO. 145 OF 1993

THE HON P CUMMING

Will Government agree to provide an outpatient's ambulance bus facility for elderly or incapacitated outpatients who need to attend hospital regularly?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Government already provides an outpatient ambulance service for elderly and incapacitated persons who need to attend the hospital regularly.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1993

HON P CUMMING:

So that a constituent who has complained to me about the expense of going from Varyl Begg to the hospital three times a week; I can tell him that he can get the ambulance to come for him, is that it?

HON MISS M I MONTEGRIFFO:

That is right.

HON P CUMMING:

How, just by phoning the Police number for the ambulance?

HON MISS M I MONTEGRIFFO:

They can either phone the Police, Mr Speaker, or phone the hospital.



28.10.93

ORAL

NO. 146 OF 1993

THE HON P CUMMING

When was a laser obtained by the Eye Department for use in eye surgery, and when will it be put into use?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the laser was obtained in March and is already in use.

In order to install the laser in a separate room within the Eye Department, we had to move the audiometrician to a different area. This clinic had to be made ready and certain works were carried out. Once those works were completed, the audiometrician moved into new premises, the laser was installed by experts from UK and patients are already being treated.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1993

HON P CUMMING:

Mr Speaker, it was reported to me that the laser was lying around in boxes for seven or eight months and there was a sort of "mañana" thing hanging over them that there was not much progress done till very recently, in fact, last week when suddenly the whole thing was done.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, in my answer to the question from the hon Member I have given him a picture and I am giving him the reason why we were not able to move with the laser and I have explained that we needed to move the audiometrician from the room which he occupied beside the Eye Department. That has already been done, the laser has been installed and patients are being treated, Mr Speaker.

28.10.93

ORAL

NO. 147 OF 1993

THE HON P CUMMING

Will the Minister make a statement on the facilities available for the administration of patients' files at the Health Centre?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 148 of 1993.

28.10.93

ORAL

NO. 148 OF 1993

THE HON P CUMMING

What facilities are available for patients to book appointments at the Health Centre and does the Minister consider that these are sufficient?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, for several months the filing system at the Health Centre has been undergoing a major change from a numerical system to an alphabetical one.

However, whilst the change was taking place there were obviously two systems working simultaneously. This has been done with the minimum of inconvenience to the public and it was completed last month.

The new alpha system has been introduced not only to improve the system but to be able to introduce a data file colour coded system. The proposed layout will include a new metal racking system but it will be functional only when the top level of the Health Centre is refurbished.

The Minister considers that the facilities at the Health Centre to book appointments are sufficient. These are:-

- (1) For advanced bookings patients may obtain an appointment by phone or by attending the appropriate counter at the Health Centre,
- (2) By attendance on the day for patients to see the doctor,
- (3) There is also an emergency doctor for the more urgent cases to be dealt with.

SUPPLEMENTARY TO QUESTION NOS. 147 AND 148 OF 1993

HON P CUMMING:

Mr Speaker, what was the cause of the row some weeks back when files were not available for doctors and there were long queues reported on GBC at the Health Centre?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the problems that occurred, I would say, were as a result of extenuating circumstances where there were people on leave and people were on sick leave and the question of the queues that appeared on GBC by the people who went on the Monday looking for advanced bookings. On the question of advanced bookings these are done at the end of the month and therefore as people were on sick leave and on annual leave the people who had been sent by the Health Authority were there on the Monday to contain the situation and people were seen, Mr Speaker. So therefore I do not think that there was a major upheaval at the Health Centre because the situation was contained very quickly and very promptly by people who were sent from the Health Authority to contain the situation.

HON P CUMMING:

Mr Speaker, when somebody wants to make an appointment by phone, on that days and at what hours can he phone in to make an appointment?

HON MISS M I MONTEGRIFFO:

As from the same hours that the Health Centre opens, Mr Speaker; from 8 o'clock in the morning.

HON P CUMMING:

It is not limited to a few hours on a few days?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON P CUMMING:

Is the Minister aware that people phone in and get the engaged signal time and time and time again and often have to give up when trying to make an appointment?

HON MISS M I MONTEGRIFFO:

I admit, Mr Speaker, that was a system that was operating a couple of months ago but it is not happening today. Anybody who wants an advanced booking can ring and get the appointment but obviously on a Monday people are not seen as part of the advanced booking system because the doctors believe that it is only fair that on Mondays people can actually go there and see whatever doctor they want to see, Mr Speaker.

HON P CUMMING:

Mr Speaker, I had occasion to go to the Health Centre myself just the other day and I.....

HON MISS M I MONTEGRIFFO:

As a patient, Mr Speaker?

HON P CUMMING:

As a patient, yes. I went to the window and I said, "Can I see the doctor, please?" They said, "I am sorry, the place is all full up". I said, "It is three o'clock. That notice says I can come until half past three". They said, "Oh yes but you have got to come ..... There is an emergency doctor, are you in an emergency?" I had to say, "Yes, I am an emergency". If I had been an emergency I would have been on the ambulance on the way to the hospital. I want to ask, Mr Speaker, is there any training given to clerks with a view to making the public feel that they are not an enemy, that there is not a barrier to overcome to the rights and the services to which they are entitled?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I would like the hon Member to clarify whether he was seeking an appointment to see a doctor or whether he was seeking an advanced appointment with a particular doctor. Can he clarify that, Mr Speaker?

HON P CUMMING:

I wanted to see a doctor that afternoon.

HON MISS M I MONTEGRIFFO:

Mr Speaker, was he denied the right to see any doctor?

HON P CUMMING:

I do understand that after a certain time they have got to level out the numbers. If they say, "No, sorry, you cannot see that one, you have got to see that one", I accept but not "Unless you are an emergency we cannot see you".

HON MISS M I MONTEGRIFFO:

Mr Speaker, we now have a situation where the Minister is asking questions from the Opposition Member.

HON LT-COL E M BRITTO:

Mr Speaker, is the phone on which appointments are made manned or womanned?

