

GIBRALTAR
HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

26TH APRIL 1994
(Volume I)

No. 1 TO No. 64

INDEX
QUESTIONS & ANSWERS

26th April 1994

Questions 1 – 64

SUBJECT	NO(S)	PAGE(S)
1995 Island Games	47-48	
Alameda Estate Rents	16	
Appointment for Consultants	36	
Campo Area Telecommunications	58	
Co-Education	28	
Collection of Rates Arrears	7	
College of Further Education	24	
Consultants' Private Practices	39	
Disabled Persons Ordinance	30	
Dr Giraldi Home	31	
Drug Smuggling on Fast Launches	21	
Duty Free Sales	1	
Employment Insurance Contributions	4	
Engagement of Consultants	38	
Europa Flats	44	
Flexible Cost Adjustment	54	
Frontier Gates	61	
GASA Swimming Pool	46	
Gibraltar Coins	11	
Gibraltar Health Authority's Revenue	33	
Gibraltar Lottery	49-50	
Gibraltar Procurement Limited	15	
Health Authority Disciplinary Procedure	20	
Health Authority Meetings	32	
Health Care for MOD Personnel	34	
Health Centre Appointments	43	
Health Centre Extension	42	
Income Tax Investigation Section	3	
Inland Revenue Officer	2	
Jobs in the Economy	29	
Liquid Reserves	13	
Medical Category List	35	
Motor Vehicle Testing	62	
Motorcyclist Crash Helmets	18	
Naval Ground Car Park	64	
Notre Dame School	25	
Operating Theatres	37	
Penalties on Rates Arrears	6	
Philatelic Section's Privatisation	51	
Power Cuts	52	
Principal Auditor Report	17	
Privacy of Telephone Lines	57	
Private Corridor	40-41	
Public Debt	12	
Public Highway Sale of Vehicles	63	
Rates Arrears	5	
Revenue Collection	14	
School Leaving Age	27	
Social Assistance Fund	8-10	
Speed Restrictions: Europa Road	19	

SUBJECT	NO(S)	PAGE(S)
Teacher Complement	26	
Telephone Charges	55	
Telephone Usage Charges	56	
Unemployment	23	
Unemployment Figures	22	
Unit of Electricity	53	
Upper Rock Fire Breaks	60	
Victoria Stadium Sports Hall	45	
Water and Electricity Bills	59	

26.4.94

ORAL

NO. 1 OF 1994

THE HON F VASQUEZ

DUTY FREE SALES

Will Government explain the terms upon which duty free sales are permitted to visitors arriving in Gibraltar by coach?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Following representations by the operators of the Duty Free Shop at Waterport, permission was given for them to sell duty free goods to departing passengers on coaches belong to a particular company (Tourafrica) for a trial period only. This arrangement was discontinued in February and no such sales to visitors arriving by coach are now being made.

SUPPLEMENTARY TO QUESTION NO. 1 OF 1994

HON F VASQUEZ:

Mr Speaker, will the Financial and Development Secretary confirm then that the duty free shop situated by the coach park is now only allowed to sell duty free goods to visitors who are leaving Gibraltar presumably on the ferry?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

HON F VASQUEZ:

Does the Government at any time intend to review the arrangement and to reallow the operator established by the coach park to sell duty free goods to coach passengers? Is this a matter which is under consideration or is the answer now definitively no, that no duty free sales will be allowed to coach passengers?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not going to say the answer is definitively no ad infinitum, Mr Speaker, but there are no proposals to reinstate those arrangements at present.

HON P R CARUANA:

Mr Speaker, one final supplementary. Would the Financial and Development Secretary confirm that one of the problems, presumably, that has resulted in the discontinuance of the experiment is the impossibility of guaranteeing the fiscal integrity of duty free sales that take place from within Gibraltar for people who then have to cross the Gibraltar land mass before exiting and that is unusual in relation to duty free sales as those normally take place? In other words, the problem with duty free sales at coach parks is that the coach then has to leave Gibraltar overland not like at airports and seaports where the passenger buys duty free once he is already airside or seaside of local customs.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the hon Gentleman has described the problem very well, Mr Speaker.

26.4.94

ORAL

NO. 2 OF 1994

THE HON P R CARUANA

INLAND REVENUE OFFICER

Will Government say what is the status in Gibraltar of the Inland Revenue Officer currently attached to the Income Tax Office?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr White was seconded from the United Kingdom, initially for a period of three months, and by arrangement between the Governments of Gibraltar and the United Kingdom, to advise and assist the Commissioner of Income Tax and his staff on tax matters generally, but with particular reference to the assessment of tax on companies and self-employed persons. Arrangements are being made for his secondment to be extended for a period of 18 months. He will also be advising and assisting with training and improving the professionalism of local tax officers.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1994

HON P R CARUANA:

Mr Speaker, whilst recognising the desirability and advantage to the public treasury of maximising the collection of tax, would the Financial and Development Secretary recognise that that gentleman's exact status is very important, which I do not think his answer has addressed itself? In other words, is he here as a United Kingdom civil servant or is he here as a local civil servant, albeit on secondment from the UK civil service and is he subject to local civil service rules and disciplines and should he not be signing his letters as do all local civil servants by reference to the local position, if any, that they hold? Let me hasten to add what my concern is to the Financial and Development Secretary. The gentleman in question has been signing letters as 'Her Majesty's Inspector of Taxes'. That is not a position known within the local income tax establishment and hierarchy. Whilst it causes me personally no offence that he is one of Her Majesty's Inspector of Taxes, that is precisely the sort of false signal that is - I would ask the Financial and Development Secretary to agree - dangerous to send in terms of our finance centre aspirations and in terms of confidentiality. In other

words, if users of the local finance centre believe that there is a representative of Her Majesty's Inspector of Taxes of the Inland Revenue sitting in the Income Tax Office of Gibraltar, it will not improve the confidentiality that they attach to this jurisdiction. Will the Financial and Development Secretary agree that that gentleman can just as easily serve the intended and desirable purposes if he signs his letters 'for Commissioner of Income Tax' as do all the other senior members of management of the Income Tax Office?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It was a long question yes, I agree. The answer is, in fact, if I may take the concluding part of the hon Member's speech, the answer is yes, I agree; it is true that Mr White did, at an earlier stage, sign himself 'HMIT' and I agree, to use another phrase which the hon Gentleman will recognise, it was both wrong and inappropriate for him to sign himself in that way and I eventually drew it to Mr White's attention that in future he would sign himself 'for Commissioner of Income Tax' and that is, in fact, his status. His status is not as an inspector of taxes from the UK, he is on secondment from the UK, as I was myself as Financial and Development Secretary in my earlier tour, and his loyalties are entirely to the Gibraltar Government. I may say, Mr Speaker, that he is doing a very good job.

HON P R CARUANA:

Mr Speaker, it is with great interest that I note the self-imposed constitutional development to which the Financial and Development Secretary subjected his own office which appears to be implicit in the distinction that he has drawn between his loyalties now and his loyalties during his first tour of office in Gibraltar. I am not aware of any constitutional reform that would justify that view, however salutary I might think that it is. Having said that, Mr Speaker, as a supplementary to my first supplementary, I think that the gentleman in question has only gone part of the way in satisfying me because whilst it is true that originally he would sign his name and then in full 'Her Majesty's Inspector of Taxes', the latest letter that I have seen which was only a few days ago, says 'HMIT' in initials which still means 'Her Majesty's Inspector of Taxes' except that now instead of printing out the four words in full he puts the initials. It is unnecessary, everyone knows what HMIT means, why cannot he just sign 'for Commissioner of Income Tax'? Why should he have a status or a facility beyond that enjoyed by the other senior members of the Income Tax Office?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am glad the hon Member has given me another opportunity to put in the occasional word because I obviously failed to convey, in my reply to his earlier supplementary, Mr Speaker, that I have asked Mr White to sign himself 'for Commissioner of Income Tax'. That is to say, to leave the 'HMIT'. As to the earlier point he made and this gives quite the wrong signal to clients of the hon Gentleman's chambers, perhaps other people whose wealth we wish to attract to Gibraltar on a non-resident basis, namely, the wrong sort of signals through the finance centre; certainly that point has been made to me. I do not know whether I would agree with it entirely, I think there may have been a little bit of special pleading but nevertheless the point has been taken and I can confirm that Mr White will sign himself 'for Commissioner of Income Tax' like the other members of that department.

HON P R CARUANA:

Finally, Mr Speaker, it is the same point, of course, as the Chief Minister made in connection with who controls the finance centre, one of his concerns was the link that people would make between UK control and confidentiality and really the same point arises here, does it not?

26.4.94

ORAL

NO. 3 OF 1994

THE HON F VASQUEZ

INCOME TAX INVESTIGATION SECTION

Is it the Government's intention to reinstate the Investigation Section of the Income Tax Department?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

There is no intention to reinstate the Investigation Section in its previous form as it was before it was disbanded, but the Government will give consideration to any structural changes to the Department which may be necessary in the light of the advice given by Mr White and, of course, the Commissioner of Income Tax in due course.

SUPPLEMENTARY TO QUESTION NO. 3 OF 1994

HON F VASQUEZ:

Mr Speaker, do the Government not accept that the existence of the Investigation Section over the last three or four years might have resulted in a more complete recovery of income tax and would have obviated the need for the presence of Mr White who has obviously been called in to completely shake up and overhaul the practices of the Income Tax Department?

HON CHIEF MINISTER:

No, Mr Speaker, the decision that was taken at the time was based on the work that the section was successfully producing and, in fact, Mr White has been instrumental in unearthing accounts where people had not made any return at all as far back as 1984 which was four years before we were elected and six years before the section stopped working. The answer is no, we think that the methodology that was there was not sufficient to produce the results for the resources that were devoted. We hope that the methodology that Mr White will pass on while he is with us and which will stay behind will mean that in many respects the investigation will concentrate on the areas it needs to concentrate. For example, in the past there was no real exercise done on where it was worth chasing up and where it was not worth chasing up. I think one

of the things that we have found from Mr White is that apart from his knowledge of the United Kingdom, he is quite pragmatic in the sense that sometimes if one talks about minuscule sums one can spend many years chasing people, maybe even through the court and at the end of the day the cost is far in excess of anything that is recoverable; whereas there are other cases where manifestly there seems to be a discrepancy between the volume of business a particular entity is visibly doing and the nature of the accounts that were presented. There was nobody in the Tax Office that could do anything other than look at the accounts, if they got them. In some cases some taxpayers have argued that the Tax Office, as it was operating previous in this area, was arguing about some minor detail and until that argument was resolved there were vast sums unpaid which could not be paid because there was no agreement as to what was due. This kind of thing, for example, is already being put right, I believe.

HON F VASQUEZ:

Mr Speaker, just to press the point. I think the Chief Minister has confirmed the point that I was seeking to make. Does the Government not accept that the real problem of tax collecting in Gibraltar is not faulty tax returns but complete non-declaration of taxes and that it is precisely a unit with a function that the Chief Minister has identified which is required, ie a unit which will not minutely examine accounts, which is something Mr White is doing very effectively now, but actually will examine the operations on the ground, to investigate operations, that is what an investigation section is for. Does the Chief Minister not accept that the Income Tax Department, having now the muscle of Mr White's experience to be part of the Department, needs the teeth of an Investigation Section to make the Department work as effectively as it might?

HON CHIEF MINISTER:

I think, Mr Speaker, what the Financial and Development Secretary has said is the answer to that. I am not in a position to judge really what is required in terms of giving the muscle or the teeth or whatever, until we have recommendations on which a policy decision will be taken. We have certainly been satisfied that the time that he has spent here has shown because, as I have said already, having unearthed cases where nothing had been produced for 10 years, it was clearly something that was amiss. Until now the emphasis over the last two years has been on collecting PAYE arrears and I think that is reflected in the answers that I have given before in the House. I think the House will recall that last year when the

Hon Mr Cumming brought a motion on the Principal Auditor's Report and he urged us to do something, particularly in this area, I mentioned that something was already in hand which was, in fact, the reference to the offer that the United Kingdom had made to pay for a visit by one of their officials and then after a limited period of two months we would decide, based on the contribution that he had made, whether it was worth retaining him here at our expense, which we have decided to do.

HON P CUMMING:

May I ask if it is the Government's intention in having Mr White here to spread more equally the burden of taxation across the rich and the poor in this community and, if it is, may I congratulate the Government on taking that step?

HON CHIEF MINISTER:

I think the hon Member made a very valid argument in the debate that we had on the Principal Auditor's Report last year in that it was unfair that some people should apparently be able to get away with impunity with not even making tax returns and we hope that that will be put right as a result of his expertise.

NO. 4 OF 1994THE HON F VASQUEZ

EMPLOYMENT INSURANCE CONTRIBUTIONS

Following the increases in employment insurance and other contributions announced by the Government at the beginning of the year, can Government confirm that it intends to amend the pertinent regulations under the Income Tax Ordinance so that taxpayers enjoy the same levels of allowances as before these latest increases?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker. This was made clear in the Government's Press Release on 21st January this year.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1994

HON F VASQUEZ:

The question now is, we are now more than four months into the new regime established by the new contributions, what are Government waiting for to implement the necessary amendments? The fact is that until the amendments are made all those paying PAYE are supposed to have had their tax codes amended to take into account the reduced element of tax allowance which they are going to enjoy but which, in fact, in law they do not yet enjoy.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, if I recall the explanation which was given at the time of the press release and certainly which I will give now is that while the tax codes may not have been amended, it is still possible to deal with the matter at the assessment stage and there is no question but that, there will be an amendment to the legislation so that an assessment will not have to be issued on the basis of an unamended law. So the matter will be put right by legislation before assessments are issued.

HON F VASQUEZ:

Is it Government's intention then to top up the allowances so that taxpayers enjoy exactly the same amount of benefit that they enjoyed last year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker.

26.4.94

ORAL

NO. 5 OF 1994

THE HON F VASQUEZ

RATES ARREARS

What is the current amount of rates arrears owed to the Government in respect of commercial premises in Gibraltar?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, at 31st March 1994 the estimated amount of rates arrears owed to Government in respect of commercial premises was just under £5 million.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1994

HON F VASQUEZ:

Mr Speaker, can the Financial and Development Secretary confirm that in fact there has been an enormous increase in these arrears over the last year or two?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There has, in fact, been an increase in the arrears over recent years.

26.4.94

ORAL

NO. 6 OF 1994

THE HON F VASQUEZ

PENALTIES ON RATES ARREARS

Do the Government intend to hold private landlords liable for penalty rates as well as rates arrears accumulated by their tenants over the last six years?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. That is the position in law.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1994

HON F VASQUEZ:

Mr Speaker, I am grateful for that indication as to the position in law. The question was intended to elicit this information. As the Financial and Development Secretary is clear, the law was amended in November of last year to include penalty rates within those category of rates which landlords are responsible in the event that their tenants fail to pay the rates. Is it the Government's intention to apply this law retrospectively, prior to November 1993, to make landlords liable for penalties incurred by their tenants prior to the passage of that law in November 1993? That is why the question refers to the last six years.

HON CHIEF MINISTER:

Mr Speaker, it is not six years since November 1993 so I do not see now he says that the question deals with six years. It was six years ago that the law was amended placing the responsibility on the landlord and it was made clear at the time that the law was saying six years ago that it was not retrospective and therefore it is from the time that the law was changed in 1988. I think the amendment that the hon Member is referring to was where there was some issue that had been raised as to whether brackish water rates were covered by the amendment.

HON F VASQUEZ:

And penalty rates, Mr Speaker?

HON CHIEF MINISTER:

Certainly I will have the matter checked but as far as I am concerned, Mr Speaker, the answer that the Financial and Development Secretary has given is that it is in line with the law and any change in November 1993 which altered the situation that had been introduced in 1988, applies from 1993 and not from 1988.

HON F VASQUEZ:

So in fact, Mr Speaker, the answer that the Financial and Development Secretary, having said yes to my initial answer, surely is no, the Government does not intend to turn to landlords for penalty rates for the period over the last six years because the law was only changed in November 1993.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have actually the legislation in 1993 and that was, in fact, as I explained in the debate which we had on the Second Reading and, indeed, the very first sentence is "For the avoidance of doubt". I think the position is quite clear since 1988 as the Chief Minister has said.

HON F VASQUEZ:

Mr Speaker, the question is, since the Financial and Development Secretary has ventured, as it were, to give us the position in law. Let me give the Financial and Development Secretary my understanding of the position in law. The fact is laws are not enacted to avoid doubt, laws are enacted and either they say something or they do not. So either the 1988 law said that landlords are responsible for penalties or it did not. If it did not say that in 1988 then the law of 1993 cannot make them liable retrospectively. If it did say that in 1988 then the law in 1993 was unnecessary. So it is either one or the other. Really the question that I have been seeking to clarify is whether, in fact, the 1993 law was passed because the 1988 was defective or not? If it was defective then the 1993 law, surely, the Government will agree, cannot be applied retrospectively to make landlords liable for penalties incurred before November 1993?

HON CHIEF MINISTER:

Mr Speaker, I believe, I may be wrong because I am not in fact technically qualified in this area, but I believe that it is not possible to pass retrospective legislation on taxation and therefore if what the hon Member says we did in November 1993 was introduce retrospective

taxation going back to 1988 then that is challengeable in law. Certainly the hon Member must know that his practice is challenging some of the bills in this area and it is not something that I can resolve in the House because it is a matter where if there is a dispute I can tell the hon Member that certainly when we brought the law in November 1993, it was because there had been one particular instance where one particular person had questioned whether the law was clear. There had been many other people who had not questioned whether the law was clear and had paid. Given the fact that a question is raised then logically what the Government did was to say to the law draftsman, "If the law is not 100 per cent clear" as we were, I believe, at the time having to correct the question of whether the law covered or did not cover brackish water rates, we also put in the reference "For the avoidance of doubt". But the original legislation brought to the House, as the record in the Hansard of the time will show, made it explicitly clear then in 1988 what was being done and the penalties which were reintroduced, Mr Speaker, were reintroduced because they had originally been brought in for people who were not keeping up with their rates. The previous Government took a decision, I believe it was in 1987, that, since those who were not paying rates were not paying the rates and were not paying the penalty and the penalty was not having the effect that it was intended, because the effect of the penalty was not intended simply to increase the cost of the rates but to encourage people to pay the rates, it was not working and discontinued it. We came in and we decided it should be restored and we restored it in 1988. Therefore it started from the date the Bill was brought to the House and passed and became law. As I have said, I will go back and ask people to give me an opinion on the point the hon Member has made.

HON P R CARUANA:

Could I just ask a supplementary because really, as the Chief Minister correctly identifies he is not technically competent in this field. The point really is this, Government bring legislation to this House as it is entitled to do and then presumably is willing to defend the fairness of those laws, regardless of the technicalities. Does it not strike the Government as unfair that legislation that they bring to the House and therefore put on the statute book, has the effect of making other people pay the fines and the penalties which were incurred, not by them for their default, but by other people for their default? This is really the issue and if to boot those penalties go back beyond the date which I think the Chief Minister is now indicating he proposes to make his business to make sure it does not happen, but if to boot that third party, in other words, the property owner is saddled with the fines from before the

date that the law made him responsible for the fines at all. That smacks of unfairness. As regards to what the laws says or does not say, in the application of the law, do the Government recognise that that situation, if applied in that way, would be unfair?

HON CHIEF MINISTER:

Mr Speaker, when the law was brought to the House in 1988 making the owner of the property responsible for ensuring that the tenant was complying with the rates, it was publicly debated and when the penalty was introduced it was publicly debated. The fact that because of the way the system works at such a slow pace it was not effectively being implemented in the sense that people who disregarded the law that had come in in 1988 were not chased in 1988 or in 1989 or in 1990, that does not mean that it is unfair because the essence of what the hon Member is saying is that it would now be unfair, presumably, to go and collect the tax from all the people who have not made their return on their tax since 1984 notwithstanding the fact that the law has been there requiring them to make a tax return but nobody has chased them. The truth is that if in 1988, when the law was brought in, there had been a machinery to enforce it then we would not have £5 million of arrears because people would have paid at the time and there would not be penalties because the penalties only arise because people do not pay when the rates are due. It is not a penalty or a fine for no reason; it is a fine because all of us are rate payers and all of us are required by law to pay rates. Those of us who rent property pay the rates through our rents; those who are either in commercial premises or in dwellings where there are different arrangements get quarterly rates requirements which they ignore. When they ignore there is a penalty put on it. We introduced a law to ensure that the landlord was on top of the tenant and it was done from a current date and not retrospectively. The truth is that there have been many cases where nothing happened after that. It is as a result of the increase in the arrears of rates to which a previous question referred, that action has been taken to engage Land Property Services to pursue this particular area of arrears like we have got Mr White pursuing the other area of arrears and it is because people are being chased that they are now reacting. But they are not reacting because it is a new law that has just been introduced, they are reacting because it is being brought to their notice that the law has been there all the time and that nothing was being done. If it is anything different from that, Mr Speaker, and if what the hon Member is saying in the course of his question is that that is not, in fact, what has happened, then what I have told him, which is the only thing I can tell him, is that I will go back and get somebody to produce for me the necessary advice to see whether, in fact, there is any substance in what he is saying. I cannot do anything else.

MR SPEAKER:

We have drifted away from the original question to the fairness of the law and that is too complicated a subject for the Chief Minister to deal with. I think he has given you a good answer which means that he will look into the matter and see if this unfairness will be tackled in a way that the Government think fit. Next question.

NO. 7 OF 1994

THE HON F VASQUEZ

COLLECTION OF RATES ARREARS

Did the Government make any attempt to collect rates arrears owed for commercial premises between 1989 and July 1993 when rates collection was passed to Land Property Services Limited?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1994

HON F VASQUEZ:

There are going to be various supplementaries, Mr Speaker. My first question is this, is the Financial and Development Secretary not aware that, in fact, the arrears section of the Rates Department was discontinued in this period? My question is, what steps were being taken by the Government to, as it were, keep on top of this mountain of arrears that was accumulating very rapidly?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I rather feel that I am in the position that Winston Churchill was, Mr Speaker. Opposition Members obviously do not know which particular situation I am referring to so I should tell them because I do not think any of them were born at the time. Yes, well in that case the hon Member will know that I am referring to the disastrous Norwegian campaign in 1940 when Winston Churchill, although he had only just been moved to the Admiralty, offered his resignation. I should add very quickly, after that he became Prime Minister so any further resemblance to that situation.....