HON MISS M I MONTEGRIFFO:

They are at the present moment in time womanned, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, it is a serious question. The question has already been asked by my hon colleague and answered but I am not quite sure whether the Minister answered the thrust of the question or even understood the question. I will repeat what my hon colleague said as a question. Is the Minister aware that considerable delays on a regular basis - not on an exceptional basis - are experienced by people in trying to get an answer on that telephone number to make appointments? Normally the experience is that people get an engaged tone or if there is not an engaged tone then there is no answer. Is the Minister aware of this?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I mentioned and I did clarify the position to the hon Member before, there was a system whereby there was an answering machine. Several systems have been tried by the staff at the Health Centre. The first one was to have an answering machine; the second one was to say if people are coming to the counter they will be given priority and therefore between certain hours they will be seen and therefore between certain hours the people who phone will be also provided with a service. The system that is in place today is that people can ring at whatever time they wish, Mr Speaker, and the information that I have is that it is working properly.

HON LT-COL E M BRITTO:

Mr Speaker, for clarification, I am talking about advance appointments. I am not talking about appointments on the same day.

HON MISS M I MONTEGRIFFO:

That is right, Mr Speaker, I am talking about advance appointments. There was a situation before where there was an answerphone and it did not work, there were certain hours when the staff thought that they could improve the system by actually adhering to certain hours whereby they would look and they would actually take advance appointments for patients who were going there physically and then within certain hours they would also attend to the telephone. At this present moment in time they are attending those persons who are going physically and also the telephone. As far as the information that I am getting is, Mr Speaker, that the staff there now at the Health Centre are adequately looking after the interests of the patients who go there and also the patients who are phoning for advanced bookings.

HON LT-COL E M BRITTO:

Mr Speaker, with your lenience, the Minister will accept that what I am saying is from personal experience in making an appointment on a regular basis monthly for an aged relative. I have seen it for myself by the telephone from my desk ringing on an automatic basis redialling and this is post the answering machine days, this is in the last three or four months when the phones are supposed to be manned. My personal experience, Mr Speaker, would the Minister accept that it is a personal experience, is that the delays continue either on not being answered or usually the phone line being engaged which I presume is being used by other people ringing at the same time and perhaps the Minister would look into it or investigate whether the information she has is accurate.

HON MISS M I MONTEGRIFFO:

What I am telling the hon Member is that the Minister has looked into it, the Minister has actually had meetings with the administration of the Health Centre and what I am telling him is that as a result of that meeting I am satisfied that the procedure now being carried out is a satisfactory one, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, one final point. What I would suggest to the Minister, if the Minister accepts the point, is not to ask anybody but to ring herself on more than one occasion and then at the next meeting of the House she can then tell me whether she still thinks she is right and she still thinks that I am wrong.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I can confirm to the hon Member that I have done that already. I have rang.



28.10.93.

ORAL

NO. 149 OF 1993

THE HON P CUMMING

Will Government explain the circumstances of the recent appointment of an Ear, Nose and Throat Consultant at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in the past, the ENT services were carried out by a GP with an interest in this speciality who had also been sent to the UK to acquire further experience. However, he was also at the time working as a general practitioner. He is now employed as a full-time Associate Specialist in ENT and therefore in effect we have increased the number of medical practitioners by one.

SUPPLEMENTARY TO QUESTION NO. 149 OF 1993

HON P CUMMING:

So his place in the Health Centre has now been filled by somebody else?

HON MISS M I MONTEGRIFFO:

That is correct, Mr Speaker.

HON P CUMMING:

Mr Speaker, is it not right that in the past all the ENT specialists have been part-time so that, for example, there was a morning spent on surgery, an afternoon with the clinic, and two ward rounds of, say, half an hour each during the week was the sum total of the work required? How come that now instead of being part-time it is full-time?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have explained, the practitioner, who was actually providing the services to the Health Authority, was providing three clinics in a week but apart from those three clinics he was also working as a full-time GP, therefore representations were made and the

2.

Government decided that we would introduce an ENT full-time specialist and that is why I have said that now we have increased the medical practitioners by one and we have replaced that medical practitioner by a GP at the Health Centre.

HON P CUMMING:

If previously it was being done satisfactorily on a part-time basis, what does he now do with the rest of his time? Does he do private practice?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what I am saying is that it was not satisfactory because apart from the services that he was providing as an ENT Specialist he was also working as a full-time GP, having to go into the roster of a GP and being on duty, Mr Speaker. That is why I am telling the House that the Health Authority decided that it needed a full-time ENT specialist and we have increased the number by one and we have replaced him by another GP at the Health Centre, Mr Speaker.

HON P CUMMING:

Does his contract allow him to do private practice?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. The contract that has been entertained between the Health Authority and the new ENT specialist is that there will be no private practice within that contract.

28.10.93

ORAL

NO. 150 OF 1993

THE HON P CUMMING

Will Government say when it intends to replace the consultant dental surgeon in the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Gibraltar Health Authority replaced the consultant dental surgeon working at the Health Centre on the 13 April, 1993.

SUPPLEMENTARY TO QUESTION NO. 150 OF 1993

HON P CUMMING:

When we talk about dental surgeons normally we understand it is a dentist; an ordinary dentist can call himself a dental surgeon, but what we mean by consultant is somebody who actually does oral surgery, that is to say, operations on the mouth; of a higher qualification. Is this the person who has now been replaced?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, and apart from that I can inform the House that from the date that he was appointed the expenses of oral surgery is met by the Health Authority whereas before it was considered as private practice. That is no longer the case, people who require oral surgery will have oral surgery free of charge and the person who is there employed is fully qualified to undertake the services as previously.