HON P R CARUANA:

Could we have an answer, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It would be wholly wrong and inappropriate. Frankly, the question of arrears I think was something I certainly became very knowledgeable about when I first arrived in Gibraltar 10 years ago and the causes are varied and complex, it is not a simple matter. Certainly the decentralisation of the various parts of the arrears element which has taken place in the last two years is a contributing factor as indeed is the fact that the reintroduction of the penalty rate has increased the arrears. The policy on write-offs is another matter. There are various ways in which one can analyse the situation and in the last resort one gets down to the fact that Gibraltarians do not like paying arrears to Government.

HON F VASQUEZ:

Mr Speaker, I am very grateful for that lengthy speech from the Financial and Development Secretary in which, in fact, he did not answer the question put which is, what steps in effect the Government have taken? We are none the wiser and neither are we better informed. That being the case the question is this, both the Financial and Development Secretary in the reply to this question and the Chief Minister in his reply to the previous question.....

MR SPEAKER:

We cannot go back.

HON F VASQUEZ:

..... have alluded to the fact.....

MR SPEAKER:

Order, order. You cannot revive an issue in this House.

HON F VASQUEZ:

I am reviving the issue that the Financial and Development Secretary.....

MR SPEAKER:

Well you are not going to revive the issue. The issue of the Financial and Development Secretary yes but not the one of the Chief Minister.

HON F VASQUEZ:

That is the issue I am referring to, Mr Speaker, and I am grateful for your intervention. The fact is that the Financial and Development Secretary has indicated that the problem is that Gibraltarians do not like paying arrears. Well let me ask him if he is aware that between 1988 and 1993 when landlords were, in fact, liable for the arrears which their tenants were incurring, the Rates Department was refusing to give information to landlords when they contacted the Rates Department to ask them what the situation was in relation to their tenants' arrears. The Rates Department had replied, "This has nothing to do with you. This is the tenants account and we are not authorised to give you the information in question". So it is not a question of the landlords being unwilling to chase their tenants; the fact is that under the system established by this administration, landlords although they were liable for their tenants arrears had no way of knowing what those arrears were and given those circumstances I put the question to the Government, is this a fair state of affairs?

HON CHIEF MINISTER:

Mr Speaker, it is not true. It may well be true that a particular landlord, who may well be a client of the hon Member and who may well be using that argument to contest the bill, may be in that situation but the hon Member is not qualified to talk about every single landlord in Gibraltar because he does not have the monopoly of the market and other landlords are not making the same complaint and other landlords in other instances pay. It is true to say that the landlords were not previously being chased with the same degree of energy that they have been recently, that is true. That is why, Mr Speaker, we have gone to get somebody to take on the responsibility for chasing up these arrears. But it is incredible to argue in this House that because there is a law which requires somebody to pay and because one is not threatening the person that has to pay with liquidation or with court action and therefore because all they get is the occasional reminder and they feel they can get away with it scot-free, it is unfair when the law catches up with them. Therefore as far as we are concerned, Mr Speaker, the point that has been made in the previous question which seems to me is the same point that is being made now - "Is the system operating fairly?" The matter will be looked into, I cannot do anything else than that. As far as we are concerned, all that people are being asked to pay is what they ought to have paid in the first instance.

HON P R CARUANA:

Mr Speaker, is the Chief Minister saying that he knows for a fact and is he asserting as a fact, that landlords had access through the Rates Office prior to July 1993 of details of the arrears of tenants? Forget the fact that as a master of the red herring he tries to deflect the issue by making reference to my hon Colleague's one client. Is he thereby trying to say that it is not true what my hon Friend is saying? Because if it is facts will be able to establish. Is he saying that he knows for a fact that landlords that went to the Rates Office and said, "Under this law I am liable for my tenants' rates if he has not paid them, has he paid them and, if not, how much does he owe?" Is he saying that those people were being shown the account as opposed to being told, "That is confidential and you cannot see it"? What exactly is he saying? Let him come unambiguously on the record as to what....

HON CHIEF MINISTER:

I know what I am saying, Mr Speaker. I am saying that there probably is one client either of his colleague or of himself or of the practice Triay and Triay who has used that argument in the correspondence with Land Property Services in their defence but that that does not mean the assertion that they have made in this House is correct that that applies with every single landlord.

HON P R CARUANA:

Is he saying it is not correct?

HON CHIEF MINISTER:

No, Mr Speaker, I am not saying that it is correct that no landlord was given the information or that it is correct that every landlord was given the information. What I do know is....

HON P R CARUANA:

He does not know then.

HON CHIEF MINISTER:

..... that there is, to my knowledge, a landlord represented by them.....

HON P R CARUANA:

What has that got to do with it?

HON CHIEF MINISTER:

Because no other landlord seems to have had a problem, only their client.

HON P R CARUANA:

The answer is that he does not know.

MR SPEAKER:

Order, order.

HON CHIEF MINISTER:

I know, Mr Speaker, that other landlords have not made the same excuse for not wanting to pay.

HON P R CARUANA:

Because they have

MR SPEAKER:

Order, order.

HON CHIEF MINISTER:

The answer is that if hon Members here make enough noise they can tout for business and then every landlord will go to them and they will use that excuse.

HON P R CARUANA:

On a point of order. There is a ruling made by Mr Speaker which he frequently reminds us of and I would now respectfully call upon him to remind the Chief Minister that he is not free to make allusions against Members of this House. What he has just stood and shamefully said is that.....

MR SPEAKER:

Order, order. The rule is make improper imputations.

HON P R CARUANA:

Well what does he think accusing us of touting for professional business from the floor of this House is? Do you not think that that is.....

MR SPEAKER:

I think it is fair and should be withdrawn. I will ask the Chief Minister to withdraw it.

HON P R CARUANA:

The hon Member must withdraw it, he has been ordered to withdraw it.

HON CHIEF MINISTER:

No, Mr Speaker, I will not withdraw it, I will explain it.

HON P R CARUANA:

What does he mean he will not withdraw it?

HON CHIEF MINISTER:

The Standing Orders of this House, Mr Speaker....

MR SPEAKER:

Order, order. I would like the Chief Minister to reflect. If what he said is what the Leader of the Opposition is saying then I think that the Chief Minister should withdraw it. I am sure he cannot mean that the Leader of the Opposition is making use of this House to gain clients, that would be an imputation.

HON CHIEF MINISTER:

Mr Speaker, what I do say is.....

HON P R CARUANA:

No, he has already said what he has said and it is clear.

MR SPEAKER:

Order, order.

HON CHIEF MINISTER:

I have not stood up, Mr Speaker. The Leader of the Opposition chooses to apply the rules to other people and not to himself. If hon Members have got a case in which they are representing a client on this particular issue then they use the fact that they are represented in this House to raise it as a matter of principle and say, "This is something that applies to everybody in Gibraltar". The point I am saying is if they are not doing that to tout for business I am glad to hear that they are not doing it for business.

HON P R CARUANA:

That is not what he said, Mr Speaker.

MR SPEAKER:

Order, order, order.

HON P R CARUANA:

You have ordered him to withdraw.

MR SPEAKER:

What I want the Chief Minister to say is that he did not mean in any way that hon Members were using their position in this House to gain clients. That is all.

HON CHIEF MINISTER:

No, Mr Speaker, I accept that. The hon Member is not using this to gain clients, the hon Member is using this to earn the fee of the client he has already got.

HON P R CARUANA:

I am sorry, Mr Speaker, the point is that the Chief Minister abuses the latitude that the Chair gives it. If Mr Speaker had done to him what he always does to us and that is to order us to withdraw without the possibility of argument, Mr Speaker would not now find himself in the position of.....

MR SPEAKER:

Order, order. If you feel that I am not doing my job properly you know what you should do.

HON P R CARUANA:

Absolutely, Mr Speaker.

MR SPEAKER:

You should put a substantive motion and then the House will decide. All I am asking the Chief Minister is that if he meant that he will withdraw it.

HON CHIEF MINISTER:

I withdraw it, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, could I just have the answer to a supplementary?

MR SPEAKER:

I think we have now ventilated this matter sufficiently enough. The position is clear, the Chief Minister is going to look back to see if there is any flaw at all in the way that this is operating and he will put it right. Next question.

HON H CORBY:

Can I ask a supplementary, Mr Speaker. I have tried...

MR SPEAKER:

No, no more now. That is my ruling. Next question.

26.4.94

ORAL

NO. 8 OF 1994

THE HON P CARUANA

SOCIAL ASSISTANCE FUND

Mr Speaker, what expenses comprise the administration costs charged to the Social Assistance Fund?

ANSWER

THE HON THE FINANCIAL & DEVELOPMENT SECRETARY

Mr Speaker, administration costs shown in the Fund Account comprise the Personal Emoluments and Other Charges of the Customs Department.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1994

HON P R CARUANA:

Mr Speaker, is the Financial and Development Secretary aware that the emoluments of the Customs Department appear to be shown under Head 17 - Finance and Revenue Collection Services in the Estimates, and that therefore they cannot also be shown under the account of the Social Assistance Fund as they are in the Public Accounts of Gibraltar to the year March 1992? There cannot be a debit to two separate accounts.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the hon Member is perhaps unaware that the reimbursement for the charges of the Personal Emoluments and Other Charges to the Customs Department which is referred is also shown in the Annual Accounts of Gibraltar. So that avoids the situation which he has just described namely a double debit.

HON P R CARUANA:

Mr Speaker, I am looking at the Social Assistance Fund account to March 1992, and it says 'Receipt' 'Import duty receipts £6 million' less, amongst other items administration costs leading to a net duty receipts £5.8 million and the Financial and Development Secretary says that that administration cost refers to the very same sum as already included in the Estimates under Finance and Revenue.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No. I said, Mr Speaker, I think I am not absolutely clear of the point which the hon Gentleman is making because I think I understand him. He feels that there has been some double counting because in the accounts of the Social Assistance Fund, the entry of administration costs appears under 'Receipts'. That is to say, as an offset against the receipts and he has obviously studied the accounts and he has studied the Estimates and he will know that there are estimates of the expenditure of the Customs Department. It is shown in Head 17, if I remember rightly, and he has said that has been charged twice. That, I think, is his point and my point is that, as used to be the case formerly with the public utilities, the Special Funds which were set up as public utilities and is now the case for the expenses of the Customs Department, there is a reimbursement. That is to say, there is an entry in the Government's Revenue Account to, as it were, equalise the expenditure. So there is no double counting, if that is in fact the point that he was trying to make.

HON P R CARUANA:

I hear the answer that he has given. I doubt, therefore, that it is correct to include that information in the accounts of the Social Assistance Fund, but still, Mr Speaker, I accept the answer. I accept the answer that has been given. Does the Financial and Development Secretary know what the management charge of £152,000, therefore, is in the accounts of the Social Assistance Fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, that is a different matter. The management charge which he refers to under 'Payments' comprises the personal emoluments, the salaries, the costs, if you like, of the civil servants who are administering the social assistance services and also managing the Fund. It is an apportionment of their costs.

HON P R CARUANA:

I am sorry. I make the same admission as the Chief Minister. I am not an accountant by profession, but how can we have the salaries and costs deducted at the top end as an administration charge and then again a management charge of the same thing.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

They are two separate matters, Mr Speaker. By virtue of a legal notice in 1992, which made these arrangements by which the revenues from import duty were brought to account in the Fund, the terms of the legal notice - which unfortunately, I do not have in front of me, because I was not aware that the hon Gentleman was going to ask this particular question, which he has in fact in his supplementary asked - it says that the import duties after deduction of the costs of administration and that is the reason for that. Now in the case of the management charges shown under 'Payments', this is what I can only call a customary arrangement. We do it for the Social Insurance Fund, we did it for the the Spanish sub-fund of the Social Insurance Fund. We show the management charges of the civil servants involved in the administration of the service and the cost of managing the Fund as legitimate expense, which it is. I am sorry if the hon Gentleman finds this rather ridiculous, but this has been customary in Gibraltar for quite some time and when 40 public service winters have besieged his brow as they have mine, he will doubtless become more familiar with it. At the moment I must compare him with a summers day..

HON P R CARUANA:

Will the Financial and Development Secretary then, ignoring his 'O' Level literature references, will the confirm that it is a charge payable to the Government, because I presume that the salaries of the civil servants in the Social Security Department are the ones referred to under 'Finance and Revenue Collection Service - Social Security' in the Estimates. So presumably, this is a call back from the Social Assistance Fund of salaries first paid by the Government out of the Estimates.

HON CHIEF MINISTER:

I have slightly more expertise in this area. Perhaps I can help the hon Member. Mr Speaker, the Public Finance (Control and Audit) Ordinance Notice to which the Financial and Development Secretary refers, which was published on the 19 March 1992, provides that the cost of collecting the revenue is deducted before the money is credited to the Fund.

HON P R CARUANA:

Absolutely.

HON CHIEF MINISTER:

Therefore, the point that he is making is only explainable in the sense that we could have chosen to show the net amount coming into the Fund. Instead there is more information provided because it shows the gross amount but really the income of the Fund is the amount of money after meeting the collection costs. The collection costs appear as a revenue head in the Estimates of Expenditure that have been tabled this year and are tabled every year. The management charges of the Fund per se, is the cost of the civil servants, who are employed in the Department of Social Security in actually making payments to beneficiaries. That is the management cost of operating the Fund as it were whereas the other is the cost of collecting the money before it enters the Fund. But it could, in fact, have equally been left out but it would have been less informative.

HON P R CARUANA:

So as I understand the Chief Minister's answer, one is the cost in effect of the Customs Department, as the revenue import duty and therefore should not have been there as I think he is recognising. The other is the cost of the administration of the Fund itself after it has been received by the Social Assistance Fund and the payment out. Will the Chief Minister confirm whether the civil servants to whom he is referring as the cost of paying out, are the civil servants who are included in the establishment of the Finance and Revenue Collection Services - Head 17 of the Estimates where it says under Social Security.....

MR SPEAKER:

What Estimates is the Leader of the Opposition referring to.

HON P R CARUANA:

The information has not changed.

MR SPEAKER:

We cannot anticipate.

HON P R CARUANA:

Under Head 17, of last year's Estimates, there is an establishment of social security civil servants. Are they the same ones as administer the Fund for the purposes of payment out?

HON CHIEF MINISTER:

Mr Speaker, first I want to answer the aside that the hon Member made in saying that I accepted that the information on the netting should not have been there. What I am saying is that in my view it was not strictly necessary to put that information in the Social Assistance Fund because the information is already available, if one is prepared to do the necessary work, by going into the body of the Estimates, by checking the reimbursements and by checking the expenditure. The information was put there as additional information and I would have thought the Opposition Member would not be worrying about us providing too much information. I can confirm that the administration charge is, in fact, the charge which is made up of the civil servants in the Treasury who are engaged under social security and also part of the cost of some of the civil servants who are engaged in the management of the Fund. That is to say, there is within the Treasury an allocation made, not just to the Social Assistance Fund, but to any other fund in the old Social Insurance Fund before it was dissolved in December, if the hon Member looks in that same set of audited accounts, he will find that there was a similar administration charge which is reflected as revenue in the Consolidated Fund.

26.4.94

ORAL

NO. 9 OF 1994

THE HON P R CARUANA

SOCIAL ASSISTANCE FUND

Mr Speaker, what was the Social Assistance Fund balance at each of 31 March 1993 and 31 March 1994?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, at 31 March 1993 the balance of the Fund stood at £5.4 million, and at 31 March 1994 an estimated £1.6 million.

26.4.94

ORAL

NO. 10 OF 1994

THE HON P R CARUANA

SOCIAL ASSISTANCE FUND

Mr Speaker, in respect of each of the years to 31 March 1993 and 31 March 1994 what were:-

- (1) The receipts of the Social Assistance Fund
- (2) The payments from the Social Assistance Fund in respect of:-
 - (a) Grant to Gibraltar Health Authority
 - (b) Contributions to Gibraltar Health Authority re: Social Assistance to unemployed persons
 - (c) Supplementary Benefits
 - (d) Family Support Benefits
 - (e) Elderly Persons Allowance
 - (f) Rent Relief
 - (g) Management Charges
 - (h) Retirement Allowance
 - (i) Community Care Trust (as an aside for the question I would recognise that this is probably the nature of the loan rather than payments) and,
 - (j) Other payments, in aggregate.

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

In round figures, Mr Speaker, the actual or estimated receipts and payments for the years in question were:-

	<u>1992-93</u>	<u>1993-94</u>
<u>Receipts</u>	£26.7 million	£20.2 million
<u>Payments</u>		
(a) and (b)	£6 million	£6 million
(c)	£1.3 million	£1.4 million
(d)	£950,000	£934,000
(e)	£248,000	£238,000

(f)	£250,000	£236,000
(g)	£168,000	£168,000
(h)	£ 14,000	£ 12,000
(i)	£14 million	£15 million
(j)	£ 3,000	£ 30,000

SUPPLEMENTARY TO QUESTION NO. 10 OF 1994

HON P R CARUANA:

Can the Financial and Development Secretary say whether he can give me little (a) and little (b) separate from each other as indeed they are reported in the accounts. Can he break down the £6 million figure as between grants to Gibraltar Health Authority and Contributions to Gibraltar Health Authority in respect of social assistance for unemployed persons?

HON CHIEF MINISTER:

Mr Speaker, I can answer the hon Member on that point. The provision is £6 million a year in support of the Health Authority, which I announced in the Budget of 1992. The difference between one and the other takes some time to calculate and effectively what happens is that we put as a grant whatever is required to achieve the £6 million as compared to the figure made in respect of the eventual calculation on the numbers of people who are unemployed or retired. So effectively, if one is bigger the other one would be smaller but the total would remain at £6million.

HON P R CARUANA:

But, I understand from that that all of this is Health Authority funding in effect it is GPMS contributions of social assistance....

HON CHIEF MINISTER:

That is correct.

HON P R CARUANA:

Will the Chief Minister finally confirm to me from the information that he has in front of him that little (i), as was the case in the 1992 accounting period, is in the form of a loan or is that in the form of a payment to the Community Care Trust?

HON CHIEF MINISTER:

Mr Speaker, it is not in the form of a loan and I do not know why he says that in 1992/93 it was in the form of a loan.

HON P R CARUANA:

Only because I have the accounts here in front of me and it says 'Loan issued to Gibraltar Community Care Trust, £2.5 million.' The words seem quite clear to me.

HON CHIEF MINISTER:

Yes, but that was in 1991/92 not in 1992/93.

HON P R CARUANA:

Yes, that is what I have said. I asked the question because I assumed that it had the same treatment currently as it had in the last published accounts of Gibraltar. The answer is that it is not.

NO. 11 OF 1994

THE HON LT-COL E M BRITTO

GIBRALTAR COINS

Do the terms of its contract with the Gibraltar Government allow any mint company to sell Gibraltar coins other than in Gibraltar, and if so, what benefit does the Government derive from such sales?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Gibraltar Government have a contract with Pobjoy Mint Ltd, for the production and distribution of all Gibraltar coins. The benefit to the Government of coins sold by the mint outside Gibraltar is derived from royalties of these sales.

SUPPLEMENTARY TO QUESTION NO. 11 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, does the occasion arise where the mint produces coins which are subsequently sold outside Gibraltar alone and not available in Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think that may be so, Mr Speaker. There are sales by the mint of Gibraltar coins which are not circulated in Gibraltar.

HON LT-COL E M BRITTO:

Two points in supplementary. The Financial and Development Secretary said 'circulated' and my question is, are they available for purchase in Gibraltar and secondly, if they are not available for purchase and are available away from Gibraltar, does the Government still earn royalties from those sales?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As far as the latter of the hon and gallant Member's question, Mr Speaker, yes the Gibraltar Government does earn royalties from those sales. As far as the first part of his question, in effect why not, why are they

not available in Gibraltar? I think it is an assessment of the demand. I think the demand in Gibraltar for a silver coin or whatever in respect of the anniversary of the Crown Prince of Japan, which I believe was one of the coins circulated, would be minimal. However, if the hon and gallant Gentleman would like one, I could certainly make a buy on his behalf.

NO. 12 OF 1994THE HON P R CARUANA

PUBLIC DEBT

Mr Speaker, what was the gross public debt of Gibraltar as at the 31 March 1994, and what was the balance as at that date of:-

- (a) The General Sinking Fund
- (b) Other debt sinking funds, in aggregate?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the estimated gross public debt at 31 March 1994 was £92.1 million. At that date the estimated amount of the General Sinking Fund was £15.8 million and the aggregate of other sinking funds was £1.8 million.

SUPPLEMENTARY TO QUESTION NO. 12 OF 1994

HON P R CARUANA:

Mr Speaker, are the Government any more willing now than it has been in the past, to inform this House and through it the people of Gibraltar, whether there is any other form of borrowing by wholly owned Government companies for which I know they are not bound to answer in this House, in accordance with Mr Speaker's ruling, but upon which they might voluntarily wish to give the information if only out of a natural desire to keep the people as informed as possible about their affairs?

HON CHIEF MINISTER:

Mr Speaker, I do not believe the supplementary the hon Member has asked is relevant to the original question except that he can make his own deduction by the simple fact that commercial borrowing by a company is more expensive than borrowing by the Government and whenever he has made the point about company borrowing, he has made it on the assumption that having exhausted the ceiling of £100 million. [Interruption] Yes, in previous questions which are recorded in Hansard, Mr Speaker, the Opposition Member has argued in questions that having reached the £100 million, we would then have off-balance sheet borrowing which does not reflect.....

HON P R CARUANA:

The public debt has never reached £100 million?

HON CHIEF MINISTER:

No. Logically there would be no point in any company borrowing when in fact the £100 million has not been exhausted.

HON P R CARUANA:

Is the answer therefore, no?

HON CHIEF MINISTER:

The answer is he can draw his own conclusion from what I have said.

HON P R CARUANA:

And has not been recently?

HON CHIEF MINISTER:

Mr Speaker, I have told the hon Member that as far as I am concerned, if he wants to put a question about Government companies borrowing, he will get the answer that he has got before. The company is free to take decisions on borrowing in order to run its business in the normal course of its transactions with its bankers but, if the point that is being made is the people of Gibraltar ought to know whether we own more than £100 million, which is the point that has been made in the past in relation, then the answer is, if we have not reached £100 million which is what I have told him before, why should we be borrowing with a company when we do not need to, we have got spare capacity within the Government.

HON P R CARUANA:

I understand the answer to that ought to be no, Mr Speaker?

HON CHIEF MINISTER:

Well, I have told him, Mr Speaker, that he can draw his own conclusions.

26.4.94

ORAL

NO. 13 OF 1994

THE HON P R CARUANA

LIQUID RESERVES

Mr Speaker, what were the liquid reserves of the Government as at 31 March 1994?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, at 31 March 1994 the estimated liquid reserves of the Government were approximately £4.5 million.

NO. 14 OF 1994THE HON P R CARUANA

REVENUE COLLECTIONS

Mr Speaker, what is the forecast out-turn revenue for 1993/94 and the estimated revenue for 1994/95 for each of the following:

- (1) Import Duty
- (2) Company Tax
- (3) Exempt Company Tax
- (4) Stamp Duty
- (5) Ground and Sundry Rents
- (6) Premia on assignments
- (7) Workers' Hostel
- (8) Income from Lyonnaise des Eaux?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the forecast outturn in 1993/94 for the first seven items is:-

Import Duty	£22.8 million
Company Tax	£ 9.1 million
Exempt Company Tax	£ 2.6 million
Stamp Duty	£ 1.9 million
Ground and Sundry Rents	£ 1 million
Premia on assignments	£ 10,000
Workers' Hostel Fees	£410,000

The Government did not receive any income from Lyonnaise des Eaux. As regards 1994/95, the Government have not yet produced any estimates for these items. However, no dramatic changes are expected at this point in time in the yield of the major items mentioned. As far as the small items are concerned it is impossible to predict the yield.

26.4.94

ORAL

NO. 15 OF 1994

THE HON P R CARUANA

GIBRALTAR PROCUREMENT LIMITED

Mr Speaker, how much did Government pay to Gibraltar Procurement Limited during each of the years ended 31 March 1992, 1993 and 1994 for the collection of arrears?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, no payment was made to Gibraltar Procurement Limited in connection with the collection of arrears in the financial year ending 31 March 1992. There was a payment of £257,000 in the financial year ending 31 March 1993, which was inclusive of payment for services provided in the previous year, and a further payment of £81,000 was made in the financial year ending 31 March 1994.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1994

HON P R CARUANA:

Mr Speaker, will the Government confirm that they still owe that company directly or indirectly. It is a wholly owned Government company presumably to one of the funds holding company.

HON CHIEF MINISTER:

Yes. It is 100 per cent owned.

HON P R CARUANA:

And are the Government prepared, notwithstanding Mr Speaker's ruling, and purely voluntarily, to disclose the terms of employment of that company's employees as to remuneration? Do they collect a salary or a commission?

HON CHIEF MINISTER:

Mr Speaker, I can say that the employees of the company are on a fixed salary and therefore any difference between the cost of running the company and the revenue from the commission on collection is retained by the company and not by the employee.

HON P R CARUANA:

And the fixed salary, there is no relation to the amount of the arrears collected. It is not a fixed salary computed by reference to some formula, it is a sum of money which is their salary?

HON CHIEF MINISTER:

That is right. It is a fixed salary which has nothing to do with payment by results.

HON F VASQUEZ:

Is there anything, Mr Speaker, in the relationship between Government and Gibraltar Procurement Limited that in any way involves the payment of commission on the amounts of arrears of tax as collected by that company?

HON CHIEF MINISTER:

None whatsoever.

NO. 16 OF 1994

THE HON H CORBY

ALAMEDA ESTATE RENTS

Mr Speaker, will Government say into which funds the rents collected from the Alameda Estate are credited?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker. The Consolidated Fund.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1994

HON H CORBY:

Mr Speaker, can the Financial and Development Secretary confirm that these rents are not funding any loans arising of this to this estate?

HON CHIEF MINISTER:

Mr Speaker, I think the hon Member may be slightly confused because, strictly speaking, the Consolidated Fund, if he looks at the Estimates, funds all the loans. So, to the extent that all the Government revenue goes into the Consolidated Fund and all the interest in the public debt comes from the Consolidated Fund, the answer is, yes, the public debt of £92 million has interest. That interest is paid from the Consolidated Fund as the Estimates show. But you cannot really say that is coming from the rents as such. It is coming from the total revenue of the Government of £70 million.

26.4.94

ORAL

NO. 17 OF 1994

THE HON P R CARUANA

PRINCIPAL AUDITOR REPORT

Mr Speaker, whose responsibility is it to ensure that allegations and observations of the Principal Auditor in his Report on the Public Accounts of Gibraltar are addressed and corrected?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, it is the responsibility of the department concerned to take whatever remedial action is necessary in the light of observations made by the Principal Auditor in his Annual Report.

SUPPLEMENTARY TO QUESTION NO. 17 OF 1994

HON P R CARUANA:

Is the Financial and Development Secretary aware of the Principal Auditor's Report attached to the Accounts of Gibraltar for the year ended 31 March at page 27? The Principal Auditor laments the use by the Department of Education of deposit accounts outside the Government's usual accounting structure into which they pay fees collected for courses and out of which the Director of Education pays expenses relating to those courses and is he further aware, that the Principal Auditor having complained about this to the Director of Education, amongst the answers that he got was that this was being done under Government instructions and is he aware that notwithstanding the explanation of the Director of Education, the Principal Auditor in his report has said, "I still consider that improper use has been made of the deposit account?" Can he tell this House, as the officer with constitutional responsibility for the administration of Gibraltar's public finance, what steps he has taken to address what the Principal Auditor - who after all exists precisely to bring points like this to the attention of the House - has described as improper use of accounts?

HON CHIEF MINISTER:

Mr Speaker, I know I cannot ask the Opposition Member a question, but I am tempted to ask him, is he aware that this point was raised when the motion was brought to the House on the 1992 audited accounts and was answered then? And if it was answered then, why does he not go back and read the Hansard of the answer that he got then and he would then be aware, because the reality of it is that we said at the time, once this had been brought to our notice as a Government, the matter was put right and that is what we said when the motion was brought on this audited accounts last year. So what is it that he expects to be told now that he has not already been told?

HON P R CARUANA:

I want to be told what has been done about it?

HON CHIEF MINISTER:

Mr Speaker, if the hon Member is saying, "Did the Financial and Development Secretary discipline somebody in the civil service?" Well frankly that is neither here nor there. Let me say that one ought to clarify that the context in which improper use of the deposit account is referred to in the report is not any suggestion that anybody in the Education Department was pocketing any public money, but that the proper rules of accountability, which ought to be followed, which we believe should be followed, which is that if we have got somebody paying money to go to the college, then the cost of the course should be shown as an expenditure of the college and in the income from the fee should be shown as income in the Consolidated Fund. And that apparently was not being done because the fees were being put on a deposit account, which obviously are still under control of the Accountant General and still available to the Principal Auditor, otherwise he would not have discovered it was there, and part-time lecturers were being paid directly from that deposit account. The matter was identified by the Principal Auditor. It was referred to in the motion last year and I answered that action had been taken to correct it and the question is "What did the Financial Secretary do?" Well without the necessity for involving the Financial and Development Secretary, once this was brought to the notice of the Government, people were told to stop doing this because we agreed with the Principal Auditor and that is what happens with the Principal Auditor's comments that to the extent that we are able to put right what he considers to be wrong, heads of department take the necessary action. Sometimes, as we know, from the comments on arrears, the necessary action does not produce the results.

HON P R CARUANA:

Mr Speaker, just on a point of clarification, I think the Chief Minister is mistaken when he suggests the debate relating to these accounts. These accounts, I do not think, were available to us at the time of the last debate. I think the hon Member's motion was based on the accounts to March 1991. I am almost certain that that is true, although I stand to be corrected. These are the accounts to March 1992 which were not available to us at the time. I say I am not 150 per cent certain, but I am sure that that is so. The debate was on the accounts to March 1991, does anybody want to correct that?

HON CHIEF MINISTER:

Mr Speaker, I am sure the House can clarify that, but my recollection is that we tabled in October last year the 1991/92 accounts, not the 1990/91 accounts. Perhaps the mover of the motion at the time can ask me a question to clarify the position.

HON P CUMMING:

I think, Mr Speaker, that these accounts were the ones that we used in that debate. As far as I can remember the use of the deposit account was not going to be stopped but it was going to be regulated, so that the Principal Auditor's objections would be at least on the major part corrected. I think that is so.

HON CHIEF MINISTER:

The point, Mr Speaker, in answer to the question is that that particular issue was, in fact, raised by the Opposition Member in that debate and the debate was about these accounts.

HON P R CARUANA:

Well, Mr Speaker, the fact that the matter has been debated, if it has been debated on these accounts, is really neither here nor there. The fact is that I am still entitled to ask what has been done about it since it was debated. For example, and that is my final supplementary, Mr Speaker, with your leave, what steps have been taken since the matter was debated, if these accounts were debated, to address the Principal Auditor's concern, that his department was understaffed, where he said on page 53 paragraph 8.1.3 of his report, "At the end of the day the position remains, in my view, less than satisfactory"? Has his position improved beyond what it was at the time that he said that?

HON CHIEF MINISTER:

The answer is no. In fact, that was the answer that was given when the accounts were debated. He can ask all the questions that were asked last October and he will get the same answers. The point that I am making, Mr Speaker, in relation to his previous question, is that it is not that action was taken post the October debate. Action was taken post the matter being raised with the Government even before it appeared in the published audited accounts. On the question of the staffing level, the answer is that the staffing levels, the hon Member knows, have not been increased because he has got estimates for 1992/93 tabled last year and estimates for 1993/94 which show the same staffing levels. He can ask questions. We can actually simply say, he should look at the published figures and he will know the answer. Instead I am giving him the answer.

HON P R CARUANA:

With the greatest of respect to the Chief Minister, I cannot be expected to accept his answer once and for all. I am entitled to keep the situation under review by asking questions, without infringing the six month rule of the House, from time to time to see whether the Government have yet changed their mind or have yet taken any of the steps that were being requested at the time. So, therefore, Mr Speaker, does the Chief Minister recognise that the policy of his Government is to continue to deny to the Principal Auditor, whose job it is to audit the public accounts of Gibraltar, that level of staff that he considers is necessary for him to perform his statutory functions?

HON CHIEF MINISTER:

Mr Speaker, with all due respect to the Opposition Member, the truth is that he was not asking this question because he is entitled to ask the same question twice, but because he had forgotten that the accounts had been debated last October and he thought that the ones that had been debated last October were of 1991 and five minutes ago, he said he was almost 150 per cent certain that these accounts had not been discussed before, so that is the reason why he is asking the question. He has forgotten the answer that he got last October. Now he does not want to admit it. As regards the composition and the budget of the Audit Department, he knows from the Estimates that the resources available are the same. The Principal Auditor may feel that he requires more resources. As far as we are concerned certain action was taken in increasing from the previous position of one HEO to two HEO's, we keep

the situation under review, but applying more resources in that area can only be at the expense of reducing them in some other area. It is a matter of judgement and therefore, that is the judgement which we will defend when we debate the Estimates this year, where the Opposition Member will have to vote on the resources for the Principal Auditor and he can then make as many points as he wants.

NO. 18 OF 1994THE HON LT-COL E M BRITTO

MOTORCYCLIST CRASH HELMETS

Mr Speaker, do Government now consider that it would be in the best interests of all road users and especially motor cyclists if it were obligatory for all motorcycle and moped riders and passengers to wear crash helmets?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the position now is the same as it was in 1992 when the matter was last raised.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, may I first of all say, that I am surprised that I am getting an answer from the Attorney-General as opposed to the Minister concerned. It is a well published policy of this Government to answer politically and it seems that they are not doing so on this occasion. Having said that and in reference to the answer that I have been given, the answer at the time did say, Mr Speaker, that the matter would be kept under review and that statistics would be studied of accidents which involved and did not involve crash helmets and that the situation might change in the future. Can the Attorney-General tell me whether the statistics, in fact, give any indications that changes would be foreseeable in the future?

HON J C PEREZ:

Mr Speaker, the hon Member is wrong in thinking that it is a new policy of the Government for the Attorney-General to reply. If he looks at Question No. 148 of 1992, he will see that it was the then Attorney-General that replied to him on the issue. As far as the question of the matter being kept under review, which I gave to the hon Member as a supplementary, to the question that he put, frankly, as the hon Member well knows, I have been, for personal reasons, away from Gibraltar for the last three or four months and I do not really have the latest statistics with me to be able to give him a clear picture on the matter. What I can do is promise to the hon Member that I shall call the Chairman of the Traffic Commission when I am available again and review the matter as I promised to do and look at the latest statistics.

26.4.94

ORAL

NO. 19 OF 1994

THE HON LT-COL E M BRITTO

SPEED RESTRICTIONS : EUROPA ROAD

Will Government introduce speed restrictions along Europa Road between Europa Pass Battery and the Refuse Incinerator to minimise the risk of possible accidents caused by the many incidents of speeding which occur daily along this road?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, a speed limit of 30 miles per hour already exists along Europa Road towards Europa Pass Battery and the Refuse Incinerator.

SUPPLEMENTARY TO QUESTION NO. 19 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, with respect, I find the answer totally inadequate and it does not address the point on the thrust of the question. I am well aware that there is a speed limit of 30 miles per hour along this particular road, as indeed there is throughout most of Gibraltar. The question does not ask what the speed limit is. The question asks whether Government foresee, as I do, that there is a fatal accident waiting to happen at any moment along that particular stretch of road. Firstly, because the speeds along it are exceeded, the 30 mile per hour limit is a joke. The speeds along that road are exceeded by cars and by motorcycles continuously and at all times of day and, dare I say, night. Secondly, that there are particular portions of this road which certainly at least two Government Members, one of which like me lives in that area and another one who I know visits that area at certain times of the week, and I am speaking particularly about the exit from the housing estate of Elliotts Battery and the military estate of that area, the exit on to Europa Road and also the exit from St Bernard's Church itself, which is only metres away. Motorcycles and cars coming round that bend are totally blind to the cars or pedestrians even coming out from the estate or out of the church and there are continuously very near misses of possible accidents at those two points. The main cause is because it is a blind corner and the second main cause is because of the excess of speeds.

I thank Mr Speaker for his latitude that he is allowing me. Will Government make a closer study of this particular piece of road and will they give fairly urgent consideration to ways of slowing cars down either by imposing lower limits by putting in sleeping policemen along certain points or even by regulatory traffic lights at the exits to the estates? I repeat the point that I have said before, that there is a fatal accident waiting to happen at that particular point.

HON ATTORNEY-GENERAL:

Mr Speaker, obviously, the Government take very seriously any remarks about road safety. It is imperative, of course, that everything should be done to minimise the possibility of any person on a road in Gibraltar being hurt. What I will undertake to the hon and gallant Gentleman is that I will personally see the Commissioner of Police and I will take on board all that he has said today and see what can be done.

HON LT-COL E M BRITTO:

I thank the Attorney-General and I would just further request, will he undertake to keep me in the picture in general terms of what the situations is?

HON ATTORNEY-GENERAL:

Yes. Of course I will.

NO. 20 OF 1994

THE HON P CUMMING

HEALTH AUTHORITY DISCIPLINARY PROCEDURE

Would the Government explain the disciplinary procedure in the Health Authority; how long would it be expected that a disciplinary case be left pending?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, Health Authority employees are civil servants and as such are subject to the same procedures as all other Government employees. Disciplinary cases are referred to the Personnel Department and they process those in accordance with General Orders. Cases are dealt with as expeditiously as possible and the duration of each would depend on the charges which have been made against the officer concerned and the complexity of the charge.

SUPPLEMENTARY TO QUESTION NO. 20 OF 1994

HON P CUMMING:

Mr Speaker, the Government must be aware that I asked on behalf of a constituent who has been left suspended without pay for four months without any progress in his case and I would like to ask whether the Minister is aware that to make this situation worse he has been summoned to be warned that as a Government employee he cannot work. So how do the Government expect him to be able to eat without salary? He is disallowed from scratching around to see what income he can find elsewhere. It seems to me a gross injustice. This is different, if we were talking about courts of law where there is so much back pressure of other cases, but surely there are not that many Government employees at this moment under suspension. One would have thought that it is totally unjust to let the matter be pending for so many months.

HON ATTORNEY-GENERAL:

Mr Speaker, I know about the case that the hon Member has referred to and I want him to know that, in fact, within the last 24 hours it has been urgently brought to my attention that this is a matter which is outstanding. We know about it. It is in hand and we are going as fast as we possibly can. I should say that, in fact, the constituent of the hon Member has the advantage of expert legal advice and his lawyer is in touch with me as well.

NO. 21 OF 1994

THE HON F VASQUEZ

DRUG SMUGGLING ON FAST LAUNCHES

Mr Speaker, what steps is Government taking to ensure that fast launches based in Gibraltar are not being used for drug smuggling?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the Royal Gibraltar Police and the Customs Department continue to be actively involved in the fight against drug trafficking by sea. The Customs Department and the Royal Gibraltar Police patrol the sea front by day and night and surveillance is constantly kept on all those speedboats which are known or suspected of being involved in drug trafficking. There is constant liaison with the Spanish law enforcement agencies and in order to stop these activities contact is also maintained with the Moroccan Authorities. The arrests, seizures of large quantities of cannabis and the finding also of large quantities of cannabis disposed of or hidden by the traffickers when being chased reflects the involvement and dedication of the Royal Gibraltar Police and the Customs Department in their continual fight against drug importation. Recently the Customs Department has acquired a patrol boat which is in operation and that boat has recently been engaged in a number of pursuits of suspected fast launches which have resulted in the fast launches being intercepted and the craft searched. Both the Royal Gibraltar Police and the Customs Department regard their work in this area as work of the highest priority.

SUPPLEMENTARY TO QUESTION NO. 21 OF 1994

HON F VASQUEZ:

Mr Speaker, I do not for a second doubt that they do consider their work of the highest priority. The question is whether they are getting the political support that they require to discharge their functions properly. There are a couple of things that I would like to take up with the Attorney-General, Mr Speaker. The first is this. He said that both the security police and the Gibraltar police patrol the seafront vigilantly. Is the Attorney-General seriously putting it to this House that the Gibraltar police as a matter of course or the Gibraltar

police and the security police, as a matter of course, vigilantly patrol Gibraltar sea front regularly, because I can put it to him that there are significant areas of Gibraltar's sea front which to any innocent observer would appear police no go area.

HON ATTORNEY-GENERAL:

No. That is not accepted at all. The Gibraltar police and the Customs Department have absolutely no complaints about the support they get from the Government. Anything that they reasonably request they get. Obviously, they cannot have 100 ships because we cannot afford 100 ships. But, in fact, within reason, and we are aware of the priority, as I have said, to try and stand out or to control or to make less the importation of drugs. They can have as much as can reasonably be provided for them. The Royal Gibraltar Police and I am not there day and night and the customs officers stand by the reply that I have made and it is a reply that I give seriously that they are doing what I have said they are doing.

HON F VASQUEZ:

Mr Speaker, can the Attorney-General confirm that he is as concerned about the importation of drugs into Gibraltar as by the fact that locally based smugglers may be using Gibraltar as a base for the smuggling of drugs between other jurisdictions? Is that a matter which concerns him as greatly or does it concern him at all as the importation of drugs into Gibraltar?

HON ATTORNEY-GENERAL:

I am sure the hon Member does not mean to be offensive and to ask me if I am not concerned seriously about the importation of drugs. I am a human being like him and everybody is involved or should be involved in trying to stamp out this totally pernicious trade. Of course, I am seriously involved. I am seriously concerned.

HON F VASQUEZ:

The question is, does he accept that all the indications would appear to be that Gibraltar increasingly is being used by these operators as a base for the ferrying of drugs between other jurisdictions and is that something that concerns him. That is the point that I was seeking.

HON ATTORNEY-GENERAL:

The answer is yes. One could go on about this but, of course, we know what is going on and the answer is that I am very concerned and I give it as much purport as far as action is concerned as any other form of illegal activity. We all do.

HON F VASQUEZ:

One final question, Mr Speaker. Do the Government not accept that whilst the tobacco smuggling activity, which apparently the Government condone, continues, this will always provide cover for the criminal element who wants to use that as a cover for the conduct of the pernicious trade of smuggling drugs to and from Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, as far as the Government are concerned it is not condoning smuggling of tobacco into Gibraltar. If anybody buys tobacco in Gibraltar which is paid legally, and smuggles it in Spain, no doubt the Government of Spain are concerned about smuggling into their country. I would suggest the Opposition Member should stand for the Cortes and fight the case of the Spaniards there.

NO. 22 OF 1994THE HON LT-COL E M BRITTO

UNEMPLOYMENT FIGURES

What was the level of unemployment in Gibraltar of:

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

as at 31 December 1993 and 31 March 1994 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 as at 31 December 1993 and 31 March 1994 are as follows:-

	<u>GIBRALTARIAN</u>		<u>NON-GIBRALTARIAN</u>	
	<u>Under 25</u>	<u>Over 25</u>	<u>Under 25</u>	<u>Over 25</u>
31.12.93	302	368	5	436
31.03.94	298	356	2	443

SUPPLEMENTARY TO QUESTION NO. 22 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, has there been any changes in the methods of calculation and compilation of the figures since this question was last fought in the House?

HON J L MOSS:

No, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, can the Minister tell us how the figure for Gibraltarians is calculated?

HON J L MOSS:

Just checking, Mr Speaker, because I am almost certain that this was actually answered at the last meeting of the House of Assembly. Basically people are expected to register at the Job Centre at least once a month and based on the number of people who are registered, those who have continued in attendance and taking away those who may have obtained employment or who are no longer attending the job centre, the figure is arrived at in that way.