ORAL

NO. 151 OF 1993THE HON P CUMMING

Is the Government satisfied that the contracts with six hospital consultants, announced last year and which prohibited private practice, have produced "value for money" and had any effect in reducing waiting-times for surgery and for appointments with consultants?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as the Opposition has been informed on more than one occasion, the reason for the Government phasing out private practice has nothing to do with the following reasons the hon Member suggests - "value for money" or reducing waiting-times on appointments. The Government's policy is based on the human aspect of the situation as we strongly believe that patients should be seen by doctors in accordance with the priorities of their medical condition and therefore doctors who are employed in the public service should dedicate their time to seeing entitled patients.

SUPPLEMENTARY TO QUESTION NO. 151 OF 1993

HON P CUMMING:

Mr Speaker, the theory of what the Minister is saying is excellent and we welcome it but the practice is entirely the contrary. There is overwhelming evidence that the Minister has not phased out private practice at all.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the hon Member is saying that the evidence is not there. I would welcome the evidence from the hon Member and I will investigate whatever information the hon Member ventures to provide to the Minister.

HON P CUMMING:

Mr Speaker, the Minister knows perfectly well the difficulty of producing evidence of the type that would stand up in court. For an adequate supervisory function this is not necessary, there should be some management function of supervision and monitoring to ensure that

these things do not happen and that the public are aware that if they pay one of these doctors any money for their services that they are participating in a serious fraud.

HON MISS M I MONTEGRIFFO:

Mr Speaker, but the allegations are being made by the hon Member. If the hon Member is making an allegation that there are people who are actually paying for the services that are being provided by the consultants who are not supposed to do private practice, I would welcome that evidence, Mr Speaker, that is what I am saying to the House.

HON P CUMMING:

Mr Speaker, surely the Minister is not asking me to put my hand in my pocket and employ a private detective and all that sort of thing?

HON MISS M I MONTEGRIFFO:

But the hon Member is making the allegation, Mr Speaker.

MR SPEAKER:

Order. An hon Member who asks a question in which there is a statement, the hon Member making the question is responsible for the accuracy of this statement. So if it is not accurate then the hon Member cannot make a statement. Next question.

28.10.93

ORAL

NO. 152 OF 1993

THE HON F VASQUEZ

When are the cricket nets at the Victoria Stadium which were removed for the new petrol station going to be replaced?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 155 of 1993

28.10.93

ORAL

NO. 153 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government say whether Gibraltar will be ready to stage the Island Games in 1995?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Yes, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 153 OF 1993

HON L H FRANCIS:

Mr Speaker, we have heard encouraging reports yesterday in the media about the progress that has been made. Without going into the pool, which is the subject of the next question, I suppose there are various things that are still partially up in the air. To mention a few: the ranges which has been said might be sited round the 100 ton gun area and the clay pigeon shooting; the fact that the track at the Stadium apparently needs to be re-laid, for example; throwing and jumping facilities have to be reprovided at Europa Point, so I am told; and the road surfaces have to be improved in certain areas for the cyclists. Will the Minister comment on these areas?

HON MISS M I MONTEGRIFFO:

The hon Member, Mr Speaker, has made various questions. What struck me was the question of the bolidtan track at the Stadium and that I can assure him not that it is in a depleted state, it needs to be repainted and that is going to be done. It is not that it is in a condition that the surfaces need to be replaced, that is not the situation. On the other hand, I must say, Mr Speaker, that I met the international members of the Island Games Association who visited Gibraltar as as the hon Member may have heard them last night, they were very impressed facilities, they are very encouraged, especially with the Victoria Stadium facilities, Mr Speaker, and of course as the hon Member has said, the question of the swimming pool is a subject of another question which I will answering now, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, does the Government intend to provide any backup in administration and in logistics?

HON MISS M I MONTEGRIFFO:

Definitely, Mr Speaker, we have all the resources and all the facilities that the Government has to help the Island Games and we also now have the Gibraltar Information Office that have offered their services as far as the public relations services are concerned. Yes, we will provide them.

HON LT-COL E M BRITTO:

Does that, Mr Speaker, include putting a team of people to liaise and work with the Island Games Committee for a period of time leading up to the games, working exclusively with the Island Games Committee, exclusively dedicated to the running and the administration of the games?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, I can confirm that that is already in place.

HON LT-COL E M BRITTO:

Can the Minister give us any idea, Mr Speaker, what size of team we are talking about?

HON MISS M I MONTEGRIFFO:

The size of team as regarding ...

HON LT-COL E M BRITTO:

Regarding the number of people on it.

HON MISS M I MONTEGRIFFO:

The number of people? Mr Speaker, we are talking about the whole of the civil service if that is what the hon Member is referring to.



HON LT-COL E M BRITTO:

No, Mr Speaker, that is not what I am referring to. I appreciate that in principle the Minister is saying that the civil service has a whole will back the thing but the civil service as a whole has other jobs to do. I am saying whether a specific number of people, be it one, five or 25, will be seconded, as it were, to the Island Games Committee for a period of time? And I am asking, is it going to happen and, if so, how many people will form the team and for how long and will they stay with the Island Games during the period of the Island Games itself to run the games?

HON MISS M I MONTEGRIFFO:

At the moment, Mr Speaker, we have a situation that the Island Games have formed a new committee but with the numerous meetings that we have had I can tell the hon Member that we are talking about the management, the staff at the Victoria Stadium; we are talking about the people involved in the Education Department and we are also talking about the people who are involved in the local Gibraltar Information Bureau and those who are also employed in London.

HON L H FRANCIS:

Just to recap, Mr Speaker, I take it from the Minister's comments then that the areas of the ranges, whether they be at the 100 ton gun or elsewhere, will be made available well in time for the facility to be developed; that the roads which may be necessary to be resurfaced for the cycling events will be resurfaced; and that some of the tennis courts may also be in need to bring up to standard will also be brought up to standard well in time for the event. Can I have the Minister's confirmation on that?

HON MISS M I MONTEGRIFFO:

I think, Mr Speaker, I answered that question when the hon Member said, "Will Gibraltar be ready to stage the Island Games?" and I said, "Yes, Mr Speaker".

28.10.93.

ORAL

NO. 154 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government say when it will deliver its 1988 electoral promise the effect of which was that a swimming pool would be provided for the Gibraltar Amateur Swimming Association?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in our electoral promise we committed ourselves to liaise with the Gibraltar Amateur Swimming Association on the construction of the swimming pool. This was done by introducing a commitment with the developers to provide the land free of charge to enable the reprovisioning to take place so that the construction of the swimming pool could proceed at the developer's expense. I can confirm that the Gibraltar Amateur Swimming Association have accepted the latest plans drawn up by the developers of the site.

SUPPLEMENTARY TO QUESTION NO. 154 OF 1993

HON L H FRANCIS:

This will mean presumably that the pool will be available to the standards required well in time for the Island Games?

HON MISS M I MONTEGRIFFO:

Well, Mr Speaker, I am not going to give a commitment on the part of the developers. I will give a commitment as far as the Government is concerned but as far as the Gibraltar Amateur Swimming Association and the developers are concerned, the Gibraltar Amateur Swimming Association have accepted the plans and therefore it is now up to the developers and the Gibraltar Amateur Swimming Association to get together. As I said in my original answer, we have liaised with them and we have provided the land but I have had experience in the House as a politician for many years now, Mr Speaker, and I will not commit myself to a time-scale or a date by which the developer will say the pool is ready. But on the other hand, Mr Speaker, I can also say that in any event the international members who arrived in Gibraltar are happy, should a pool not be constructed for the Island Games, with the fact that we have the Nuffield Pool as an alternative. So it will not hinder in any way the staging of the Island Games.

HON LT-COL E M BRITTO:

Will the Minister say what the site of the proposed pool is, the size of it, whether it will be covered or not and whether the water will be heated?

HON MISS M I MONTEGRIFFO:

Yes, the site will be opposite what is called "Gib 5" to give the hon Member an idea where the area is; it will be heated and as I have said previously in meetings of this House, the Government's concern is primarily that it should conform to FINA's specifications and all those elements are within the plans.

28.10.93

ORAL

NO. 155 OF 1993

THE HON L H FRANCIS

What effect has the CEPESA petrol station development had on the sporting facilities and amenities available at the Victoria Stadium?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the cricket nets are already in the process of being re-erected in its new site and every effort is being made to ensure that they will be made available for use as soon as possible. The management of the Victoria Stadium is keeping the Gibraltar Cricket Association fully informed of developments.

The other facility relates to pitch No. 2 which previously was purely a hockey pitch. As a result of the new surfaces, in the main pitch, more allocations were available and these were provided to the junior football league, cricket and hockey training. However, as a result of the petrol station development, the Stadium will be reprovided with another synthetic turf pitch, which will again greatly improve and increase the number of allocations available to the users. Also, new changing rooms to very high standards and which will include facilities for ladies - not previously available - will be built by the developers. The new synthetic pitch will be constructed by the same specialist company who carried out the works for the main pitch, that is, KWS Sport. I am sure that these improvements will be greatly welcomed.

SUPPLEMENTARY TO QUESTION NOS. 152 AND 155 OF 1993

HON L H FRANCIS:

Mr Speaker, the improvements the Minister has mentioned are indeed welcome. However, changing rooms have already been demolished and have not been reprovided at the moment..... They have been reprovided? Our information was that people were not being allowed to use the main changing rooms at the Stadium.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what happened was that the management at the Victoria Stadium decided that the way to try and alleviate the problems with the changing room facilities was to provide temporary changing rooms. Unfortunately, at the time, these were vandalised but I am told by the management that they have been repaired, re-sited and that they are being made available for use.

HON L H FRANCIS:

Can the Minister say, Mr Speaker, how long the hockey ground will be out of action?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have had experience with the main pitch and I know that when we are talking about artificial surfaces these are very much conditioned to the weather. The developers have told us that the new pitch would take 60 days to construct but obviously these, again, are dependent on weather conditions because as soon as it rains they have to stop the construction. But I must say that I am very pleased that we have been able to convince the developers that because of the developments at the Stadium that they will reprovide the hockey pitch and that we will have new artificial surfaces installed. So now at the Stadium we will have two pitches, Mr Speaker, that will have artificial surfaces.

HON L H FRANCIS:

So I take it, Mr Speaker, from the Minister's comments that the two advantages that we get for the sporting fraternity to be gained from the development are the resurfacing of the hockey pitch and the reproviding of new changing rooms for the users of that are?

HON MISS M I MONTEGRIFFO:

That is correct, Mr Speaker, new artificial surfaces and first class changing rooms.

HON F VASQUEZ:

Mr Speaker, does the Minister consider it regrettable that the Gibraltar Cricket Association should have found out that the nets were going to be demolished the afternoon they turned up two weeks ago preparing for their training for the World Cup in February, that they should have turned up and realised that the nets were no longer in existence, that they had been bulldozed in the way that they were?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I do not find that regrettable at all because I can tell the hon Member that I was invited by the Gibraltar Cricket Association to see them in action against the MCC that came over from the United Kingdom and I had a frank and open discussion with them and I also informed them of developments at the time, Mr Speaker, and they knew what was going to happen. Perhaps the hon Member should declare his interest because he is either a cricket enthusiast or a cricket player who is trying to play cricket.

HON F VASQUEZ:

Quite simply, Mr Speaker, I was one of the GCA party who turned up.....

HON MISS M I MONTEGRIFFO:

So he is declaring an interest, Mr Speaker.

HON F VASQUEZ:

..... two weeks ago and we realised that the nets had been demolished when we arrived. The nets were simply not there. We turned up for our practice and the nets had been bulldozed.

HON MISS M I MONTEGRIFFO:

Mr Speaker, before the nets were going to be demolished I can give an assurance to the House that the management of the Victoria Stadium were in constant touch with the Gibraltar Cricket Association and they were kept fully informed of developments there.

28.10.93.