HON LT-COL E M BRITTO:

Yes, Mr Speaker, I think I remember the gist of that answer on those lines. What really worries me, in the accuracy of the figures is when the Minister says at least once a month because the figures are given to us whenever there is a meeting of the House and there is question time effectively twice a year, and it questions invariably in terms of three monthly period, is the Minister saying that unless an individual has actually registered three times during that three monthly period, that he does not appear?

HON CHIEF MINISTER:

Mr Speaker, I think we have dealt with this point also previously and we said, in fact, that the figures would fluctuate more, so, if somebody, for example, does not register in January but comes back in February and we produce monthly figures, first of all there would be wider fluctuations which would be less indicative of a trend. Secondly, on a month to month basis, the figure is more difficult to correct. For example, if somebody has already started work in April, we may actually be showing him as unemployed in March because the information of the registration of the employee has not yet got back. So effectively, what happens is that if within the three month period, a Gibraltarian has turned up a couple of times, we tend to consider him to be still in the labour market seeking employment. As regards the non-Gibraltarians, other than the Moroccans, it is limited, as we have said before, to people who are actually entitled to benefits.

HON P R CARUANA:

Mr Speaker, would the Chief Minister permit one supplementary? Recognising, as I do that, of course, the Minister cannot count the people of whom he is not aware and therefore that is presumably why he oversees people that go to his office looking for work, does he

believe that, in fact, that people that go to his office seeking employment is not necessarily the totality of the number of Gibraltarians who would like the job if there was one available. In other words, it is not actually a measure of the unemployment problem in Gibraltar. It is really a measure of people who voluntarily go down for work which I agree should be everyone who really wants a job, but it does not include people who in despair no longer voluntarily go down.

HON J L MOSS:

Mr Speaker, quite frankly there are far too many hypothesis in that question for me to be able to answer with any kind of satisfaction. I can only go with statistics and I think perhaps the Leader of the Opposition will agree with me that it is a reasonable assumption that somebody who is interested in getting a job will at least bother to go to the Job Centre once a month. I am not responsible for knowing whether there are people sitting quietly in their flats at home who might want to work if there was a vacancy available but who cannot be bothered to go to the Job Centre and check whether such vacancies are available or not. Quite frankly, I have no information to back up his remarks.

26.4.94

ORAL

NO. 23 OF 1994

THE HON LT-COL E M BRITTO

UNEMPLOYMENT

What steps are Government taking to counteract the high level of unemployment of Gibraltarians under the age of 25?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the steps that are being taken are that the Government are concentrating their submission for ESF funding for 1994 on training for under 25's and we expect this to be reflected in a reduction in the level of unemployment in this group during the course of the next twelve months.

SUPPLEMENTARY TO QUESTION NO.23 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, is it right that what the Minister is then telling us is that as long as he can get funding and he can provide training schemes, it in effect reduces the figure? The people are in training but not working long-term, is the total of what the Government are doing to try and reduce unemployment in the under 25's age group?

HON J L MOSS:

No, Mr Speaker. It is not true to say that that is the net effect. The hon Member will accept that there has traditionally been complaints in Gibraltar about the fact that even though vacancies become available in certain fields, these vacancies are not filled by Gibraltarians because there is a lack of training or experience or tradition in a particular industry. What we hope to do is to actually ensure that with the help of the ESF funding, we can be able to put local people into jobs as and when they arise. We are not saying, if that is what the hon Member is suggesting, that the only thing that we have got to do is to be using ESF fund to keep people off the unemployment register. No, what we are saying is that we are going to be using these ESF funds to try and ensure that local people acquire the necessary skills to be able to get a gainful job in the job market.

HON LT-COL E M BRITTO:

Mr Speaker, that in fact is in general terms again a similar answer to what I have had to previous questions in other meetings of the House. Has in fact this sort of training in basic trends already started or is it still pending the supply of new funding in the future?

HON J L MOSS:

The extent of what we have been doing in the last few months has been that because we now have far more accurate feel of what is happening in the job market into the registration of vacancies, that we now have a clearer picture of where we are likely to be able to employ Gibraltarians and based on that kind of analysis, we will be able to set up the proper training to ensure that people can move into these areas.

HON P R CARUANA:

Mr Speaker, does the Minister recognise, that European Community funds can be used for quite two distinct purposes? One is to pay unemployed persons an inadequate wage in a temporary job for as long as the funds last or they can be applied in traditional forms of training to enable individuals to acquire skills which will permit them to better defend themselves and fend for themselves in the labour market. Is the Minister proposing to use whatever funds he can get from that source in order to provide training facilities so that people can become electricians and carpenters and whatever and then go into the private sector if necessary on their own account or are the Government proposing to use it as in the case of SOS, for example, simply to keep people in employment for so long as the funds last without necessarily there being any element of durable training going on at the same time?

HON J L MOSS:

I think that if the Leader of the Opposition actually listened to the gist of my previous answer to his hon Colleague, he will accept that the intention is certainly not to keep people in low paid jobs as long as the funds last. The intention is to provide the right type of training for the jobs that are available on the job market whether those are traditional jobs, non-traditional jobs or whatever.

HON P R CARUANA:

Mr Speaker, in connection with the SOS controversy that erupted some weeks ago - I do not know whether there is a difference between EC funds for training and EC funds for the assistance of the long-term unemployed - one of the explanations that was given for these supposed redundancy of 30 or 40 employees just before or just after Easter, from SOS or one of these companies, was simply that the European Community funds had ran out. If the Government were trying to seek new funds and when the Government were successful in obtaining further funds, similar schemes should be put in place. This is what has led me to ask the question.

HON CHIEF MINISTER:

Mr Speaker, there is a question on the Order Paper later on dealing with the employment of others. The difference, which the hon Member may not be aware of, is that the people that have been in the scheme had to be over 25 and this question is about the under 25's and therefore, the answer given by my hon Colleague is that we are putting the emphasis on the under 25's in the new submission for EC funding, which is not what was going on before.

HON P R CARUANA:

Which would be for training rather than for jobs.

HON CHIEF MINISTER:

Which will be for training but let me say, so that we are clear, that in fact we are not talking about three year or four year apprenticeships. That is not eligible for EC funding. EC funding, by definition, can only take place for the under 25's either on the basis of a wage subsidy to an employer in the private sector of whom there are something like 170 under 25's currently employed in the private sector with the wage subsidy. I believe the hon Member has in fact made use of the scheme in his own practice and taken some trainees, so he is aware of it. [Interruption] Well he can claim the EC funding and that will deduct on the tax that he will have to pay at the end of the year because of the money that he will save. The other side is - which we have not tempted to do until now - the initiative that my hon Colleague was referring to, which is training without a job guarantee, but with a piece of paper at the end of the training.

HON P R CARUANA:

That is precisely what we in the Opposition had been trying to recommend in the last year. That is what is necessary, Mr Speaker. I am very glad to hear that that is what the Government now intends to do, although I do not suggest that they now intend to do it because we have recommended it.

HON LT-COL E M BRITTO:

Mr Speaker, if you will allow me one final question. Do I take it that the Minister has told us that at the moment there is no training what I would call the basic trades of plumbing, carpentry, masonry, that sort of thing, and if so, what has happened to the Construction Training Scheme that he referred to in answer to previous questions during previous meetings of the House?

HON J L MOSS:

Mr Speaker, two things. There is nothing different now as there was three or four months ago, in the sense that the vocational cadets scheme continues to exist and operate in a normal way. The construction schemes that I referred to in an earlier answer at an earlier meeting of the House, will be closely tied up to this new funding that will be coming in hopefully very soon.

26.4.94

ORAL

NO. 24 OF 1994

THE HON L H FRANCIS

COLLEGE OF FURTHER EDUCATION

Mr Speaker, can Government say exactly how many students are now attending the College of Further Education broken down into those attending full time and those attending part time courses?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the figures of students at the Gibraltar College of Further Education as at 20 April 1994 were as follows:-

Full-time students - 215

Part-time students - 37

The full-time figure is a drop from 251 on September 1993. The part-time figure has remained static.

26.4.94

ORAL

NO. 25 OF 1994

THE HON L H FRANCIS

NOTRE DAME SCHOOL

Mr Speaker, do Government consider the arrangements at Notre Dame School for the pick-up and drop-off of children satisfactory?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Yes Sir.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1994

HON L H FRANCIS:

Mr Speaker, is the Minister aware that recently the side gate was closed in the school and now parents have to pick children up from the front of the school on Winston Churchill Avenue and that this causes not only the block up of the bus stop there but also cars have to park on the pavement partly obstructing Winston Churchill Avenue and is likely to cause, at some stage in the future, an accident if not involving the cars maybe involving the children? Would it not be prudent to re-open the side gate and leave the arrangements as they were?

HON J L MOSS:

Mr Speaker, the last point is obviously a matter of opinion. I can assure the hon Member that the result that the side gate was closed was not as the result of a political decision and that it is not for the Government to take a political decision on whether this gate should be opened or closed or re-opened. Frankly, the school administration and the police are satisfied with the pick-up and drop-off arrangements. I think it would be unnecessary interference on my behalf if I were to try and overrule them.

HON L H FRANCIS:

Mr Speaker, I do not know whether the police or the teachers or the administration of the school are satisfied with the arrangements but the parents are certainly not, because I have had a lot of calls from parents who are very worried about the pick-up and drop-off of the children. I can tell the Minister that I have passed by at that time of day when parents are bringing their children and certainly it is likely to cause an accident because of the number of cars parked on Winston Churchill Avenue.

HON J L MOSS:

Yes, Mr Speaker. I have also had representations from a number of parents, but I am afraid, we do have professionals who are paid to give us their recommendations and the recommendations are that it is actually safer to have the present pick-up and drop-off arrangements than it was in the past.

HON P R CARUANA:

Mr Speaker, does the Minister consider that it might be helpful to erect some sort of barriers all along the pavement to avoid the interruptions of space? They are not continuous.

HON J L MOSS:

I have not had a recommendation as to whether there should be any changes in the barriers that may be available or may not be available. But, obviously, if there is at any point a feeling by either the police or the school administration that the arrangements are unsatisfactory, I am quite happy to look at any changes which may need to be made because quite frankly as I indicated in my earlier answer, I am not responsible for the decision of either to open or close the gate in the first place.

NO. 26 OF 1994THE HON L H FRANCIS

TEACHER COMPLEMENT

Mr Speaker, what plans do Government have to increase the teacher complement at Government schools to adequate levels?

ANSWERTHE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the teacher complement at Government schools is already at adequate levels.

SUPPLEMENTARY TO QUESTION NO. 26 OF 1994

HON P R CARUANA:

Mr Speaker, is the Minister aware that the last time that he gave that answer in this House he provoked a response in public from the Gibraltar Teachers' Association, in terms that it was disappointed at the statement by the Hon Joe Moss, Minister for Education, who "informed the House of Assembly that there are no plans at present to increase the teaching complement. Whilst welcoming the Minister's assurance, the complement will be respected at present levels, the Gibraltar Teachers' Association is of the view that the ability of the service to provide adequate provision of the national curriculum and special needs at all levels requires an increase in staffing levels to be given consideration by the Government."? So will he at least recognise that his opinion is at variance with the very professionals which he has just referred to in relation to fences? He pays to advise him on matters of education. Why does he take responsibility for this and not for the gates?

HON J L MOSS:

Mr Speaker, I am very sorry to have caused disappointment to the Gibraltar Teachers' Association, but the facts speak for themselves and the teacher/pupil ratios at all our schools are extremely satisfactory and stand up very well to comparison with figures elsewhere in European countries, notably the United Kingdom, where... [Interruption] If I may speak without being interrupted, Mr Speaker,where the colleagues of our local school teachers are actually fighting to try and bring down the classroom ratios to

figures such as 30/35 in a classroom. In Gibraltar we are very happy to be able to say that our classrooms actually have a norm of 20 and 25 children in first and middle schools. So I mean, I really do not see what he is getting at.

HON P R CARUANA:

But, Mr Speaker, all that he has done is to state his opinion that they are adequate. My supplementary was, does he recognise that his opinion is at variance with the professional opinion of the teachers, whom he pays, presumably to deliver an educational product.

HON J L MOSS:

No, Mr Speaker. The Gibraltar Teachers' Association is a staff association, it is a trade union, it is not paid for by the Gibraltar Government in any way and they are entitled to have a different opinion to me. I do not know what their opinion is at the moment. What I am restating is the answer to my question in the same way as he has restated the original question.

26.4.94

ORAL

NO. 27 OF 1994

THE HON L H FRANCIS

SCHOOL LEAVING AGE

Mr Speaker, is there any intention to change the school leaving age?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

No, Sir.

26.4.94

ORAL

NO. 28 OF 1994

THE HON L H FRANCIS

CO-EDUCATION

Mr Speaker, have Government reconsidered the desirability of co-education at secondary school level?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, the position has not changed since my reply to Question No. 59 of 1991.

26.4.94

ORAL

NO. 29 OF 1994

THE HON P R CARUANA

JOB IN THE ECONOMY

Mr Speaker, how many jobs are there presently in the economy as far as Government records show?

ANSWER

THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT
AND YOUTH AFFAIRS

Mr Speaker, it is not possible to give an accurate figure of the number of jobs in the economy based on Government records because of the time-lag involved in the compilation of figures. The three sources are income tax which depends on returns being made, social insurance records which depends on the exchange of insurance cards and ETB records which depend on employers notifying terminations. A reasonable guesstimate would be in the region of 13,800 jobs on the basis of past trends and registrations at the Job Centre.

SUPPLEMENTARY TO QUESTION NO. 29 OF 1994

HON P R CARUANA:

So should we assume that whenever a Minister mentions the figure, it is a guesstimate, because presumably if he cannot compile an accurate answer for me, he cannot compile an accurate answer for themselves.

HON CHIEF MINISTER:

This particular subject yes. The figure, Mr Speaker, that has been given is the figure on which we are working at the moment.

HON P R CARUANA:

Mr Speaker, can the Government give their estimation, ignoring, obviously, such things as MOD redundancies which have not yet been announced, of the shrinkage that it expects the economy will suffer in terms of jobs in it over the next 12 months. Have they made any projections, are their calculations on such things as tax collection, PAYE receipts etc, based on some model that they have guesstimated, as to what shrinkage in the labour market there will be?

HON CHIEF MINISTER:

The estimates that have been produced for the House, and I think the most relevant is the yield from PAYE, assumes that the number of jobs in the next 12 months will stay within the range of 13,500 to the 13,800 that has been given. How many we have got now is a guesstimate, how many we are going to have in a year's time is really pure guess work.

26.4.94

ORAL

NO. 30 OF 1994

THE HON H CORBY

DISABLED PERSONS ORDINANCE

When will Government introduce the regulations envisaged in the Disabled Persons Ordinance so as to make provision for the adult and children members of our disabled community?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the Government will shortly be setting up the appropriate consultative machinery to deal with such regulations in consultation with the professionals in this field. At this point in time priority is being concentrated in the light of recent developments in connection with home care facilities for the mentally and physically disabled.

SUPPLEMENTARY TO QUESTION NO. 30 OF 1994

HON H CORBY:

Mr Speaker, this question brings out the tragic death of Mr Cosquieri who due to not monitoring children because there is no provision for them after they leave school. Social services before used to do this work and they were prepared, it came out publicly, saying that they were prepared to take on the task again. The elderly children in the community are taken care of by parents who are now in the 50's and 60's and there is no provision for social services to undertake a monitoring sort of role inasfar as that is concerned. The children I am talking about are people who are retarded inasfar as learning abilities. Until they go to school there is no provision for them at all. So what I am asking is that in conjunction with the Society for the Handicapped, there is a monitoring service where accidents like this like the Cosquieri case, do not form part and parcel of every day life.

HON R MOR:

Mr Speaker, let me assure the hon Member that we are trying to correct whatever went wrong in the Cosquieri case. The social services are paying more attention now to such cases and I take the point that there are elderly persons

looking after disabled or handicapped, they are regularly monitored by the social workers. I think the hon Member raised also in October last the pre-schooling of the handicapped. My information is that the Education Department gives them priority as much as possible when they are trying to attend schooling.

HON H CORBY:

Mr Speaker, on the part of the children concerned, I know for a fact that if there are three children asking for a place at pre-school for training because it takes quite an amount of time for them to learn. There is a choice made by the teachers concerned and is the availability of places for the children that take priority here. So we might have four children in need of learning facilities but there is only place for two. So, what I am saying is that we should have a facility where the children are not made scapegoats or they are discriminated upon because they have got to take two and there is four. So the teacher then must make a choice to the detriment of the parents etc. So, what I am saying is, have the facility, if the learning abilities are there and they are handicapped, then have a place for the four of them instead of having to choose two of them. This is point that I made before inasfar as disabled persons are concerned.

HON R MOR:

Mr Speaker, all I can do is take it up again with the Education authorities and see what is the best we can do on that issue, but, it is definitely not a question of discrimination on the basis of the child being handicapped.

HON H CORBY:

Mr Speaker, when there are four children and let us say that I was a teacher and I had to make a choice, imagine what it does to the other two parents with the same needs as the two which I have put into my school because there are spaces for two. Imagine what that means to the other two parents who have been rejected because of the fact that there are no places available.

HON R MOR:

Mr Speaker, all these are issues which can be taken up by the consultative machinery which the Government are setting up and I am sure all the points which the hon Member have raised here will be taken into consideration.

HON H CORBY:

Mr Speaker, when can we see the legislation coming to this House inasfar as that is concerned? Does the Minister know how long it would take?

HON R MOR:

The intention of the Government, Mr Speaker, is to try and introduce all the machinery as soon as possible. As I say, our main concern at the moment is providing home care facilities which did not exist before. And in that respect I am concerned that we need regulations to put in place as soon as possible.

26.4.94

ORAL

NO. 31 OF 1994

THE HON H CORBY

DR GIRALDI HOME

Mr Speaker, what progress has been made regarding the proposals put forward by the Catholic Church and the Committee of the Gibraltar Society for the Handicapped in relation to the running of the Dr Giraldi Home and what proposals have Government accepted (if any)?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, the Government are still involved in discussions with the relevant parties concerned on this matter. In the Government's view the running of Dr Giraldi Home has to be seen within an organisation and management structure set up for this purpose and in this context, the Government are attempting to encourage all sides to work together in a spirit of co-operation and understanding with the common aim of acting in the best interests of those mentally and physically handicapped persons who will be making use of the Home.

SUPPLEMENTARY TO QUESTION NO. 31 OF 1994

HON H CORBY:

Mr Speaker, I asked the Minister and he will not agree with me that there seems to be a rift between the Society for the Handicapped and the Church running the home. Would it not be a better idea to get the two together. The expertise from the Society for the Handicapped who were instrumental insofar as the home is there today. They were the people who worked for it and pressed Government to have this site and this building erected today. Certainly, to me, there seems to be a rift between one and the other; the joint efforts of both, I think, would be very welcomed by the people of Gibraltar and we, the GSD think that they should have a say in the running of the home which at the moment has not sort of materialised.

HON R MOR:

In fact, Mr Speaker, as the original answer indicates, this is precisely and exactly what the Government is trying to do, to bring all sides together and get them to work together for the best interests of those who would be using the home. That is exactly the intention of the Government.

26.4.94

ORAL

NO. 32 OF 1994

THE HON P CUMMING

HEALTH AUTHORITY MEETINGS

When was the meeting of the full Health Authority last held and what was its agenda?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

The last meeting of the Health Authority was held on the 9 December 1993, approximately four months ago. The Agenda was the following:

1. Notes of the last meeting
2. Matters arising
3. Reports
4. Any other business

SUPPLEMENTARY TO QUESTION NO. 32 OF 1994

HON P CUMMING:

A totally uninformative agenda, Mr Speaker. What I am trying to discover in this question is, whether or not the Health Authority has ever taken a policy decision or whether it is simply a rubber stamp for the Minister's personal rule in the hospital. I am trying to discover whether or not the purposes of the Ordinance setting up the Health Authority are being achieved in separating a little of the health services from a direct meddling from politicians and putting its very high premium on professional input of the highest levels and really separating a little. The Minister of course has always refused to give any insight into how the Health Authority is in fact functioning and I suspect, Mr Speaker, unless she can give a more meaty answer to the subjects on the agenda, that in fact, the Health Authority is her rubber stamp and that she organises the Health Authority with her personal rule, with a few personal assistants.

MR SPEAKER:

Will you put a question.

HON P CUMMING:

Will the Minister give more substantial answers to the question of the agenda?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think that I would want to refer the hon Member to the comprehensive answer that I gave to him on the 28 October 1993, and I would like to refer him to the answer No.133, where there, Mr Speaker, I gave all the information and I gave also a meaty reply, Mr Speaker.

HON P CUMMING:

Perhaps I could have read in the Ordinance myself. Would the Minister tell me whether, in fact, the Health Authority has ever taken a policy decision.

HON MISS M I MONTEGRIFFO:

Mr Speaker, yes.

NO. 33 OF 1994THE HON P R CARUANA

GIBRALTAR HEALTH AUTHORITY'S REVENUE

Mr Speaker, what is the Gibraltar Health Authority's estimated revenue for 1994/95 and forecast outturn revenue for 1993/94 in respect of each of:

- (a) Prescription charges
- (b) Group Practice Medical Scheme contributions and fees.
- (c) Subvention from the Social Assistance Fund
- (d) Any other source (identifying each such source)

and what is the estimated expenditure for the Gibraltar Health Authority for 1994/95 and its forecast outturn expenditure for 1993/94?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Gibraltar Health Authority's estimate forecast outturn in revenue and expenditure in 1993/94 are as follows:

REVENUE

SAF Fees	£ 6.00 million
GPMS (inclusive of prescription charges)	10.55 million
Other receipts	0.22 million
	<hr/>
	£16.77 million

EXPENDITURE

£18.1 million

The Gibraltar Health Authority's estimates for revenue and expenditure for 1994/95 are as follows:

REVENUE

SAF Fees	£ 6.00 million
GPMS (inclusive of prescription charges)	12.00 million
Other receipts	0.21 million
	<hr/>
	£18.21 million

EXPENDITURE

£18.3 million

SUPPLEMENTARY TO QUESTION NO. 33 OF 1994

HON P R CARUANA:

Mr Speaker, the Minister is not quite as considerate as was the Financial and Development Secretary. She did not give me the information at dictation speed. She has given me the Social Assistance Fund. She was excluding one item from item (a), can she just repeat what item she was excluding. Her answer is "Prescription charges excluding".

HON MISS M I MONTEGRIFFO:

No, inclusive of prescription charges.

HON P R CARUANA:

The Minister does not have the information to separate (a) and (b)?

HON MISS M I MONTEGRIFFO:

Not at this moment, but I could provide it to the hon Member during the meeting of the House, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, I notice that the projected expenditure of the Gibraltar Health Authority is going up only from £18.1 million in 1993/94 to £18.3 million in 1994/95. The Minister will recall that when the increases in the Group Practice Medical Scheme contributions were announced in January of this year, in which those were increased by 100 per cent, one of the explanations and justifications given by the Government, was that, of course, this was all meant for increased expenditure in the Gibraltar Health Authority. Can the Government please explain, Mr Speaker, how they equate that statement where we have seen 100 per cent increase in the GPMS contributions paid by employees automatically, by only a tiny increase in the expenditure of the Gibraltar Health Authority? Do they conceive that in fact they were misleading the electorate when they told them that the reasons for the increases in the GPMS contributions was to subsidise the increased expenditure of the GHA?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. I think the situation we are talking about is the revenue and the expenditure side and the forecast that the hon Member is referring to is for 1994/95. In relation to the revenue, Mr Speaker, we are projecting that because of lower level of employment, the Gibraltar Health Authority will be receiving less revenue.

HON F VASQUEZ:

No. The point is, Mr Speaker, that we have seen a significant increase in the GPMS contributions but we have not seen a commensurate significant increase on the expenditure of the GHA, which only goes to, as it were, underline the point that my party was making at the time, that in fact, all the increases in the GPMS were hidden increases in taxation.

HON CHIEF MINISTER:

Mr Speaker, what it does demonstrate is that the point made by the hon Member at the time was total rubbish because, in fact, there was not 100 per cent increase. It was explained at the time that the contribution of employers was going up to the transitional interim payments fund and the contribution of employees was going up to the Health Authority and there was a switch of £5 in either direction, which is what led to the miscalculation of the hon Member of 100 per cent increase. Notwithstanding the fact that he got that explanation at the time, in public, he still makes the point here. If he cares to look at the figures that have been provided, Mr Speaker, he will see that the estimated revenue and the estimated expenditure, in fact, show that the contribution of the GPMS is not more than barely sufficient to meet the estimated expenditure over the next 12 months. The reason why the estimate at this time, and it is of course an estimate, appears to marginally be only £200,000 up on the outturn is because of course at the beginning of the year, the estimate is based on the outturn - in every estimate head. If the hon Member cares to look at the estimate of the previous year, he will find that the previous year the Health Authority was not expecting to spend £18 million, but during the course of the year, one finds out how many patients one is going to have. One finds out how many prescriptions are going to be written and this is not possible to calculate at the beginning of the year other than on the assumption that the cost in the next 12 months will be the same as the cost in the last 12 months. But that is £1 million more than the estimate made 12 months ago and if he cares to look at the number of successive years, he will find that the increase every year of £1.70 by employees has been designed in order to balance the budget of the Health Authority of what is required above the £6 million that is provided. That was announced as a policy in the budget of 1992, when I informed the House, "The Health Authority will be getting £6 million from the SAF and the balance from its own resources. It is to meet the balance of its own resources that the amount that is calculated of the increase in January is arrived at" and it is certainly not 100 per cent.

HON F VASQUEZ:

Mr Speaker, what the Chief Minister's answer demonstrates, in fact, is that the Opposition was not talking rubbish and he has only confirmed the very point that the Opposition was making. What the Chief Minister cannot get right, Mr Speaker, is the fact that as of the 1 January 1993, every employee was contributing £7.70 to the GPMS and as of the 1 January 1994, each employee was contributing £14.40, which is 100 per cent in the GPMS contribution paid by every employee. Now at the time that he pointed this out and the Government justified this increase in the contribution and I accept that the overall social insurance contributions made by employees has not increased, but certainly the element to the GPMS of each employee has increased two-fold and at the time the Government have tried to justify that increase by saying that this reflected increase GHA expenditure. This is nothing of the sort because GHA expenditure has not increased by anything like the 100 per cent by which the employees are having to pay increased contributions.

HON CHIEF MINISTER:

No, Mr Speaker. The Government did not say the employees are going to pay £14 instead of £7 because the expenditure has gone up by 100 per cent. The Government said the employer is paying £5 less, the employee is paying £5 more and the Health Authority is getting the same £10. And if we have £10 coming into the Health Authority from two sources, or £10 coming from one source, that is not 100 per cent. That is zero increase, in that element. It was explained that the reason was the fact that the Social Insurance Fund had been dissolved in December, that in the new provisions that were being made in January, what was happening was that instead of the employer paying £5 to the Health Authority and £5 to the Pension Fund, and the employee paying £5 to the Health Authority and £5 to the Pension Fund, the employer would now give the £10 for pensions and the employee would give the £10 for the Health Authority. They are still paying £20 between them. Now the hon Member can, if he chooses, try and make people believe in Gibraltar, that the employer is now paying 100 per cent more for pensions and presumably 100 per cent less for Health Authority and the employee is now paying 100 per cent less for pensions and 100 per cent more for Health Authority. But it is a complete nonsense because he is trying to make out that there has been 100 per cent increase in the resources for the Health Authority, justified by the cost of the Health Authority and what we told him was the new element is due to the need to meet the requirements of the Health Authority which they have constantly in this House questioned us as to whether it is sufficient. Well, there is only one way, Mr Speaker, of spending more money on health care and that is by providing more money for health care. There is no other way. There is no secret formula.

HON F VASQUEZ:

I just want to put one point to the Chief Minister, Mr Speaker, and that is, the only point the Opposition was seeking to make in January, is that what in effect has happened is that there has been a hidden increase in taxation of employees in Gibraltar. Namely, that as of the 1 January 1994, they are contributing twice as much to the Group Practice Medical Scheme and therefore underwriting the cost of the Gibraltar Health Authority, whereas before they were contributing to the pension scheme. That is nothing more and nothing less than a disguised increase in taxation. That is the point.

HON CHIEF MINISTER:

No, Mr Speaker. That is no more and no less than the constant tactic of the Opposition Member to mislead people in Gibraltar because is he saying that we have increased taxation because of the £10 that people were paying in December, the whole of it is going to the Health Authority? Is he then saying that we now decreased taxation because they are no longer giving £5 to the Pension Fund? It is a complete nonsense to say to somebody that was already paying £10, "Because your £10 are going to go into one fund as opposed to being split between the two, and because the employer is going to have his £10 going into another fund, instead of being split between two, everybody has had 100 per cent increase," even though everybody is paying the same. That is complete nonsense.

HON P R CARUANA:

If Mr Speaker will allow me one supplementary on this, I think the Chief Minister can agree with me that the contribution by both employees and employers together for the Group Practice Medical Scheme increased in January by about £3.50. The total stamp, all the increase of which was attributable to Group Practice Medical Scheme, increased from £32.14 to £35.74, which is about £3.50. Therefore the employer and the employee between them have contributed an additional £3.50 per week to the cost of running the health service. It appears to be Government policy to freeze the sort of general body of taxpayers contribution to the health service, which previously used to come as a subvention from the Consolidated Fund and now comes as a grant from the Social Assistance Fund. That is frozen. The result is that the taxpayer in the street who before used to get health service out of his paying a higher proportion of the health cost out of his general taxes, now has to pay general taxes at the same high level and annually, separately, through the social insurance stamp, a higher proportion of the cost of providing him with help.

The result is that the cost of providing public health is gradually shifting to the stamp more and more each year by about £3.00 per week per annum. The result is it not crystal clear and as clear as night follows day, that it is in effect a form of a hidden tax increase, to a greater extent? It is in effect a health tax. People are more and more having to pay a little stamp which is tantamount to a health stamp which is now a higher proportion of the cost of providing the health service to them. Therefore, presumably the money that the Consolidated Fund and now the Social Assistance Fund is saving, is being redeployed for other Government expenditure. Fine, the result is that taxation in general, as it affects all the taxpayers, has risen in that measure by at least £3.50 per week between employees and employers.

HON CHIEF MINISTER:

Mr Speaker, I welcome the fact that the hon Member has corrected his hon Colleague's arithmetic. Let me say that there is nothing hidden about it, since it has gone up every January, published, known and debated in this House. I do not know why the hon Member says that it is hidden. Secondly, if the Opposition Member wants to call it a tax and Opposition Members have brought here motions previously on this subject calling it a tax, they choose to call it a tax, presumably they choose to call it a tax because it suits them politically to call it a tax. It has never been called a tax before they were elected to this House and it went up every year in January before they arrived in this House. The policy open, declared, voted on, by the people of Gibraltar in 1992, on which we stood for election, when we came to this House we announced the contribution from general revenue to the health services, is £6 million. Any requirement over and above that will be introduced in January. It was done in January 1993. It was done in January 1992. It has been done in January 1994 and I am now predicting it will happen in January 1995, so the hon Member has now got nine months on which to start preparing his next press release.

26.4.94

ORAL

NO. 34 OF 1994

THE HON P R CARUANA

HEALTH CARE FOR MOD PERSONNEL

Mr Speaker, are Government negotiating with Ministry of Defence for the provision to MOD personnel and their families of secondary health care at St Bernard's Hospital, following the closure of the Naval Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, I have nothing further to report since my answer to Question No. 132 of 1993.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1994

HON P R CARUANA:

Will the Minister say whether negotiations have nevertheless continued since the answer to that question.

HON MISS M I MONTEGRIFFO:

Mr Speaker, we have had ongoing negotiations with MOD but recently the Government have taken a policy decision to freeze the negotiations for the time being until we look at the situation of the run-down of the MOD target looking at the year 1997.

HON P R CARUANA:

Can the Minister say whether the MOD has made an offer or what is the latest offer, if indeed they have made an offer, as to what their position and approach is. In other words, what are they offering the Government? Can she say if there is any such offer from the MOD why the Government has rejected it?

HON MISS M I MONTEGRIFFO:

No. Mr Speaker, as far as the Government are concerned, there have been negotiations with MOD and obviously, as a Government looking as far as the Health Authority is concerned, we wanted to protect the interest of the Health Authority. The Government, in consultation with the Health

Authority, have not wanted to enter into a situation where the Health Authority would have ended up with a liability, but looking at the situation now as far as the rundown of the MOD is concerned, that is the reason why the Government have decided not to proceed for the moment with the negotiations.

HON P R CARUANA:

But is there an offer?

HON MISS M I MONTEGRIFFO:

There is an offer from the MOD, yes, Mr Speaker.

HON P R CARUANA:

And is the Minister at liberty to tell the House what the offer is, although it is implicit from what she has said that the Government have not accepted the offer?

HON MISS M I MONTEGRIFFO:

If the hon Member were to look back at questions in the House, the Government's position has always been that we will not divulge any of the negotiations until the Government have reached a decision on the matter, Mr Speaker. Then the Opposition will be able to consider whether the decision taken by the Government is the correct one or not.

26.4.94

ORAL

NO. 35 OF 1994

THE HON H CORBY

MEDICAL CATEGORY LIST

Mr Speaker, what are the current criteria being used to place people on the medical category list in as far as housing is concerned?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the criteria being used to place people on the medical category list is the same as has been used since the introduction of the scheme in 1987.

SUPPLEMENTARY TO QUESTION NO. 35 OF 1994

HON H CORBY:

Mr Speaker, from what I gather inasfar as the medical category list is concerned, it is on the advice of a doctor that a certain sort of criteria is taken on various people inasfar as the severity of their injuries or whatever. Does not the Minister think that it would be another added incentive once the committee meets to discuss the medical report, that also a person goes to the tenant's flat in order to have a more complete picture of those person's needs? I am just quoting this as an example that a person who has serious injuries or medical deformity in the legs might live at the top of Tank Ramp. I know that nobody goes to visit the flats or to visit the person concerned, to take an overall picture. She might live up Wilson's Ramp, 180 steps and she cannot come down. This is what I am getting at inasfar as the medical category is concerned. It is taken on the basis of the medical report but nobody goes to the actual place where the person lives to ascertain the needs of that person, maybe she had not come down those steps or gone up those steps, and she is a prisoner in her own home.

HON J E PILCHER:

Mr Speaker, obviously I answered the question the way I did, because I was not knowledgeable of what it was that the Opposition Member wanted. Having heard what he has just said, let me advise him that some two months ago, the Department has already instigated the system that the hon Member is recommending, ie, a medical certificate is provided, once a case file is opened at

the Housing Allocation Unit, but before that case file is put in front of the Medical Advisory Board, an investigation is done before the report is produced. So when the report now goes to the Medical Advisory Committee, it would contain all the information requested, short sometime of going to the house itself, because in the majority of cases, the person is asked to come to the Housing Allocation Unit and interviewed. If the person is unable to attend, then they are asked to nominate somebody who can come to the Housing Unit to speak on behalf of that person and it is only at that stage that the case is put in front of the medical board and a decision is taken.

HON H CORBY:

Does anybody from the Housing Department or anybody from Social services not go to the house themselves? It is up to the person to nominate somebody to come in?

HON J E PILCHER:

Mr Speaker, I do not think the hon Member has understood. What I am saying is that it is already happening. In 99 per cent of the cases, the persons themselves hand in the medical certificates, they are interviewed and the information that the Opposition Member feels should be provided, is provided. In the 1 per cent or 5 per cent of the cases where that is not possible, the Housing Allocation Unit, will contact a person, the family, a doctor, whoever, in order to get the information necessary. It does not require a physical visit to the house to identify what the medical condition is. Unfortunately, Mr Speaker, having said that and utilising the opportunity, the Medical Advisory Committee, look at medical cases in relation to the housing problem, not in relation to the medical problem and it is quite common for people to say, "I am seriously ill and I have only been categorised (b) or (c)." That is not because the Medical Advisory Committee is saying that the person is not ill. What the Medical Advisory Committee is saying is that the change of address or a change of dwelling is not going to better that illness. Therefore, it is up to the medical board, which is made up of two practitioners and another appointee, who look at the case as it affects the dwelling and the person's illness.

HON P CUMMING:

Mr Speaker, is it not true that there has been a hardening of attitude in the Housing Department with regard to requests for changes? There were photographs in the paper some months ago of an elderly couple, into their eighties, who lived on the fifth floor and were asking to move to

an empty flat downstairs and told no by the medical committee. Is it not true that sometimes the Department would not lose if somebody wants to change and if there is no loss in it, why should they not be allowed to change even without a medical condition?

HON J E PILCHER:

Mr Speaker, it was made quite clear some six months ago, when the question of exchanges was publicly aired, that medical exchanges are still allowed. In the circumstances of a particular case, since I do not know which particular case the hon Member is referring to, I am not knowledgeable, I cannot answer because obviously what the hon Member is referring to is a specific case and not the global case. Hardening of attitudes? No Mr Speaker, what there has been is the Housing Allocation Unit trying to work within the framework of a structure which allows for compassion in medical cases, in the case of social cases, but, always working within a framework not to allow people who are not under these categories to try and get through the system in that way.

HON P CUMMING:

Mr Speaker, but somebody who is over 80 is not necessarily sick. They may be perfectly fit for an 80 year old but obviously living on the top floor.

HON J E PILCHER:

Mr Speaker, if the hon Member wants to table a question related to any other social category, I will answer, but this is related to medical. This is what the question says medical category list.

26.4.94

ORAL

NO. 36 OF 1994

THE HON P CUMMING

APPOINTMENTS FOR CONSULTANTS

Mr Speaker, would the Government give a breakdown of waiting times for appointments to see consultants and waiting times for surgery?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 37 of 1994.

NO. 37 OF 1994

THE HON P CUMMING

OPERATING THEATRES

Mr Speaker, are there now concrete plans for extension of the operating theatres, to enable surgical waiting lists to be cut down?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, I need to refer the hon Member to Question No. 185 of 1992, when I explained that it is not possible to provide global average waiting times for non-emergency surgery as this is very much dependent on the type of surgery that needs to be performed and also when each of these have various factors which need to be taken into consideration. All emergency operations are carried out immediately. In all surgical cases the use of operating theatres is sometimes determined by the number of trauma cases that present themselves in any given time. Therefore, as a consequence the following figures can only be rough estimates and they exclude operations which are age-related.

ROUTINE OPERATIONS

General Surgery	3 months
Orthopaedics Minor	3-4 weeks
Intermediate	6-8 weeks
Extra Major	1 year
Ophthalmology	5 months
ENT	7 months
Gynaecology Minor/Intermediate	4 weeks
Major	6 months

Waiting times for out-patient appointments to see consultants are as follows:

General Surgery	6-7 weeks
Orthopaedics	12 weeks
Ophthalmology	5 weeks
ENT	5 weeks
Gynaecology	6-7 weeks
Paediatrics	6 weeks

All emergency cases referred by general practitioners are seen immediately.

The Gibraltar Health Authority has no plans in the foreseeable future to fund an extra theatre.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1994

HON P CUMMING:

Is it true, Mr Speaker, that the operating theatre is running at full capacity and very often operations have to be cancelled just because it is impossible to have two operations going on at the same time and other priorities push people on to the waiting list who have been already admitted to hospital and ready for surgery? Are they not sufficient indications to be thinking and planning for extending the operating theatre?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. The hon Member has just said that the operating theatre sometimes needs to cancel. This is consistent in all hospitals, even if we had two theatres, three theatres. When we have trauma cases, operations have to be cancelled if they are routine ones, but I think, Mr Speaker, that with the comprehensive question that the hon Member has asked and the answer that I have given, I think that the Health Authority is satisfied that the appointments as far as the outpatients are concerned and the routine operations are acceptable.

HON P CUMMING:

Mr Speaker, does the Minister see any link between the waiting time to see consultants and the amount of private practice being carried out there?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, because as far as the Health Authority is concerned, the private practice has been phased out and at the moment we are talking about a couple of consultants that are only allowed private practice.

HON P CUMMING:

Does the Minister then still stick to the belief that consultants whose contracts do not permit them to do private practice are, in fact, refraining from doing so?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker. Not only that, I think that we are talking about another question that the hon Member has about private practice that I will answer in due course.

NO. 38 OF 1994THE HON P CUMMING

ENGAGEMENT OF CONSULTANTS

Would Government explain the procedure for the employment of a new consultant, and state how long it expects to take to appoint a new ophthalmologist?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the procedure is one which is used throughout the civil service. Recruitments are dealt with by the Personnel Department and the employees are appointed by the Public Services Commission. The incumbent ophthalmologist is on annual leave and a new appointment will take place once his contract expires. It is expected that the new ophthalmologist will be in post shortly thereafter.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1994

HON P CUMMING:

So from the moment that a consultant hands in his resignation, to the time that the new one is appointed, more or less how long could we expect to pass?

HON MISS M I MONTEGRIFFO:

Mr Speaker, it is impossible to pin a date on it. What I am telling the hon Member is that when a contract expires, the Personnel Department, in liaison with the Gibraltar Health Authority, will always want to minimise the actual time between the incoming permanent ophthalmologist and the outgoing one. That is the answer to the question.

HON P CUMMING:

So in fact with a bit of forward planning it should be possible for one to go and the other one to start the next day. He has got to give three months notice of resignation. It should be enough to advertise in the UK and to select a new candidate.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the procedure is one which is, as I have said, common throughout the civil service and I said in answer to the question that it is expected that once the ophthalmologist's contract expires, a new one will be in post very shortly thereafter.

26.4.94

ORAL

NO. 39 OF 1994

THE HON P CUMMING

CONSULTANTS' PRIVATE PRACTICES

Do Government persist in prohibiting new consultants from undertaking private practice even though this may limit the number and quality of the applicants?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the policy of the Government has not changed on this issue.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1994

HON P CUMMING:

In spite of its obvious failure. In spite of the fact that everybody knows that consultants are doing private practice ad lib.

HON MISS M I MONTEGRIFFO:

Mr Speaker, again we have an issue here, in the House of Assembly, where the hon Member has alleged that there are consultants doing private practice. I would ask the hon Member to provide the information because as far as we are concerned if there is a consultant who is doing private practice, who should not do it, the information should be there. We cannot take action unless the information is there.

HON P CUMMING:

It seems that the hon Minister is the only person not having that information to hand.

HON MISS M I MONTEGRIFFO:

Well if the Minister is in possession of the information, as he is alleging in the House, let him inform the Minister.

HON P CUMMING:

Did I not attempt to inform the Minister last week of a case in point?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. As far as I am concerned, he left a message that he would be ringing me and he has not rang me since and now he brings the question to the House.

HON P CUMMING:

With full information already available for the Minister of the case.

HON MISS M I MONTEGRIFFO:

Mr Speaker, this is not the information that I received from the management of the Health Authority. As far as the hon Member is concerned, he puts a question in the House, before the question comes to the House, he makes a telephone call to the Health Authority saying that he has a case in question. All I need is information from him.

HON P CUMMING:

Mr Speaker, St Bernard's becomes a fortress when one tries to get hold of the Minister.

HON MISS M I MONTEGRIFFO:

Mr Speaker, he can write a letter to the Minister and I will look into the case and he is free to do it whenever he wants.

26.4.94

ORAL

NO. 40 OF 1994

THE HON P CUMMING

PRIVATE CORRIDOR

Have doctors been consulted about the financial arrangements for running private corridor?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 41 of 1994.

26.4.94

ORAL

NO. 41 OF 1994

THE HON P CUMMING

PRIVATE CORRIDOR

When is private corridor likely to be reopened?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, private corridor will re-open once the Gibraltar Health Authority no longer requires it for decanting purposes for its major refurbishment works and therefore the question of consulting the doctors about the financial arrangements does not arise as there is presently no private corridor.