ORAL

NO. 156 OF 1993

THE HON LT-COL E M BRITTO

Will Government say how many times there have been unscheduled power cuts in the electricity supply in the last twelve months and what are the reasons for these power cuts?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, in the last year, October to September, there have been 47 occasions on which unscheduled power cuts have occurred. Other than a few occasions when the reason for the power cuts has been as a result of industrial action, the main reason has stemmed from taking electricity from the incinerator plant.

SUPPLEMENTARY TO QUESTION NO. 156 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, I am not sure I understand the last point. Is the Minister saying that when the incinerator plant is connected into the grid this causes the power cut?

HON J C PEREZ:

Not when it is connected. When the level at which it is operating goes down without any warning or when the plant trips off without prior warning then there is an unscheduled power cut to the area concerned.

HON LT-COL E M BRITTO:

Mr Speaker, is there any way of foreseeing the circumstances which the Minister is describing?

HON J C PEREZ:

The contract with In Town Developments Ltd foresaw that there should be a way to monitor this. Since we have given it time to work and it has not, the City Electrical Engineer has informed In Town Developments Ltd that as a result of their disastrous record and non-compliance of the contract we shall be terminating the part of the

contract which deals with electricity forthwith unless they are prepared to come back with alternatives that will not cause it. Obviously hon Members will get to know that through their clients when they go with a letter to them.

HON LT-COL E M BRITTO:

Mr Speaker, what does the Minister expect will happen this winter? Will the situation continue or does he think the new action taken will .....

HON J C PEREZ:

The hon Member has not understood me. I have told him that the City Electrical Engineer has already written to In Town Developments Ltd and told them that we shall not be taken any more electricity from them because they are not complying with the contract and therefore the unscheduled power cuts that have occurred as a result will not happen any more because we shall not be taking that electricity. If they then come back and can prove to us technically, professionally to the professionals in the station that they have done something to correct the situation and that a continuous supply of electricity is possible between the incinerator and the main grid, then we shall obviously test it but at present, how the situation is today and after having tested it for a considerable time in order to avoid the unscheduled power cuts we are stopping taking electricity from that source.

HON L H FRANCIS:

Is the Minister satisfied that should the supply of electricity be terminated permanently from the incinerator, that there is enough alternative supply to ensure that there will not be other power cuts?

HON J C PEREZ:

Yes, definitely. The incinerator only supplies something like 2.5 megawatts to a normal daily load of something like 21 megawatts and a night load of 6.5 to 7 megawatts.



28.10.93

ORAL

NO. 157 OF 1993

THE HON LT-COL E M BRITTO

Has Government given any consideration to phasing out the public sector generation and/or distribution of electricity?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 157 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware of any proposals which would mean an involvement by Sevillana SA in electricity supply in Gibraltar?

HON J C PEREZ:

No, Sir.

HON LT-COL E M BRITTO:

Does Government agree, in principle, to such an involvement?

HON J C PEREZ:

No, Sir.

HON P R CARUANA:

Mr Speaker, will Government make the necessary capital investments when the time is right to ensure the continuation of power generation in the Government-owned Generating Station or will the future trend be towards privatised supply?

HON J C PEREZ:

Mr Speaker, hon Members complain they do not get information and when they have it they do not use it. At the time of the OESCO contract I came to the House and I informed this House that the demand for electricity for Gibraltar had been contracted out and was covered for the next twenty years at the time of the signing of the OESCO contract. So between now and the next 17 years there is no need for investment in the plant for us to continue to maintain the generating capacity between the Waterport Power Station and that contracted to OESCO. Therefore the matter that the hon Member states does not arise and certainly no other source of electricity is needed.

28.10.93

ORAL

NO. 158 OF 1993

THE HON LT-COL E M BRITTO

Has Government had or expect to have any discussions with the Ministry of Defence for a take-over of the Ministry of Defence electricity generating station?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 158 OF 1993

HON LT-COL E M BRITTO:

If it were offered would Government accept it, Mr Speaker?

HON J C PEREZ:

No, Sir, the Ministry of Defence have their own generating station. They have looked after their own electricity needs and will continue to look after their own electricity needs because we have not taken them into account in our forecast for demand for the future.

HON LT-COL E M BRITTO:

Is the Government aware then of any proposals for transfer of the Ministry of Defence power station to private interests?

HON J C PEREZ:

Mr Speaker, all I am aware of is probably what Mr Netto has been telling hon Members because he has been telling everybody else in Gibraltar about the Ministry of Defence and Sevillana and everything else. All if it is a pack of lies, Mr Speaker, there is no foundation to it.

28.10.93

ORAL

NO. 159 OF 1993

THE HON LT-COL E M BRITTO

Mr Speaker, given the recent telephone price rises after the utility was privatised, what step is Government taking to ensure that privatised utilities do not become ultimately more expensive to the consumer, as regards electricity, water and telephone charges?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 160, 161 and 162 of 1993.

28.10.93

ORAL

NO. 160 OF 1993

THE HON LT-COL E M BRITTO

What control does Government exercise over the ability of privatised utilities to cut off supplies to consumers?

ANWWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 159, 161 and 162 of 1993.

28.10.93

ORAL

NO. 161 OF 1993

THE HON LT-COL E M BRITTO

Does the agreement between Gibraltar Government and Lyonnaise des Eaux include any clauses requiring Government to be consulted before water charges are increased?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 159, 160 and 162 of 1993.

28.10.93.

ORAL

NO. 162 OF 1993

THE HON LT-COL E M BRITTO

Does the agreement between Gibraltar Government and Gibraltar Nynex Communications Ltd include any clauses requiring Government to be consulted before telephone charges are increased?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government does not need to take steps to ensure that privatised utilities do not become more expensive to the consumer than when they were in public ownership because part of the philosophy behind the move is that, in a commercial environment these utilities are run more efficiently and more cost effectively therefore providing a better service and better value for money for the consumer.

Electricity, of course, does not fall into this category because it is not run jointly with a commercial partner as is the case with water and telecommunications.

Government is not consulted on price increases because, as a shareholder of the companies, it both monitors and has a say in any tariff changes. The Government is satisfied that the consumer is sufficiently protected.

The controls by which companies running public utilities cut off supplies to consumers are laid out in the Public Utilities Ordinance.

SUPPLEMENTARY TO QUESTION NOS. 159, 160, 161 AND 162 OF 1993

HON LT-COL E M BRITTO:

Mr Speaker, will the Government accept that the first part of that answer is not acceptable to the Opposition? It is not in a commercial free market situation that these utilities are operating but it is in a monopoly situation and therefore as they are not competing directly with anybody there is nothing to keep the prices down. Mr Speaker, does the Minister accept that we have already seen that telephone charges have been drastically increased and will the Government, Mr speaker, despite what the Minister has said, follow the practice in UK and consider appointing, if not three or four independent bodies like OFFER and Ofgas for the different utilities as happens in UK, one watchdog to monitor the prices and, indeed, the service in general of all what were formerly public utilities which have now been privatised?

HON J C PEREZ:

Mr Speaker, I totally accept that the Opposition do not accept what I have said as valid which is what the hon Member has asked me to do. What I do not accept is the contention of the Opposition that there needs to be a watchdog because the Government in participating in the shareholding and having a say in the decisions of the Board of Directors has a manner in which to control the tariff prices. If the hon Member is asking me to commit myself that these charges will not increase to the general public then that answer is no. Water has not increased since 1981 and is not envisaged to increase in the near future and the telephone charges have increased before the last two increases in 1979. I think, that was the last time. If what the hon Member is asking, "Will the Government continue to subsidise these services to the public through other revenue as was the case when they were Government departments?" No, they have to meet their own cost in a commercial environment and they have got to create a profit as well. If what the hon Member wants is an assurance that there will not be big profits at the expense of the consumer; I am telling him that the Government is satisfied that that is achieved by the Government's shareholding and by the fact that the Government participates in the decision to change tariffs.

HON P R CARUANA:

Does the Government participate in discussions or does the Government decide? In other words, does the Government control what the Boards of Directors of Nynex and Gibtel and Lyonnaise des Eaux can all do in relation to their Gibraltar operations?

HON J C PEREZ:

The Government has the voting rights in the Board of Directors which reflects their shareholding and therefore takes part in the decisions, Mr Speaker. He should know, he is a lawyer.

HON P R CARUANA:

What I know as a lawyer is that shareholders do not decide on things like that, they are decided by the Board of Directors. Does the Government have a majority of the Board of Directors on each of these companies?



HON J C PEREZ:

Mr Speaker, the Government exercises the voting rights that it has in each of these companies and is satisfied that with those voting rights and the points in the contract of each of these agreements that the consumer is protected. If the Opposition are not satisfied, they can come up in 1996 and say that they are going to create three or four quangos to monitor this and then they will be able to pay for the quangos. We are satisfied that the method that we have and that our share of participation in the companies and the assurances that we have got in the contracts are sufficient to protect the consumer in these matters. That does not mean and will never mean that prices are not going to increase and I know that every time a price increase is going to come up they are going to come out with a press release against it. Let that be, Mr Speaker.

HON P R CARUANA:

Of course there are going to be price rises but what I am asking is, who decides what those price rises are going to be? Is it approved by the Government or is it just imposed by those who are motivated by a desire to maximise their profits?

HON J C PEREZ:

I have already answered that question, Mr Speaker, and the way prices are increased is not to maximise the profits of the shareholders of the companies part of which are the people of Gibraltar themselves. The hon Member is trying to create the impression that there are exorbitant profits being made in these joint venture companies of public utilities at the expense of the people of Gibraltar and this is not the case. There have been huge investments and huge improvements in the services and these investments and these improvements have to be paid for by the people who are getting that service, Mr Speaker, and we shall continue to strive to provide a better service and at the same time to allow our shareholders and ourselves, who represent the shareholding of the people of Gibraltar, to make a reasonable profit out of those ventures, Mr Speaker.

HON F VASQUEZ:

In the light of those reassurances I wonder whether the Minister can reassure this House that it makes the accounts of these companies available so that the Gibraltarians will be able to see for themselves that these companies are not indeed maximising their profits.

HON J C PEREZ:

Mr Speaker, I would have no objection to that but the solicitors of the companies concerned say that it is normal practice for the solicitors to advise their clients that there should be confidentiality clauses put in these contracts and I have to abide by those confidentiality clauses which are normal commercial clauses that are put in by the solicitors representing the clients.

HON P R CARUANA:

I am sorry, what we have got is a situation where the Government, on behalf of the taxpayer, is a shareholder in a company. The Minister speaks of reasonable profits. We are talking about the monopolistic supplier of public utilities to the people of Gibraltar and the Minister thinks it unreasonable that the accounts of that company should be made available to its owners who are the taxpayers and not the Minister.

HON J C PEREZ:

That is the policy of the Government. The Leader of the Opposition can challenge that in 1996 as well, Mr Speaker.

28.10.93

ORAL

NO. 163 OF 1993

THE HON LT-COL E M BRITTO

Has Government privatised or contractorised all or any part of the Sewers Section of the Department of Trade and Industry?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 163 OF 1993

HON LT-COL E M BRITTO:

Have any proposals been made or has any consideration been given to such privatisation or is there any intention to do so?

HON J C PEREZ:

Mr Speaker, members of the Sewers Section came to see me some time ago and asked for the Government to consider privatising the Sewers Section. Mr Netto then got hint of it and was very angry that his members, without consulting him, had come to the Government to ask to be privatised. He then came out publicly saying that this was another attempt of the Government to try and privatise through the back door - which was explained to him that it was the other way round. Since the incident, the Government has made no proposals at no one whatsoever in response to that because there were manoeuvres afoot, the shop steward was removed and no one really knows clearly whether the people now want the proposals made or not and we do not have it as a priority in our list.