SUPPLEMENTARY TO QUESTION NO. 41 OF 1994

HON P CUMMING:

Mr Speaker, nonetheless the Minister announced here in the last meeting of the House that private corridor would run in a sort of hotel basis where patients will pay for the use in private rooms but no other facilities. So presumably the Health Authority has already decided what the policy is going to be. They have also made some kind of a forecast of when the Maternity Ward would finally be finished, which if I remember rightly, should be within the next couple of months. Presumably now we are on count down for getting the private corridor running again and it seems that this is a delicate issue where there is a lot of bad feeling amongst the consultants which one would have thought that the time would have been to consult them long ahead.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the policy has not changed. As far as the hon Member is concerned when he makes allegations about the Health Authority taking a policy decision which is different to what was in place. No, Mr Speaker. The question of private corridor, as I have explained in the House, remains exactly the same as before and I have answered questions in the House where I have said that, when private corridor re-opens, it will re-open on the same conditions and the same rules that apply to the fees

in relation to private corridor. When we are looking at the hospital there is no way that we can refurbish departments and wards without using private corridor for decanting purposes. Once private corridor is no longer required for decanting purposes, then the Health Authority will review the matter and I give this commitment to the House.

HON P CUMMING:

So we can take it then that there will not be any forward planning about how private corridor will be run. May I ask, Mr Speaker, whether the Minister agrees with me that Gibraltar for a consultant, it tends to be a bit of a professional back water and that therefore some extra motivation to bring high quality doctors to Gibraltar is required. For example, controlled amount of private practice that will put their income up to a level that will attract high quality consultants to Gibraltar.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, the hon Member is contradicting himself. On the one hand he is saying about the private practice issue and on the other hand, he is talking about income for the doctors with private corridor and I have told him that the policy of the Government on private practice has not changed. We believe very strongly and I have said it in this House on many, many occasions, that the Government's policy on private practice is clear-cut. We believe that people should be seen by their medical condition and not by the income and by the money that they are willing to pay to the doctors.

HON P CUMMING:

It seems to me, Mr Speaker, that the Minister does not understand the problem at all. The theory is very good socialist theory, but in practice, it simply is not working and it seems that the Minister is the only one that does not understand.

HON MISS M I MONTEGRIFFO:

Mr Speaker, that is his prerogative. As far as the Government is concerned, we have a policy and we are adhering to that policy.

26.4.94

ORAL

NO. 42 OF 1994

THE HON P CUMMING

HEALTH CENTRE EXTENSION

When will the extension to the Health Centre be operational?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 43 of 1994.

26.4.94

ORAL

NO. 43 OF 1994

THE HON P CUMMING

HEALTH CENTRE APPOINTMENTS

Have any improvements been made to the appointments system at the Health Centre?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the planned changes to the appointments system at the Health Centre will be implemented once the top floor taken over by the Gibraltar Health Authority is operational. This is expected to take place in about four weeks time.

26.4.94

ORAL

NO. 44 OF 1994

THE HON L H FRANCIS

EUROPA FLATS

Mr Speaker, can the Minister for Sport say whether Government have received any indications as to whether the Europa sports fields are to be handed over by MOD?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, no.

SUPPLEMENTARY TO QUESTION NO. 44 OF 1994

HON L H FRANCIS:

Mr Speaker, can the Minister say whether the Government, if given these facilities, are committed to keep the area as a recreational area?

HON MISS M I MONTEGRIFFO:

I cannot commit myself to saying that, Mr Speaker. We would like to but we would have to look at it in the light of other priorities.

26.4.94

ORAL

NO. 45 OF 1994

THE HON L H FRANCIS

VICTORIA STADIUM SPORTS HALL

Mr Speaker, will Government explain the nature of the water penetration problems of the roof of the Victoria Stadium sports hall?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as part of an ongoing maintenance programme the roof of the sports hall at the Victoria Stadium was repaired during the previous financial year. Although the problems were solved the recent heavy rains, which have followed a long dry period, have enabled us to establish some areas which now need tackling. The matter is in hand and work will be carried out when it is technically advisable.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister telling us that repairs were carried out in the last financial year, meaning the year ended March 1994 or the year ended March 1993?

HON MISS M I MONTEGRIFFO:

1993, Mr Speaker.

HON LT-COL E M BRITTO:

And is she saying that since 1st April 1993 until the heavy rains a month ago, there has been no water penetration?

HON MISS M I MONTEGRIFFO:

That is right, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, I put it to the Minister that she is either misinformed or completely wrong. My information is that there has been continuous water penetration from that roof, that the new floor that was put in has been damaged and that there has been considerable risk to the users of the hall in ball team games when playing on wet surfaces by danger of accidents and danger of falling. So much so that the staff at the hall put down some sort of tarpaulin on the floor whenever there is any rain to try to catch the water to prevent it spreading. Is the Minister not aware of that?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am fully aware of it because I happen to be a user of the facilities myself and I can tell the hon Member that when the problems occurred, they occurred a couple of months ago as a result of very heavy rains that we had and the problems are not as acute as the hon Member is saying. What we have been told by the contractors that have tackled the roof is that we need to have dry periods in order to be able to tackle the problems, but the problems the hon Member is referring to, are not as dangerous as he is inferring in this House of Assembly today.

HON LT-COL E M BRITTO:

Can the Minister confirm that there has been no damage to the new floor?

HON MISS M I MONTEGRIFFO:

There has been no damage at all, Mr Speaker, on account of the water penetration to the sports hall floor.

HON LT-COL E M BRITTO:

And is the Minister saying that the tarpaulins on the floor have not been put down for the past year and two years?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. I have seen no tarpaulin there at all.

HON LT-COL E M BRITTO:

That is the point, Mr Speaker. The answer has been that she has not seen it.

HON MISS M I MONTEGRIFFO:

And I have been informed by the management that they have not been put in place.

NO. 46 OF 1994THE HON L H FRANCIS

GASA SWIMMING POOL

Mr Speaker, will Government give details of the swimming pool to be built for GASA?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the details, as provided by the developers, of the swimming pool to be built for GASA are as follows:

General specifications are in accordance with FINA the international governing body of swimming.

GENERAL SPECIFICATIONS

1. Covered 25 metre indoor pool : 25m x 6m lane x 1.8m deep.
Fully tiled, with starting blocks, water filtration, treatment and heating.
2. Pool surround : Non-slip tiles.
3. Male/female changing rooms with toilet facilities and showers : Non-slip tiles to floors.
Glazed tiles to shower cubicles.
Tiled splash back to wash basins.
4. Plant room : Painted concrete finishes throughout.
5. External walls : 200mm single skin solid blockwork, with insulated metal roofing above.
6. Roofing : Insulated metal decking on steel frame structure.
7. Glazing : Laminated glass in patio door units.
8. Ventilation : Natural ventilation through patio door units and roof louvres.
9. Toilets : Public male/female.

The building will include an area for spectator gallery/clubroom/office and cafeteria.

All the abovementioned have been agreed between the developers and the Gibraltar Amateur Swimming Association.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1994

HON L H FRANCIS:

Mr Speaker, does the Minister have any information as to when works will actually commence?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have been told by the developers that they expect to commence work next month and that they estimate to complete works by the end of this year.

HON L H FRANCIS:

Does that mean, Mr Speaker, that the problems with the reallocation of GASA has been solved?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have said in my original question, everything that I have mentioned in this House has been agreed between the developers and the Gibraltar Amateur Swimming Association.

HON P R CARUANA:

Mr Speaker, will the Minister say whether this facility will be leased directly by the developers to GASA or whether it will become a Government property made available by Government to GASA?

HON MISS M I MONTEGRIFFO:

No, it will be leased to GASA, Mr Speaker.

HON P R CARUANA:

By whom?

HON MISS M I MONTEGRIFFO:

By the Gibraltar Government.

HON LT-COL E M BRITTO:

Mr Speaker, I did not hear the Minister make any mention of electronic equipment for timing. Did I miss it or will it not be provided?

3.

HON MISS M I MONTEGRIFFO:

I think that the timing that we are talking about, Mr Speaker, is the question of the starting blocks. That is in the specifications.

HON LT-COL E M BRITTO:

And touch pads for turnarounds?

HON MISS M I MONTEGRIFFO:

That is right.

26.4.94

ORAL

NO. 47 OF 1994

THE HON L H FRANCIS

1995 ISLAND GAMES

Will the Minister for Sport say if Gibraltar will be ready for the 1995 Island Games?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 48 of 1994.

26.4.94

ORAL

NO. 48 OF 1994

THE HON L H FRANCIS

1995 ISLAND GAMES

How much funding will Government make available to the Island Games to be held in Gibraltar?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, pending unforeseen extenuating circumstances, I am informed by the Gibraltar Island Games Association that Gibraltar will be ready. After having held quite a number of meetings with them and also with members of the International Technical Committee, I agree with their opinion.

The funding is made available by the Gibraltar Sports Advisory Body through the normal established procedures, based on specific details forwarded by the Gibraltar Island Games Association. Until these are forwarded it is impossible to state what the actual amount will be.

SUPPLEMENTARY TO QUESTION NOS. 47 AND 48 OF 1994

HON L H FRANCIS:

I take it that the Government will produce financing for the Island Games.

HON MISS M I MONTEGRIFFO:

That is correct, Mr Speaker.

HON L H FRANCIS:

Is the Minister in a position to say whether the problems of accommodation have been sorted? I know that she was negotiating with MOD, for example, on behalf of the Committee, for the accommodation. Is she in a position to make a statement on that?

HON MISS M I MONTEGRIFFO:

The Government are in the process of speaking to the MOD about the accommodation side, Mr Speaker, and also we are in close liaison with the Gibraltar Island Games on the question of the accommodation but we feel that that problem will be solved.

HON H CORBY:

Can I ask if any association needs funds to update their facilities? Will that be available to them or not?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we are talking about, I think, a couple of associations but the Government intervention in this matter is to actually hand over the land free of charge for them to have the facilities that they require.

HON H CORBY:

What I am talking about is existing facilities which are not up-to-date.

HON MISS M I MONTEGRIFFO:

Yes, and I am replying to those facilities, Mr Speaker.

26.4.94

ORAL

NO. 49 OF 1994

THE HON LT-COL E M BRITTO

GIBRALTAR LOTTERY

Do Government intend to make any further changes to the frequency, prize structure or ticket price of the Gibraltar Lottery?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 50 of 1994.

26.4.94

ORAL

NO. 50 OF 1994

THE HON LT-COL E M BRITTO

GIBRALTAR LOTTERY

Do Government intend to bring back the £1 million first prize in the Lottery?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the answer to both questions is no.

SUPPLEMENTARY TO QUESTION NOS. 49 AND 50 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, I presume that that includes the changes that are about to be made doing away with the half prize number.

HON J C PEREZ:

The changes have already taken place. The first week was the last draw.

HON LT-COL E M BRITTO:

Are Government aware of the general dissatisfaction with the frequency of the draw on a fortnightly basis and what appears to be a general desire, not just from the public but even from some lottery vendors, to somehow return to a weekly draw?

HON J C PEREZ:

Mr Speaker, I have continuous contacts with the lottery vendors and continuous advice from the Lottery Advisory Committee and both are unanimous that the best situation for the lottery is that it should remain on a fortnightly basis. I accept that there are people that would prefer it weekly and that the prize should be reduced to what it was before, but there are people that would not play the lottery for a first prize of £50,000 and that are encouraged to invest their money for a first prize of £100,000. That is the view that all the lottery vendors as expressed to me and that is the view of the Lottery

Advisory Committee and we all concur that the best for the lottery at this stage is to continue on a fortnightly basis. I do not accept that it is the general view that they would like it weekly. There are some people that would like it weekly. There have been calls for the lottery to be fortnightly, certainly from the lottery vendors side, for the last five years at least.

HON LT-COL E M BRITTO:

Mr Speaker, does the level of returns of unsold tickets bear out what the Minister is saying? He will agree with me that when the lottery was first restructured in its present form of fortnightly and larger prize and increase in the price, the volume of tickets being returned unsold shot up considerably. Has that been maintained at that level or has there been a decline?

HON J C PEREZ:

Mr Speaker, the volume of returned tickets has generally been maintained at the same level as was previously the case before it was changed to fortnightly. It has not gone down further. It has been maintained like that. The view that there would be more people buying into the lottery to a degree has been proved right in the full tickets. There are people that buy full tickets. There has been a small decline in the number of fixed numbers and the sale of full tickets has compensated for that. We are not worse off than what we were but the view is that if we change further or we change back to the old system we would be worse off than what we are now and therefore than what we were before we started this change.

HON LT-COL E M BRITTO:

Mr Speaker, can the Minister tell us why only one £1 million draw was possible and was it that sufficient market research was not done and therefore the sales did not reach their projected targets and were the reasons any different?

HON J C PEREZ:

The £1 million draw was held with certainly the Government and the lottery vendors in the full knowledge that a percentage of the tickets for that draw had already been away from Gibraltar sold before the issue was printed abroad. The practice of selling those lottery tickets away from Gibraltar was discontinued as a result of a case being put to the European Court of Justice about another lottery and the results of which have become known very recently.

In fact, there could still be a dispute whether even once the United Kingdom starts its own lottery, tickets of another national lottery could enter or could be stopped by the United Kingdom Government, for example, in the case of the United Kingdom. It has been looked at legally very closely. We are not only looking at the United Kingdom, but we do not envisage that certainly in the foreseeable future we would go along with the £1 million draw and in any case if that market were to materialise, we would now possibly look at encouraging someone to invest in lottery independent of the Gibraltar Government for that market. We would not mix one with the other. So it is not intended to proceed with another £1 million draw and the reason why it was discontinued because the first one we had a guaranteed number of tickets sold abroad and that guarantee was no longer there after the 1st draw so the risk was too high to go ahead with another draw of the same nature.

26.4 94

ORAL

NO. 51 OF 1994

THE HON M RAMAGGE

PHILATELIC SECTION'S PRIVATISATION

Mr Speaker, in whose favour and on what terms has Government privatised or contractorised the Philatelic Section of the Post Office?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government have still not completed negotiations on the granting of a franchise for carrying out the business of philately. Once the negotiations are completed a public statement will be made. What I can say is that the proposed contractor already handles the bulk of the philatelic sales in Europe as the agent of the Government and the proposed terms are that he would operate from Gibraltar and take on his existing sales plus those done directly to collectors by the Philatelic Section of the Post Office. Obviously as in all cases when commercialization has been considered the objective is that better use of resources should be made and that this should be reflected in the terms that are negotiated.

26.4.94

ORAL

NO. 52 OF 1994

THE HON LT-COL E M BRITTO

POWER CUTS

How many cuts have there been in the public supply of electricity since 1 January 1994 and what are the reasons for these continuing power cuts?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there have been a total of five power cuts since the beginning of the year each lasting between three and 10 minutes. There have also been two faults in the High Voltage System which have resulted in parts of the South District having its electricity cut off for some one and a half hours whilst repairs to the network were taking place.

The reasons for the power cuts are as follows:

- (a) Operator error
- (b) Mechanical failure in Engine W03
- (c) Broken fuel pipe on Engine W01
- (d) OESCO set 5 tripped
- (e) Mechanical fault on Engine No.1

SUPPLEMENTARY TO QUESTION NO. 52 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, since the electrical supply system was modernised, it seems to me that we have been getting more frequent power cuts than we had under the old system when the power cuts that we had were for non-technical reasons. Is it beyond the limits of the electrical department with such modern equipment to prevent these power cuts?

HON J C PEREZ:

Mr Speaker, the hon Member is totally wrong in thinking that the previous power cuts were less. For previous years and I am talking about 1987/88, the returns of power cuts were that much greater about something like 50/52 power cuts in any year and the length of the power cuts was much greater as well. So the improvements have been very great. The problem is that the generating capacity that Gibraltar needs is too small and there is no great system and no fall back position like there is in any other nation state or any other small state which tends to back itself up with an electricity supply from another country. We do not intend in any way to connect into the grid of the Sevillana as has been suggested in the past. We have got our own generating capacity, we intend to maintain our independent generating capacity, but the price we must pay is that because the households, the offices and the buildings are to a degree directly connected to the generating power without any grid in the middle, when there is a power cut, because an engine trips or there is a mechanical fault, and this cannot be previewed in time, then that specific area, is cut off for two or three minutes until another engine is set up. There is no known equipment to be able to diminish further the amount of power cuts or to act as a grid in such a small area of generating capacity.

26.4.94

ORAL

NO. 53 OF 1994

THE HON LT-COL E M BRITTO

UNIT OF ELECTRICITY

Has there been, since March 1988, any change in the extent or method of measuring a unit of electricity?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 54 of 1994.

26.4.94

ORAL

NO. 54 OF 1994

THE HON LT-COL E M BRITTO

FLEXIBLE COST ADJUSTMENT

What was the method used to calculate the fuel cost adjustment and what changes have been made to the method of calculation since when it was renamed the Flexible Cost Adjustment?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there has been no change whatsoever in the "extent or method" of measuring a unit of electricity.

The unit of electricity continues to be a kilowatt hour. The name "unit" is an abbreviation of the term "Board of Trade Unit" which began to be used in Britain in the 1890s when the supply of electricity began to be regulated by the Board of Trade. Gibraltar similarly, has been using this term and method since supplies of electricity began to be regulated in Gibraltar.

The main difference between the Flexible Adjustment Cost formula and the previous Fuel Cost Adjustment formula is that under the present formula there is the possibility of reflecting costs which increase in the generation of electricity besides fuel costs provided that in the event of such costs being reflected there is a maximum from which the increase cost fuel has to be deducted.

SUPPLEMENTARY TO QUESTION NOS. 53 AND 54 OF 1994

HON LT-COL E M BRITTO:

Following that explanation on the Flexible Cost Adjustment, will the Minister confirm that these additional costs in generation have been taken into account in the last few years since the level of the original Fuel Cost Adjustment has not come down as one would have expected to have done as oil price levels have come down?

HON J C PEREZ:

No, Sir. Powers have been given to include other issues apart from fuel, but these powers have not been used and therefore the only thing that continues to be reflected in the Flexible Cost Adjustment is the increase in fuel.

HON LT-COL E M BRITTO:

Is the Minister telling us that there has been no decrease in the cost of fuel in the last five years?

HON J C PEREZ:

Mr Speaker, there has been no use in the Cost Adjustment Formula made since 1991. That is to say, the formula gives us the opportunity of deferring indefinitely the passing of the increases and we have not increased the Flexible Cost Adjustment formula since 1991 and therefore have not passed the full extent of increases since 1991.

HON LT-COL E M BRITTO:

Yes, by implication, Mr Speaker, of the word adjustment and word flexible in both terms, the intention as I understood it in the past was that prices went up and went down reflecting the changes in the cost of fuel. What I am asking the Minister is if there have been decreases in the cost of fuel since that last change in 1991, and if so, why have they not been reflected in the price of electricity by lowering the Flexible Cost Adjustment?

HON CHIEF MINISTER:

Mr Speaker, this has already been explained and the hon Member may not remember it, but the explanation was given to him and I explained at the time that under the automatic system, every time there was a movement, the movement was immediately reflected. We have replaced that with a system where the cost of fuel was average over a longer period of time. The hon Member may remember that we came up with a press release answering another press release from his former party the AACR showing how many times.... [Interruption] It is there, it is in Hansard, it has been explained once. He has forgotten the explanation and we explained then that in fact what we did was we averaged the cost over a period and it was only when the cost of fuel over a certain period went up or down that it was reflected in any change. So, the last time it went up, was in March 1991. Since March 1991, there have been times when an increase would have been required which has not happened and there would have been times when a decrease would have been required which has not happened. In 1992 the flexibility came in. The flexibility came in and it was that it was not mandatory. It left the possibility of either implementing or not implementing a change rather than having it going up and down all the time. Then what was brought in in 1992, which was the second amendment

which is really the main difference between the two is that apart from the cost of fuel, other changes in the cost of generation could be reflected in the formula, but in fact, use has not been made of that because the last time it was increased was in March 1991. I think, as I also explained at the time, in 1990, one of the alterations that took place was in the triggering mechanism of the formula because the original formula had been based on a ratio of fuel between Waterport and King's Bastion, where the old engines that were scrapped when King's Bastion was closed, were using oil which was different from the oil in Waterport. We had a situation where the old formula was linked to a proportion of the use of fuel which was no longer true. So the old formula needed in any case to be altered at the time because it assumed, for example - I cannot remember the exact level because I am talking about 1989/90 - if 70 per cent of the oil out of the oil that was consumed in a year went to KB and 30 per cent went to Waterport and there were different prices for the oil in the triggering mechanism. The fact that some of the oil went up and others went down, because it does not really affect the price of oil that we pay for the supplies to the station is not based on what the barrel of oil is being sold in the raw market in Rotterdam but whether a grade of oil which may be short of supply may become more expensive whereas cruder oil which needs filtering may be cheaper. We actually had a situation at the time which I explained in the House. In fact, I remember giving an explanation where on a particular occasion the application of the formula would have produced an increase of £200,000 more than the actual price of oil alone so the formula additionally reflected the balance of the use of oil which eventually became 100 per cent because we have got now the three engines in Waterport. Those were the different changes that took place in the formula up to 1991. As it is, it is still operating on that basis.

HON LT-COL E M BRITTO:

Mr Speaker, I thank the Chief Minister for that long and detailed explanation, but there is one gaping mathematical flaw on what he has told us. That is that he has not specified the period of time over which the Flexible Cost Adjustment is expected to balance because if he is telling us that it was not adjusted in 1991 and he is taking into account increases and decreases, well if he waits long enough he can wait for 100 years and then in 100 years time, he can then adjust the formula again. But if in the meantime, as I understand the situation to be from 1991 to date, the underlined price of oil has been coming down, then if that is correct, the automatic triggering we would have had before would have lowered the FCA. In the absence of the automatic triggering, if we have an unspecified period, how long before the triggering is brought into effect? Can he specify what period the Government is taking into account whether it is a fixed period at any given period in our history or whether it is an indefinite period depending on other factors?