28.10.93

ORAL

NO. 164 OF 1993

THE HON L H FRANCIS

Mr Speaker, does Government consider that the current arrangements for the storage and transportation within Gibraltar of the compressed fuel pellets for the new incinerator, are satisfactory and acceptable?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has made no arrangements whatsoever for this since it does not run the incinerator. However, Government is aware that the fuel pellets being used are unloaded in the Port in an area assigned by the Captain of the Port and that these are transported by lorry and stored in what is generally known as the Brewery Crusher such area having been assigned for this purpose by the Department of Trade of Trade and Industry. We have no reason to believe that this is an unsatisfactory state of affairs.

SUPPLEMENTARY TO QUESTION NO. 164 OF 1993

HON L H FRANCIS:

Mr Speaker, the people in the area of the Port and people who pass through the area at Europa Point do find it unsatisfactory. Principally for the people in the area of the Port because the pellets stink, to put it bluntly, and create a nuisance in that way to people living near in Varyl Begg and the reclamation. The pellets also get blown around all over the place especially at Europa Point where tourists go by every day. There is also a lot of other rubbish at Europa Point but this being one problem.

HON J C PEREZ:

Mr Speaker, I have received no stinker on the matter but I can get someone to investigate it but certainly there is no easy answer for it. The pellets need to be discharged somewhere and stored somewhere if the incinerator is going to continue to operate for the hours that it does.

HON LT-COL E M BRITTO:

Mr Speaker, with regards to the transportation which has not been mentioned so far, they are being transported in open lorries and from personal experience I can tell the Minister that they do fly off the back of the lorry and get deposited all along the road and the route between the Port and the incinerator. Does the Minister think that this is satisfactory and does he consider taking steps?

HON J C PEREZ:

It is not the Minister's responsibility. I will inform the Police about it.

HON LT-COL E M BRITTO:

Is the Minister aware of any danger to health from the pellets because of the smell emanating from it?

HON J C PEREZ:

According to the Public Health no, Mr Speaker.

28.10.93

ORAL

NO. 165 OF 1993

THE HON L H FRANCIS

Mr Speaker, will Government say what results (if any) have been obtained by the working commission which it agreed to form with the La Linea municipality to monitor the source of solid refuse and petrol waste which appear on the levanter beaches?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has never agreed to form such a commission with the La Linea municipality. When I met Jose Luis Moreno, a councillor from La Linea, he suggested that such a commission might be formed and I said that the Government would have no objection to forming it. He said he would get back to me with proposals but, to date, he has not done so. This idea came about because, on that occasion, their central complaint to the Gibraltar authorities was that the Spanish authorities had found a dead horse floating in an area adjacent to one of their beaches and it had been claimed that the origin of the carcass was Gibraltar.

When I explained to Senor Moreno how ridiculous the accusation was since we only have one horse in Gibraltar, and even as I speak today, Mr Speaker, it is still alive and kicking, the La Linea councillor suggested the creation of this forum but nothing whatsoever has materialised.

28.10.93

ORAL

NO. 166 OF 1993

THE HON LT-COL E M BRITTO

Will Government say whether any discussions have taken place between Baltica and the Spanish electricity company Sevillana SA about a possible transfer of ownership of the refuse incinerator and will it say whether it would allow such a transfer?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government is aware that In Town developments Limited, the owners of the refuse incinerator, have held discussions with various companies with a view to transferring the ownership of the plant and/or the company.

Of the four parties known to us to have declared an interest in the incinerator, one is partly French, another is Swiss, another Italian and the fourth is Sevillana which is Spanish.

Under the existing contract, Government would have to grant its consent, which cannot be unduly withheld, if it is satisfied that the new owner is prepared to meet its contractual obligations. In Town Developments has not approached the Government as yet on the matter.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1993

HON LT-COL E M BRITTO:

I repeat. Would the Government allow a transfer of ownership to Sevillana?

HON J C PEREZ:

I repeat. We will allow an ownership of any of the companies because it cannot be unreasonably withheld as long as they are going to meet the contractual obligations.

HON P R CARUANA:

Does the Minister think it reasonable to allow the transfer of a public utility of this kind to a company controlled by the Spanish State or does the Minister think that the only criteria that he needs to apply in deciding whether he should allow it or not allow it is whether they are going to dispose of refuse effectively?

HON J C PEREZ:

Yes, that is the only thing that we have to take into account; whether a private company in the European Community, be it 35 per cent owned by the Junta de Andalucia or not - it is only 35 per cent owned by the Junta de Andalucia - is prepared to meet its contractual obligations to burn refuse. Was not the Hon Lt-Col Britto urging me when I did not want to, to take the refuse to Los Barrios as a solution to the refuse problem? Is there any difference in disposing refuse in Los Barrios and having a utility of our own here owned by a European company which is partly owned by the Junta de Andalucia, burning rubbish? I have no objections to it. It has no political implications whatsoever and I see no danger to Gibraltar whatsoever. The person that is saying so is a person who saw political implications in the way that the Mancomunidad was trying to make us go and burn refuse in Los Barrios. On this occasion, Mr Speaker, it is purely a commercial relationship between Sevillana and In Town Developments Ltd and the Government must give its consent if they agree and if that is the best deal for both In Town Developments Ltd and Government of the four people that have approached it on the basis that they are meeting the contractual obligations. There is no other implication to it.

HON LT-COL E M BRITTO:

Mr Speaker, on a point of clarification first of all, when I was urging the Minister to take refuse to Los Barrios was in the context of breakdowns of the old refuse incinerator and of Los Barrios being used as a temporary measure instead of dumping off the cliff face. I challenge the Minister to produce anything from Hansard where I said anything to put Gibraltar in the situation, which he is obviously expecting to put it, of depending on Los Barrios exclusively and doing away with refuse destruction in Gibraltar. I suggested it as a temporary measure. To come on to my question, does the Minister accept, despite what he is saying, that there seems to have been a miscalculation of political effects if at the time of the original contract with Baltica, Government signed a contract which puts it in a position today where it



is unable to stop the sale of the incinerator to a Spanish state controlled company and put Gibraltar, whether the Government likes it or not, in a situation where refuse destruction in Gibraltar could be monitored, controlled and even stopped from Madrid.