HON CHIEF MINISTER:

Mr Speaker, the hon Member is wrong in thinking that the cost of fuel has gone down. If he reads the estimates, he will find that it has not gone down. We vote the fuel in this House. So he can see that it has not gone down. The cost of fuel in a year, is not going down. It is affected by the exchange rate between sterling and dollars. It is affected by the cost of the refined product from crude oil. The mechanism was that there was an immediate automatic increase every time and then there could be movements downwards at different points in time. We introduced two things a time lag where nothing was triggered in less than three months in order to remove short term fluctuations and we averaged out over the formula the actual consumption. The formula originally if it had not been changed might have been producing still increases based on oil that was not being used. That is the point that I am making. We then moved into a situation where taking into account the cost of the operation in the new station, we introduced the ability to reflect as part of operating costs additional costs in things other than fuel. Although that provision was legislated for, it has not actually been implemented. The cost of fuel in the estimates has gone up. I can tell the hon Member that we are, in fact, generating electricity at a loss of something like £1.5 million a year.

HON LT-COL E M BRITTO:

So, in fact, as a final question, Mr Speaker, then the Chief Minister can confirm that when people talk about their electricity bills being higher they are wrong. They are paying exactly the same as they were paying in 1991.

HON J C PEREZ:

Exactly, Mr Speaker. There has been no movement whatsoever. In the charge of electricity either in the unit or in the Flexible Cost Adjustment from March 1991.

26.4.94

ORAL

NO. 55 OF 1994

THE HON F VASQUEZ

TELEPHONE CHARGES

Are Government satisfied that the telephone charges being paid by local consumers are fair and reasonable?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 56 of 1994.

NO. 56 OF 1994THE HON LT-COL E M BRITTO

TELEPHONE USAGE CHARGES

How is the unit of telephone usage calculated and have any changes been made to the method of calculation since 1988?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the unit of telephone usage is calculated by applying a different duration period to each category of rate. Local calls, for example, are all charged at the rate of 5p per unit but the peak rate (Monday to Friday 9am to 1pm) has a duration of two minutes; the standard rate (Monday to Friday 8 am to 9am and 1pm to 6pm) has a duration of three minutes; and the cheap rate (6pm on Friday to 8am Sunday) has a duration of nine minutes.

This method and duration rate have been in existence since international direct dialling was introduced in 1982.

Government, as everyone else, prefer to pay less for the services it receives. However, based on a judgement which takes into account the capital investments recently made, the level of employment of these companies, the recent innovations in technology, the modifications on infrastructure and the very great improvements generally in the services being provided by both Gibraltar Nynex and Gibtel, Government is of the opinion that the telephone charges are those required to operate these companies and pay those employed in them.

SUPPLEMENTARY TO QUESTION NOS. 55 AND 56 OF 1994

HON F VASQUEZ:

Mr Speaker, I wonder if the Minister can confirm the information that we have received, that in fact, telephone rates from Gibraltar to London are almost exactly double the rates of a call from London to Gibraltar. I will give him the figures that I have in front of me. In fact, he can confirm if they are right or not. At peak times a call from Gibraltar to London costs 70p a minute and off peak 60p a minute. The commensurate charges from British Telecom calling the other way are 40p a minute peak time as opposed to 70p and 30p off peak instead of 60p and when we compare them to Mercury, which are even cheaper, peak time calls from London to Gibraltar on the Mercury Network are 31.55p per minute, off peak 26.5p per minute, which are less than 50 per cent of the charges here. Can he confirm that, and if he can....

HON J C PEREZ:

I cannot confirm the hon Member's figures. I can confirm that the company in question, which is Gibtel, knows that there is an imbalance in the rates, not only from the UK, but from other countries and that that is being looked at. The prevailing reason for the charges is the cost of providing a service from a base in Gibraltar and I explained in answer to a question from the hon and gallant Col Britto some time ago, that the charges are based on the expenditure that we need to have to provide a similar service for a small community, to produce the same equipment and the same capital expenditure in providing that same service to 200,000 customers as to 25,000 customers and therefore, the 25,000 customers have to bear the cost of that capital expenditure over a period of time rather than the other way round. I think that the disparity certainly is not, to our information, as great as the hon Member says. I cannot verify his figures but certainly the 50 per cent mark is not the information that I have got available on the difference of charges and that is something that the company is looking at at this stage.

HON F VASQUEZ:

In fact, it is more than 50 per cent. The information that we have is 100 per cent more.

HON J C PEREZ:

Then it is certainly wrong.

HON F VASQUEZ:

But I will be grateful if perhaps he can confirm that. I am asking him to confirm it. That is the information we have.

HON J C PEREZ:

What I am saying is that if he says that it is 100 per cent, it is definite wrong. It depends whether one is calling from a hotel, what service one receives, not only Mercury...

HON F VASQUEZ:

No, the question is this. Government are in partnership with British Telecom, which is a commercial enterprise and clearly British Telecom has no vested interest in the finances of the consumer in Gibraltar. They are here to get as much money as they can out of us.

HON J C PEREZ:

I would not say that.

HON F VASQUEZ:

I think the Minister will have to accept that it is the premise of any business venture that they are in it for the money. Clearly that is their prime consideration. My question then is, within this joint venture, what independent advice do Government obtain to make sure that the consumer is not getting ripped off. I put this bona fide. We have Ministers sitting on the board of this joint venture company, obviously with every respect, I do not think the Hon Mr Perez actually has very much knowledge of the telephone industry and is possible that he is getting fobbed off with explanations which, in fact, do not have any credence. Do the Government retain any sort of independent adviser on the board of Gibtel which advises it objectively and professionally on the charges that are being passed on to the local consumer?

HON J C PEREZ:

Mr Speaker, first of all, I do not accept that the situation is any different to what it has always been. First with Cable and Wireless and then when the joint venture was set up. In fact, there is more control today in the international charges than there was before precisely because of the shareholding of the Government in the company and the representation of the Financial and Development Secretary and my goodself on the board of Gibtel, which there was not in the days of Cable and Wireless when they were free to increase charges and only needed to inform the Government. They did not need to get permission from the Government. But let me tell the hon Member that I reject totally the view that he says that British Telecom is here for the sole purpose of making money and taking the money away with no consideration to the client, because it is counter productive for the people that are running a business to think in that manner because there are ways where clients can beat them if that is the view that people take. British Telecom, in the same way as the Opposition Member knows that people can beat them so that is not the philosophy behind it. The philosophy behind it is that there are certain costs in Gibraltar which need to be met and that the cost of providing a service in Gibraltar for such a small community independent of any other telephone jurisdiction, is an expensive exercise as it is in electricity, as it is in water. If we want to be self sufficient, it is expensive, notwithstanding that, Mr Speaker, British Telecom is aware of the disparity. Gibtel is aware of the disparity and it is something that is being looked at and they are in

the process of looking at ways of being able to address but I do not take the view that the hon Member has expressed that people that come into Gibraltar to make business are only interested in making money and going away with the money with no regard for the customers or for the population of Gibraltar. The good running of a business has total regard for the customer and for the continuous of keeping that customer as a client of the company so that the business continues to run.

HON F VASQUEZ:

Mr Speaker, frankly, the Minister's view as to the motivation of business, certainly the experience in the United Kingdom was that when the door to competition was opened in the form of Mercury, British Telecom very quickly started whittling its prices down. Something that it has not done in living memory. So I think those little justifications and little bases upon which the Minister can claim, that in fact, British Telecom has had this overriding concern for the interests of the consumer. Nevertheless I move on. Is the Minister aware that in fact, Gibraltar Nynex is offering discounts for members of the Armed Forces which are not available to local consumers and does the Minister agree that these sort of discounts are acceptable for local consumers?

HON J C PEREZ:

Mr Speaker, Gibraltar Nynex is not offering discounts for members of the Armed Forces. The arrangements with the Ministry of Defence do not take into account individual things with contractors. The information that I have got from the company is that there is an arrangement with the Ministry of Defence to take the consumers that are presently on the MOD system and that that arrangement foresee certain relationship between the MOD and the company, which is not directly charged to the consumer but charged to the Ministry of Defence.

HON F VASQUEZ:

Well, Mr Speaker, I am frankly surprised to hear the Minister say that because I have in front of me an information sheet prepared by Gibraltar Nynex Communications which says "Gibraltar Nynex is pleased to extend the following special offer to MOD personnel transferred from the MOD network to the Gibraltar Nynex network", for example it says, "Whereas the local consumer has to pay £50 for an installation, the MOD customer will pay nothing. Whereas the local consumer has to pay £5 for a casting calling feature, the MOD customer pays nothing. Whereas the local consumer pays £30 for a standard touch tone phone, the MOD customer will only pay £15". Those to me look like discounts for MOD consumers which are not available to local consumers. I find that objectionable.

HON J C PEREZ:

Mr Speaker, I have not seen the paper the hon Member is referring to, but I can tell him that it is a misinterpretation of the facts, because the company is remunerated by the Ministry of Defence on what it is not remunerated directly by the consumer. That is why it is given to MOD personnel because this is subsidised by the Ministry of Defence, not by the company. But I have not seen the paper that the hon Member is mentioning, if the hon Member would like to give me a copy, I shall verify that the view that I am expressing in the House is the same one and I shall write to the hon Member on the matter telling him so.

HON F VASQUEZ:

I would be very grateful and I am grateful for that undertaking, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, a while back in this interchange there was a disparity of views between my colleague and the Minister on the percentage difference between calls from UK to Gibraltar and Gibraltar to UK. I come down firmly on the colleagues side because I have been in London recently and I have had a Mercury phone bill in my hand specifying minutes and pounds and pennies and although I am not prepared to argue whether it was 90 per cent or 100 per cent, the difference is about double what we pay that way towards an English caller pays this way. But having said that, Mr Speaker, since the Minister appeared not to agree, and since he has already offered to write to the Opposition giving details on this offer, can he also undertake to investigate the level of phone calls by British Telecom and Mercury charges from UK to Gibraltar and to tell us officially what these charges are in comparison to charges going that way.

HON J C PEREZ:

No, Mr Speaker, with respect, I do not represent Mercury or British Telecom from UK here. I have told the hon Members that Gibtel already understands that the charges are different and is looking at the matter and I would not be coming to this House informing them of what the charges are from the PTT Holland, from Canada, from the US, Mercury or from BT in UK because it is not my duty or the company's duty in Gibraltar. What the company's duty is is to look at the business and look at how best it can serve its customers in relation to the money it has to spend to provide that service and I have already

told hon Members that the company is aware that there is a difference and that they are looking at it. But I am not responsible here for charges being put by other administrations on incoming to Gibraltar or vice versa. The responsibility of the charges in Gibraltar lies with Gibtel and I am prepared to inform the hon Members that the matter is being looked into and that it might be very difficult to redress and there might not be the possibility of redressing it. But if there is, the company is already, for the last couple of months, looking into the matter. Frankly giving information or verifying whether the incoming charge from other administrations outside Gibraltar is this, that or the other, is not my responsibility to this House or indeed to the company.

HON P R CARUANA:

Mr Speaker, is the reality not that the Government benefit from these high charges by collecting its shares on royalties and/or on dividends that it receives from Gibraltar Nynex and from Gibtel? So in effect, whilst the pretext is the need for the other joint venture partner to recover a return on capital, it is very convenient that the Government's 50 per cent shareholding and royalty rights enable it to extract what is in effect an unnecessarily high usage fee from consumers. It is another form of, dare I say it again, hidden taxation.

HON J C PEREZ:

Mr Speaker, the Opposition Members do not seem to realise that they are basing their arguments on international charges which have not increased in Gibraltar. They are complaining because they have decreased elsewhere and the decrease has not happened in Gibraltar as well. Let me say that within the European Community, there are even higher charges than there are in Gibraltar still in effect. I am telling the hon Members that because the business could be affected by the disparity particularly in the United Kingdom that the company is looking at it, but there have been no increases in charges by Gibtel on international calls ever since the company started operating. Let me tell the hon Member that any dividend payment that any of the companies might make on behalf of the people of Gibraltar are for the people of Gibraltar and therefore it comes back to the coffers of the Government for which it provides services to the general public. It is not that any particular money goes to any other place other than to the public coffers of Gibraltar for which there is responsibility in this House.

Therefore, any dividend payment that there might or might not be comes directly to the coffers of the people who are at the end of the day the shareholders of the company not individual members of the Government. Therefore, Mr Speaker, I think that hon Members should consider that the company in looking at the question is looking at the best interests of continuing to run that company for the good of Gibraltar and for the good of its customers as well as for the shareholders in the company.

HON P R CARUANA:

Mr Speaker, I entirely agree with that and I can see that if we were to have a decent telecommunications network in Gibraltar, this requires capital. But if the Government used their share of that fattened calf in the form of dividends to in effect subsidise the usage, then we would all be killing two birds with one stone. The joint venture partner would get his return but the user would get the cheapest possible tariff as opposed to what is now happening that Nynex and British Telecom are getting their returns - good for them, that is what there in it for - but the Government are getting their dividend which they are deploying as general government resources and not using it to keep down tariffs as much as possible.

HON J C PEREZ:

The hon Member is right. If the Government were to use any of their funds to subsidise anything the services would be cheaper to the general public. That is a value judgement that one takes particularly at the budget session, the hon Member can say that it will be the policy of the party if it ever gets elected into Government to subsidise telephone rates to people. Fine, it is not the policy of this Government.

NO. 57 OF 1994THE HON P CUMMING

PRIVACY OF TELEPHONE LINES

Will Government take steps to ensure privacy of telephone lines?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there is no need whatsoever for Government, Gibraltar Nynex Communications Limited or Gibraltar International Telecommunications Limited to take any steps to ensure privacy in the telephone network. This already exists.

SUPPLEMENTARY TO QUESTION NO. 57 OF 1994

HON P CUMMING:

Mr Speaker, I would like to inform the Minister that during these last weeks of a lot of political activity on my behalf, where my telephone has been in constant action, I received a semi-anonymous telephone call from someone close to the GSLP, semi-anonymous because they did not identify themselves but their voice was identifiable, telling me that my phone was tabbed and remembering back to Trade Union days when many of the Government Members were active against the then Government of the day, this was common practice; to listen in where they might be hot news. Therefore it seems to me, that we cannot just assume, as the Government is so prone to do, that everything is hanky dory when in fact it is not. In UK this also occasionally brings problems where the security services for the security of the nation intervene and they need very special precautions but they only do so in certain circumstances.

HON J C PEREZ:

Mr Speaker, I am baffled. Is the hon Member suggesting that his telephone is tabbed? Is that what the hon Member is suggesting? And is he asking the Government to stop tabbing his telephone? Is that what he is saying? Because this is incredible. He is saying that someone called him, who supposedly, according to him, is close to this party and told him that his telephone was tabbed. And he comes up and asks what are we going to do about the privacy of the line. Well, Mr Speaker, let him not pick up his telephone.

HON P CUMMING:

The hon Minister can listen into my telephone without any problem, he will probably hear on television anyway sooner or later. So there will be no problem with that. I have no personal objection to the Minister listening to my telephone, but the assumption on his part that this does not happen astounds me frankly. In view of the certain knowledge that I have of this going on before when people close to the Trade Union obviously were employees working there. It only takes a board technician who knows how to do it to listen in here and there on areas that might be of specific interest at any particular time. This is human nature. If the Government do nothing to protect the privacy of telephone lines, then they will not be private.

HON J C PEREZ:

Mr Speaker, the only thing that I can tell the hon Member is that if he has got any indication or any proof whatsoever that there is anybody or anything tampering with his private telephone line, he is open to report it to the police, he is open for the police to investigate it and he is open to make complaints to the relevant company that provides the service to him. But to come here and suggest that because someone calls him and tells him that his telephone is tapped, that it is tapped and that we should do something about it, is totally ridiculous, Mr Speaker. If he has got any proof whatsoever or any indication whatsoever that his telephone is being interfered with, by all means, please I would ask the Attorney-General to ask the hon Member to make a report to him or to the Commissioner of Police and we shall investigate it.

HON P CUMMING:

The Minister's attitude is as per normal. The GSLP attitude is that everything is alright when in fact it is not.

HON J C PEREZ:

No, Mr Speaker, we cannot leave the situation to go like that. There is nothing wrong unless the hon Member can prove that there is something wrong. He comes to this House and gives the impression that we are living in a banana republic like he often says, where people go around listening to other peoples' telephone private conversations as if this were the normal practice of everybody and he expects people to listen and he has the audacity to ask

the Government to do something about it to stop this when he brings no shred of evidence whatsoever that this is the state of affairs either with his telephone or with anybody else's telephone in Gibraltar. This is totally outrageous, Mr Speaker. The hon Member should withdraw the insinuation that this is happening in Gibraltar or prove that something of that nature is happening and the way to do it is to report it to the authorities and they can investigate it.

HON P CUMMING:

Mr Speaker, the question has been, "Will Government take steps to ensure privacy of telephone lines?". The Minister has given the answer. He will not take steps to ensure the privacy of telephone lines.

HON J C PEREZ:

I will not take steps, no. I do not need to take steps because they are already private. That is my reply and the hon Member has not accepted it.

26.4.94

ORAL

NO. 58 OF 1994

THE HON LT-COL E M BRITTO

CAMPO AREA TELECOMMUNICATIONS

Were there any contacts or communications on a commercial or any other basis between the Government of Gibraltar or Gibraltar Nynex or Gibtel and the Spanish National Telephone Company, Telefonica, in respect of the major agreement signed by Telefonica on 7 February 1994 to modernise telecommunications in the Campo Area?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, none whatsoever.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, at the time, it was reported in the press that the Minister had said that there had been no cross frontier political negotiations. I take that answer to mean that there have not been commercial communications either. But will the Minister say whether it will have been desirable from Gibraltar's point of view, from a purely telecommunication point of view, to have been included or whether it was a matter of policy not to have the contacts or the negotiations?

HON J C PEREZ:

Mr Speaker, it was not raised. The issue has not even come to our minds. It was a total surprise that the Spaniards should claim that we had been included either in their minds or in any other way. If he reads well the statement that I made to the press, I said that it was totally ridiculous that this matter had not come under discussion or had not even been aired by either side or by the companies concerned with their independent commercial relationship with Telefonica. It has not arisen at all.

NO. 59 OF 1994THE HON LT-COL E M BRITTO

WATER AND ELECTRICITY BILLS

Are Government aware that consumers are not billed on a regular monthly basis for their usage of electricity and water and what steps will Government take to correct this?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, I have put the question of the hon Member to the management of Lyonnaise des Eaux who tell me that all of their customers get billed on a monthly basis.

They do however, inform me that there are a small number of consumers who have their meters installed within the premises, instead of outside it which is now standard, and that access to these premises needs to be negotiated regularly. Steps are already being taken, where possible, to try and resite these meters.

As far as electricity is concerned, there are some consumers in the private sector who have not had their meters read regularly because HIV meters, as they are called, are serviced by the Electricity Department and there existed an industrial problem which has now been resolved. There should not have been a problem with any of these cases since December.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, I am reassured by the Minister's answer if it proves in practice from now on to be correct. All I can say is we shall have to wait and see. My information at the moment is that problems are still being experienced. I can say from personal experience as a consumer who has a meter in a position that needs the access to be negotiated, that the company are not exactly falling over themselves to take up the offer once they are told how to get access to the meter. [Interruption] But the problem remains the same. They tell me that they have not billed me because they have not had access to the meter. I tell them exact time and date and time span of four or five hours, five days a week on which they can have access to the meter and they still do not come and do not get access to the meter.

HON J C PEREZ:

Mr Speaker, I shall inform Lyonnaise des Eaux this very afternoon that the hon Member's meter should be read and he should be billed. This is not on. He should be billed and he should pay his bills.

26.4.94

ORAL

NO. 60 OF 1994

THE HON LT-COL E M BRITTO

UPPER ROCK FIRE BREAKS

Are Government satisfied that the present condition of the fire breaks along the Upper Rock will make them an effective barrier in case of fire in this area?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, I am informed by the City Fire Brigade that the five existing fire breaks on the Upper Rock, two of which are the responsibility of the Ministry of Defence, are expected to be cleared towards the end of June.

Experience has shown, explains the Brigade, that early clearing of fire breaks during periods when there is still some rainfall are not practicable or effective because of the very rapid growth of vegetation.

SUPPLEMENTARY TO QUESTION NO.60 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has said that two are the responsibility of MOD. How many are there exactly and who is responsible for the others?

HON J C PEREZ:

There are five, three of which are the responsibility of the Government and two of which are the responsibility of MOD, but the five of them are to be done in June.

HON LT-COL E M BRITTO:

Who are they done by, Mr Speaker?

HON J C PEREZ:

Mr Speaker, the Ministry of Defence may have independent ways of doing it. I am not sure how we do ours. I can check for the hon Member but that was not part of the question.

26.4.94

ORAL

NO. 61 OF 1994

THE HON LT-COL E M BRITTO

FRONTIER GATES

When will the Government take steps to refurbish the vehicular exit gates at the frontier?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there are no plans to refurbish the vehicular exit gates in the immediate future.

SUPPLEMENTARY TO QUESTION NO. 61 OF 1994

LT-COL E M BRITTO:

Mr Speaker, is the Minister satisfied with the present conditions of the gates?

HON J C PEREZ:

Mr Speaker, I have not had the opportunity of having visited the gates very recently, but that gate has been opened and continues open ever since I can remember. The gates on our side never closed when the frontier closed. They have always remained opened. I fear that if we were to touch them, they might collapse and we might bring the wrath of the heritage society upon us. I have not looked at the state of the gate, what I can tell him is that no one within the Government service or the police or the customs, has actually put up a requisition for the gates to be repaired. There is no notification that there is any urgent desire to have the gates repainted. I presume that the hon Member is concerned about the look of it rather than the function of it given that it is not expected that the gates would be closed in the foreseeable future.

HON LT-COL E M BRITTO:

No, Mr Speaker. Will the Minister accept that I am not the slightest bit interested about the workings of the gate or whether they swing on their hinges or whether they do not. I am concerned and I think he probably ought to be as well about reports in the press about the outward conditions of the gate. I saw them as recently as

yesterday, if nothing else they could do with a thorough cleaning. They also need to be repainted and if one extends - maybe I should have done in wording the question - the meaning of gate to include the overhead canopy as far as the gate meaning the gateway, there certainly, Mr Speaker, is where some urgent maintenance work needs to be done because the frame seems to me even if the gates do not work, there is pretty strong risk that the canopy will collapse on them and then they will not work at all.