HON CHIEF MINISTER:

Mr Speaker, the Government has not invited Sevillana to try and buy the incinerator. The owners of the incinerator made an investment which we have not got the money to make and we did not have the money to make. That is to say, had we not had a private company at the time willing to build an incinerator, the 20 year old incinerator we had which spent eight months of the year broken down, could not and would have been replaced at public expense. Certainly not without increasing the borrowing powers of the Government of Gibraltar to build an incinerator on which we would have lost vast sums of money. Therefore if in 1989 or 1990 instead of the Danes some other nationality had come to build an incinerator here in Gibraltar which would end up employing people in Gibraltar, paying tax in Gibraltar, irrespective of the nationality of the shareholders..... I do not know what the Opposition Member honestly thinks is the risk that the owner of the plant should be of Spanish nationality? We do not think.....

HON P R CARUANA:

State controlled!

HON CHIEF MINISTER:

..... that they would be able to be politically motivated by the Government of Spain telling them to stop burning rubbish because if the Government of Spain told them to stop burning rubbish we would do one of two things. Either we send the rubbish to Los Barrios because Sevillana is not burning it or we put it in the Bay. But let me say that we have absolutely no interest in Sevillana coming along. The only problem we have as a Government is that if In Town Developments Ltd tomorrow say that they are bankrupt and closing down the plant then, since we are not in a position to take it over, we would have to do one of two things. Either we will have to send the rubbish to Los Barrios or we will have to put the rubbish down the chute. At that time we might then have to choose between sending rubbish to Los Barrios or putting it down the chute permanently or allowing a sale to Sevillana. There is, as far as we are concerned, at this moment no decision to be taken and if we would have to take that

decision at that time we would have to consider which was the best option for Gibraltar at the time the decision had to be taken. Let me make it absolutely clear that we have no encouragement, as far as we are concerned, for Sevillana to buy or for In Town Developments to sell to them as opposed to somebody else and we are not asking In Town Developments to see to anybody. We have a contract with them and we expect them to fulfil that contract.

MR SPEAKER:

Next question. I think we have really flogged the horse now. If you are going to ask the same question and you are going to be given the same answer.

HON LT-COL E M BRITTO:

Mr Speaker, on a point of order. I have been asked a question and I would like to be able to answer it. The Chief Minister has said, "How does the Opposition Member honestly think that giving the refuse incinerator to Sevillana is politically dangerous?" I would like to answer that.

HON CHIEF MINISTER:

Well, Mr Speaker, I am not allowed by Standing Orders to ask questions of the Opposition Member. I cannot see what is dangerous, about a plant that burns rubbish being a company that is 35 per cent owned by the Junta de Andalucia, from a party that seems too anxious to do a deal on the airport. That is what I fail to.....

MR SPEAKER:

Order, order. We are going off at a tangent. We do not want to bring the airport into this discussion. That is the end of it. Next question.

28.10.93

ORAL

NO. 167 OF 1993

THE HON F VASQUEZ

What control does Government exercise over international lotteries based in Gibraltar?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, any lottery run from Gibraltar is subject to the provisions of the Gaming Ordinance and any other condition which might be stipulated by Government in granting a licence.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1993

HON P R CARUANA:

Mr Speaker, the Opposition has no objection or difficulty with international lotteries being run from Gibraltar. However, there is one particular international lottery that has conducted a very high profile international marketing campaign through the medium of cable and satellite television which has really associated Gibraltar inextricably from the lottery. In other words, the whole marketing campaign for this international lottery has been Gibraltar with images of the Rock. So if anything untoward were to happen with that lottery as it could happen with any business - I do not expect the Government to foresee when a scandal might happen - but if anything happened, the wider interests of Gibraltar are inextricably linked to this lottery in the minds of European consumers and the European public not because the lottery is defective or because the supervision is defective but because of the intensity of the association with Gibraltar in the media campaign.

HON J C PEREZ:

Mr Speaker, the terms on which the lottery licence has been granted is such that we are satisfied that that cannot happen.

28.10.93

ORAL

NO. 168 OF 1993

THE HON P CUMMING

What steps is Government taking to restore the operation of bus route No. 2 from Eastern Beach to Willis' Road and Flat Bastion Road so as to alleviate the plight of the many elderly residents living in the upper town area who have been left stranded by that bus route's discontinuance?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government has only recently been made aware that bus route No. 2 is not operational.

After investigating the matter it has been discovered that the vehicles on the route are both out of order and that the operator claims to be awaiting spare parts from abroad for the necessary repairs to be effected.

It has been very difficult to communicate with the operator because of grave medical problems involving a close relative.

Notwithstanding this Government is attempting to seek a more permanent solution to the problems afflicting bus route No. 2, which are not new.

28.10.93

ORAL

NO. 169 OF 1993

THE HON LT-COL E M BRITTO

Will Government explain why clamping fees have gone up 20% from £25 to £30?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, clamping fees have not gone up at all.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1993

HON H CORBY:

Does Government have any say in the clamping fees going up? Have they got any intervention or can the private company put up the fee?

HON J C PEREZ:

Mr Speaker, Government have the ultimate say in deciding whether clamping fees go up or not. No one but the Government is responsible for the level of fees that are charged.

HON H CORBY:

In as far as the £25 fee is concerned, in my estate anyway, the clamping fee has gone up from £25 to £30.

HON J C PEREZ:

What the hon Member is talking about is a private fee on private property by the management committee of the estate where he lives. That has nothing to do with the public clamping fee for the public highway.

28.10.93

ORAL

NO. 170 OF 1993

THE HON LT-COL E M BRITTO

Does Government have any plans to privatise or  
contractorise all or any part of the functions of the  
Vehicle Test Centre?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the matter is currently under discussion with  
the Union and it would be wrong for me to comment at this  
stage.