26.4.94

ORAL

NO. 62 OF 1994

THE HON LT-COL E M BRITTO

MOTOR VEHICLE TESTING

What plans do Government have to introduce the compulsory testing of motor vehicles which are over four years old?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government are still in the process of considering how best to comply with the European Community directive which makes necessary the compulsory testing of motor vehicles of four years of age or over from the date of registration.

Government are looking at the most efficient way of applying EC Law in a manner which will affect motorists the least. A final decision has not yet been taken.

SUPPLEMENTARY TO QUESTION NO. 62 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, have Government accepted in principle, the objections that the Opposition made at the time when some intimation was given of Government plans, in principle to a monopoly situation being created where only one test centre is available. Have they followed reports in the press of action of contacting the staff at the Government's MOT test centre to provide that as an alternative testing site and if so, can they give us any indications that there is?

HON J C PEREZ:

No Sir. Government had a series of proposals including the proposal which is all that it was which attracted the wrath of Opposition Members at the time and it is still considering that one and others.

HON LT-COL E M BRITTO:

But have they accepted, Mr Speaker, the principle of not having a monopoly situation?

HON J C PEREZ:

Mr Speaker, the Government have not accepted the principle of not having a monopoly situation because it presently holds the monopoly for MOT test centre. Obviously if the Government holds the monopoly for MOT test centre, it cannot at the same time agree that there should not be a monopoly because it holds it at the moment. What I am telling the hon Member is that there are several proposals that the Government have. They shall be considered and the Government will look at the best way to introduce EC legislation affecting motorists the least, whether it is that way or another, the hon Member will have to wait and see until the decision making process of the Government is completed.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that whereas I find the second half of the answer totally reasonable, I cannot say the same for the first part of it. The Government do not have a monopoly situation. The Government have a monopoly situation only inasmuch as it affects commercial vehicles and vehicles which are over 10 years old, which are either commercial vehicles which are something on their own.....

HON J C PEREZ:

Which are the only vehicles that are tested. So it has got the monopoly.

HON LT-COL E M BRITTO:

But we are talking about the situation that arises out of the EC Directive that affects vehicles which are four years old and there there is no monopoly situation at the moment because there is no requirement for testing.

HON J C PEREZ:

The hon Member is asking me whether as a matter of policy the Government agree with the Opposition that there should not be a monopoly on MOT testing. The MOT testing that exists today, which is cars over ten years and commercial vehicles, is done through a monopoly which is owned by the Government. It is a Government service. I can therefore not agree with the hon Member that we do not agree with the monopoly because we hold the monopoly today. How can I agree with that?

HON LT-COL E M BRITTO:

Mr Speaker, let me rephrase the question. Will the Government accept the Opposition's recommendations and representations that as and when they create a means of testing vehicles which are four years old, arising out of the EC Directive, as and when they do that, that they will do it in such a way that they do not create a monopoly situation where a very large number of road users are put into the hands of just one test centre and they have no option of going to somebody else for either re-testing or a second opinion.

HON J C PEREZ:

Mr Speaker, as I said in my original reply, the Government will be looking at the most efficient way of applying EC law in a manner which will affect motorists the least. Whether that coincides or does not coincide with the views of the Opposition, is neither here nor there. The decision making process of the Government has not been completed and when it is, the hon Member will be informed what it is and he can then decide to bring the matter again to the House or not.

HON LT-COL E M BRITTO:

Fair enough, Mr Speaker. The point obviously is that they will not accept the policy. One final question if I may, Mr Speaker, something suggested to me recently. Once this EC Directive is applied in Gibraltar and the legislation is passed or brought by regulation, will a certificate produced by a testing entity in another European Community country, be valid in Gibraltar?

HON J C PEREZ:

Mr Speaker, for a Gibraltar registered car no. If it were it would have already been functioning and we would have already been doing business besides the many petrol stations that there are. But no, we have not been given a licence to print money as the hon Member would like.

HON LT-COL E M BRITTO:

I am not sure whether the Minister has understood my question. I am saying a test certificate produced as a result of a test in Portugal, France, Spain or England.

HON J C PEREZ:

Not for a registered car of another country. Therefore, the MOT test centre of Portugal can only test Portuguese registered cars. The MOT test centre of Spain can only test Spanish registered cars and the MOT test centre of Gibraltar can only test Gibraltar registered cars. If it were the situation where Spanish cars would be MOT tested in Gibraltar, we might then be able to create the facilities of having a competitive structure here so that we have all the Spanish vehicles coming to have their MOT test here and therefore my remarks about a licence to print money. But then of course, the result of the further queues in the frontier would have to be ameliorated in some way.

NO. 63 OF 1994THE HON LT-COL E M BRITTO

PUBLIC HIGHWAY SALE OF VEHICLES

Is it Government policy to allow the public highway to be used for the sale of motor vehicles on a commercial basis?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government are aware that motor vehicles are being put, on show, for sale, in the public highway. The actual sale, we understand, is being carried out elsewhere.

Government are not encouraging this practice as a matter of policy. It is however, looking to see whether there exists appropriate legislation in the statute to stop this or whether it needs to take other legislative measures.

SUPPLEMENTARY TO QUESTION NO.63 OF 1994

HON LT-COL E M BRITTO:

Is the Minister aware that the practice appears to have now extended to areas in the centre of town, like Engineer Lane and Queensway in the area of Regal House?

HON J C PEREZ:

And Cathedral Square, Mr Speaker, and in other areas. All that one sees is a vehicle with a sign for sale and a number of a person or an address to get in touch with. We are looking as to whether the present legislation provides for us to stop that or we need new legislation to stop it. My own personal opinion is that the existing legislation does not cater for us to be able to stop that. But the enforcement agencies are looking at it and will recommend to the Government whether we need to provide legislation to stop it. Certainly, I am concerned that vehicles which do not belong to anyone and are there for sale should be taking up very valuable parking spaces in the public highway.

26.4.94

ORAL

NO. 64 OF 1994

THE HON H CORBY

NAVAL GROUND CAR PARK

Will Government state what arrangements they have made in relation to the ownership and operation of the car park at the Naval Ground?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government are not directly involved in either the ownership, financing or operation of the car park at the Naval Ground. As has already been stated in this House all of these matters are the sole responsibility of Gibraltar Security Services Limited which continues to be a fully owned Government company.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1994

HON H CORBY:

Is the Minister aware that people have been refused entry to the car park because the ground floor is completely full, yet there are three floors that are also restricted and there are parking spaces there at times and people cannot get either to the first, second or third floors. This was a development in the middle of town for the flow of traffic and for people to park in that area, which is very near offices in Gibraltar and very near the shopping centre. So a car park which is there for the benefit of the people of Gibraltar is now practically neglected. It has happened to me twice, it has happened to a lot of people in Gibraltar and that car park is not available to the public anymore.

HON J C PEREZ:

No, Mr Speaker. The hon Member is completely wrong. About 90 per cent of the time there is empty capacity in the car park. There are occasions when the car park is full and one might say that there are car parking spaces available on the top floor, but those top floors are already hired out permanently for people that pay a monthly or an annual fee for the hire of the whole space which provides a permanent and guaranteed income to the company

to allow it to finance the project. The car park has different categories of services. It provides fixed car parking for people that want to rent the space and have it on a permanent basis and it provides hourly car parking for people that want it whenever they come to the centre of town. The hourly car parking sometimes fills up and even though the hon Member might see that there are empty car parking spaces above that, that does not mean that it is not paid for and unoccupied. It is just that the occupant is away but he has hired that space. That permanent hire of that space is what is getting the income in to guarantee the financing of the project.

HON H CORBY:

Mr Speaker, in as far as the long term parking of Gibraltarians is concerned, there is one floor for it. The other are used for brand new cars which are left there for quite a number of months. It is still a car park which should be used for the people of Gibraltar which is being neglected to the taxpayer in as far as that car park is concerned.

HON J C PEREZ:

Mr Speaker, those brand new cars that hire the top floors are the guaranteed income that the company has to be able to finance the project. The company is financing and paying the setting of the car park with a guaranteed income. If it were to be left opened in case the Hon Mr Corby, with respect, or someone else, came to park their car there and to guarantee that they would always have a parking space, they might guarantee that they would always have the parking space, but that does not guarantee the same kind of income to the company to be able to finance the project. Once the project is financed, we might review the situation and say there should be more spaces open for temporary parking rather than of a permanent nature and that might release more space. But my information is that there is only a 10 per cent on a weekly basis monitoring where the car park is totally full and there is no space. Ninety per cent of the time there is more than ample space for people to park their vehicles there for a short spell like one, two or five hours.

HON H CORBY:

Mr Speaker, in as far as the ground floor is concerned, part of it is taken by the GSSL; what used to be available to the public on the ground floor. It is about half of the space now being taken by the parking area. It is still being restricted.

HON J C PEREZ:

Mr Speaker, there is still 90 per cent of the time capacity for vehicles. There is only a small 10 per cent of the time when there are people turned away. In every car park, even up the Costa one might find a car park where it says "Full". That is what is happening down there.

HON H CORBY:

I beg to differ in as far as there is a small percentage because it has happened quite a number of times to me and to other people who use that car park bang in the middle of town.

HON J C PEREZ:

We will have to increase the floor space.

HON H CORBY:

What has to be increased is the car parking facilities for the people of Gibraltar.

HON J C PEREZ:

That is what we have done.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

26TH APRIL 1994
(Volume II)

No. 65 TO No. 126

INDEX

QUESTIONS & ANSWERS

26th April 1994

Questions 65 – 126

SUBJECT	NO(S)	PAGE(S)
Air Travel Arrangements	98	
Airport Agreement Objections	121	
Airport Running Cost	118	
Allocation of Gib 5 Houses	86	
Baltica Case	108	
Banking Licences	102	
Buena Vista Barracks	76	
Building and Maintenance Section Remuneration	84	
Business Names Registration	80	
Centralised Collection of Refuse	91	
Community Work Programme	110	
Constitutional Status	126	
Contacts with Spanish Politicians	124	
Debts or Bank Loans of Companies	114	
Decanting of Families	90	
Eastside Roadside Walls	66	
Emergency Disaster Plan	103	
Europa Point Toilets	95	
Female Prison Staff	71	
Final Payments From Pensions Fund	115	
Finances and Structure of Government Companies	112	
Frontier Queue Into Gibraltar	65	
GBC Radio	69	
GBC Radio Employees	70	
GDP Foundation	107	
Gib 5 Option C	87	
Gibraltar Day Celebrations	105	
Government Owned Companies	113	
Hire of Private Vehicles	73	
Housing Waiting List	89	
Immigration Control Ordinance	100	
Income From New Harbours	75	
Joint Use of the Airport	120	
King's Bastion	77	
Lathbury Barracks	78	
Maintenance of Housing Estates	85	
Marketing of Gibraltar	96-97	
MOD Civilian Job Losses	104	
Negotiating Process with Spain	125	
New Harbours Lettings	74	
Official Cars	101	
Parsons Lodge / City Hall	93	
Party Political Activities by Employees	106	
Piazza Remodelling	94	
Privatisation of Government Departments	72	
Queensway Housing Estate	82	
Refusal of Gib 5 Offers	88	
Registration of Business Names	79	
Replacement of Old Age Pension Scheme	116	
Scaffolding at Alameda Estate	81	

SUBJECT	NO(S)	PAGE(S)
Sharing of Airport	119	
Social Assistance Fund	109	
SOS 24 LTD / PCS LTD	111	
Spanish Pensions Court Case	117	
Statistics of Residency	99	
Talks with Campo Mayors	122	
Talks with Spain	123	
Traffic Lights	67	
Transfer of MOD Properties	92	
Varyl Begg Swimming Pool	83	
Westside Parking Areas	68	

26.4.94

ORAL

NO. 65 OF 1994

THE HON P CUMMING

FRONTIER QUEUE INTO GIBRALTAR

Are Government prepared to take any steps to prevent long queues building up of cars waiting to enter Gibraltar?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, most of the delays experienced by motorists entering Gibraltar are caused by the insistence of the Spanish Authorities having a passport control at the point of exit of the country, something which is only normal at airports and for security purposes.

The main hold-up which used to occur on our side of the frontier when dealing with incoming coaches or custom searches of private vehicles was done away with some time ago through better liaison between the customs and the police.

Government have taken the steps necessary for what they are responsible for. We do not, however, control what happens on the other side.

SUPPLEMENTARY TO QUESTION NO.65 OF 1994

HON P CUMMING:

Nonetheless, Mr Speaker, there are times when there is a build up of cars and it is due to the custom and/or to our police and it seems to me that since the queues build up on our side trying to get into Spain, of course, so much disruption and difficulties and problems to us that it might be an opportunity, as it were, to preach by example and put our house in order so there is never a queue on that side. So hopefully, as they say every action has an equal and opposite reaction, they may respond in the same way and help us out with our problem.

HON J C PEREZ:

Mr Speaker, our house is in order. The hon Member might try and get a concession from the others but our house is certainly in order.

26.4.94

ORAL

NO. 66 OF 1994

THE HON LT-COL E M BRITTO

EASTSIDE ROADSIDE WALLS

What steps will Government take to improve the deplorable state of the road, pavement and roadside walls along the East side between the entrance to William's Way Tunnel and Dudley Way Tunnel?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, this part of Sir Herbert Miles Road has not been included in any substantive work programme because of the continuing uncertainty during the last few years on whether or not a major development was to take place in the area. The road is regularly patched up and part of the pavement is being included in the 1994/95 works programme. The Roads Engineer informs me that his department checks it regularly and that it is structurally sound although somewhat bumpy.

SUPPLEMENTARY TO QUESTION NO. 66 OF 1994

HON LT-COL E M BRITTO:

So, Mr Speaker, I take that to mean that there will be no effort to improve a pedestrian access along that road before the summer season to the users of Sandy Bay?

HON J C PEREZ:

Mr Speaker, I have already said in my answer that the question of the pavement is being included in the programme which we are to debate in this House when we deal with the expenditure and therefore until the money is voted that programme cannot be looked at. Certainly the priority will be given obviously for the pedestrian areas to be hopefully repaired for the summer season given that that is when they are mostly used. I cannot guarantee to the hon Member until I get together with the Roads Engineer and look at his programme for the year which I have not done recently for lack of time.

HON LT-COL E M BRITTO:

Mr Speaker, one of the problems in that area and of the damage to the pavements obviously is the use of those pavements for parking by the users of beaches in that area. We have a bit of a catch 22 situation. My feeling is that it would be inadvisable to prohibit parking on those pavements because then it would be impossible to use the beach. On the other hand, the pavements get damaged. Is the Minister considering, as part of the works programme, any provision for parking on the pavements or modifying the pavements so that the law is not broken, so that people can park without actually going on top of the pavement? Is he considering any change to the present two way system, maybe during the weekends in the summer months where one flow of traffic in only one direction, then the problem of parking on the pavement is not so acute.

HON J C PEREZ:

Mr Speaker, the Government have been able to provide over the last two or three years alternative parking spaces in the area within what was the gate of the Ministry of Defence before in order that there should not be double parking on either side of the road on the area of what used to be called the Beach Hotel. There used to be double parking there and that was eliminated and there is single parking now there and alternative parking was created on the other side. It is difficult to do more other than make sure that a certain amount of parking within that area is earmarked for the summer and that will be done as it is every summer. The question of the two way system being changed for the weekends is something that we will have to refer to the Traffic Commission and/or the police. I think the issue was raised by the hon Member sometime back in the House and there was a different view being given by the police and by people in the Traffic Commission because they found it rather useful, but given that it is the summer months and it is the weekend, it is something that I am sure will be looked at by the people concerned.

26.4.94

ORAL

NO. 67 OF 1994

THE HON LT-COL E M BRITTO

TRAFFIC LIGHTS

Will Government consider installing co-ordinated traffic lights at the various road junctions inter-connecting Rosia Road, Red Sands Road, Boyd Street, Europa Road and Trafalgar Hill to speed up traffic flow at peak hours and ensure safety for pedestrians?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 68 of 1994.

26.4.94

ORAL

NO. 68 of 1994

THE HON LT-COL E M BRITTO

WESTSIDE PARKING AREAS

Will Government say why the road running between Gib 5 Estate and the Westside developments, which is arguably the widest road in Gibraltar, is a no parking area while at the same time there are severe parking problems in the Varyl Begg Estate, only metres away?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there is no political involvement whatsoever in matters of parking or traffic other than when a policy decision is needed or when any financing is required. These matters are the sole domain of the Traffic Commission in which the Minister does not sit. The police, the roads section engineer, representatives of taxis, buses and transport and two independents from the committee.

I can inform the hon Member that the question of traffic lights at some of the road junctions he mentions are presently under consideration and a matter to be discussed with the Government because of the costs involved. I can also inform the hon Member that I understand that there exists plans for improving parking within the Varyl Begg Estate.

I would suggest, that if any hon Member has any comments or complaints to make on any traffic matter that he should write in to me and I shall be delighted to pass his comments on to the Traffic Commission for consideration.

SUPPLEMENTARY TO QUESTION NOS. 67 AND 68 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, the Minister makes the point that the Government only becomes involved if it is a question of policy or financing. He has clarified the question of financing reference the road junctions in Trafalgar Hill area. He has not mentioned pedestrian crossings, but I assume those will come in at the same time. But when we come specifically to the road in Varyl Begg, can I ask him to say if there has been a policy decision to make it a no parking area and whether the Government have been consulted by the Traffic Commission?

HON J C PEREZ:

No, Mr Speaker. There has not been a policy decision to make it a no parking area. I have not had sufficient time to investigate the matter but part of the reason for the extent of the no parking area seems to be in connection with the rights of the development and the tenants association in the area, but I am not sure of it. The only thing that I can tell him is that it is not a decision for which I am answerable because I do not take the decisions. The Traffic Commission because of the problems that were encountered with the previous administration where the Minister was involved and the subject of direct conflict between the different aggravated parties of interest, that the policy of this Government in 1988, was that the Minister commence being the Chairman of the Commission and nine months afterwards decided to make the Commission independent. So if someone wears a crash helmet or not, it is not the decision of the Commission, the Commission can recommend because that needs legislation and needs a policy decision of the Government. Things that need legislation, things that need to be costed are policy decisions which come to the Government, but day to day decisions on what areas should be parking or no parking areas do not come to the Government. I can offer the hon Member my intervention to go to the Commission or to the police, get the information and give it back to him, but I am afraid that I am not answerable for them because I do not take those decisions.

HON LT-COL E M BRITTO:

Fine, Mr Speaker. Can I then touch on the point made by the Minister that provisions are being studied to improve the parking problems in Varyl Begg Estate? Can he confirm that the provisions that have been studied is the construction of parking spaces in what was formerly the MOD area just outside the estate and that it is the intention to sell these parking places to the inhabitants of Varyl Begg Estate?

HON J C PEREZ:

No, Mr Speaker. The extent to which the plans have been taken are not there. There has been an internal study being made to see whether parking needs to be created and what the cost of those parkings are. I am not directly involved but I am aware of it. Once all the information is gathered, then we will have to sit with the tenants association in the area to see the costing of it and to see how best to put it into practice but my hon Colleague, Mr Baldachino, is the one that is dealing with this at the moment directly with the tenants and there has been no progress other than a collection of information, so it is not that we have decided to do it in any particular way yet. The matter is being discussed at the moment.

HON LT-COL E M BRITTO:

Mr Speaker, I appreciate that the Minister has been away from Gibraltar for personal reasons. My information is that progress is a little bit further than he has indicated. There is already a collection of names of people who have shown an interest in purchasing parking spaces, that the parking spaces have been priced and offered for sale and the thrust of the question is, Mr Speaker, as put to me by residents of Varyl Begg Estate, whether the area outside the Estate has been made into a no parking area to encourage the residents to buy their parking spaces inside and then eventually the road outside, which is wide enough to take two lanes of traffic parked on either side, can be used for parking. If it is not so, Mr Speaker, will the Minister take up the offer that he made previously, to approach the Traffic Commission to make the parking on the road outside the estate possible at least.....

HON J C PEREZ:

To get an explanation why they have done it, let us take a stage at a time.

HON LT-COL E M BRITTO:

Let me finish this question, Mr Speaker. If it is not the policy to deliberately stop people parking, will he encourage the Traffic Commission to allow parking at least at night and at the weekends when the parking problem is most severe?

HON J L BALDACHINO:

Mr Speaker, I would like to clarify some of the points that have been raised by the hon Member. One of the points is that the Government are looking at making available parking spaces within the estate so that people are forced to buy a parking space.....

HON LT-COL E M BRITTO:

Those are the Minister's words not mine.

HON J L BALDACHINO:

That is what the hon Member has said.

HON LT-COL E M BRITTO:

I did not say force. I said encouraged.

HON J L BALDACHINO:

Encourage people to buy the parking space because people are not being allowed to park on the road between Gib 5 and Westside 2. The reality of it is that I had a meeting with the tenants association and it was a proposal from them which proposed if we could make available parking spaces for the tenants of Varyl Begg because the complaint was that people who have second cars in the Montagu Gardens project and the Harbour View project were now parking in Varyl Begg and obstructing the tenants who live in Varyl Begg. The Government have said that we were prepared to look at it in that way but we considered that it would be a good idea if they could carry out a survey in the estate to see what the reaction would be. That is the stage that we are in now.

HON LT-COL E M BRITTO:

Mr Speaker, I accept the declaration, but will the Minister accept from me that it still does not answer why it is if the problems are more acute in Varyl Begg now because people from the Montagu Development are parking there, that parking is not allowed on this huge stretch of road outside which is completely empty and which would alleviate the problem?

HON J C PEREZ:

Mr Speaker, I am glad that the hon Member accepts that one thing is totally unconnected to the other and that my hon Colleague is providing the parking spaces within Varyl Begg regardless of what is happening to the adjacent road. I told the hon Member that I shall put to the police or to the Commission why this has been done and I shall write to the hon Member with the information. I would appreciate it if he should send a note to me on the matter and I will raise it with the Commission.

26.4.94

ORAL

NO. 69 OF 1994

THE HON P R CARUANA

GBC RADIO

Mr Speaker, will Government undertake to lay before the House any contract that they or the board of GBC may sign for the privatised running of GBC radio?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 70 of 1994.

26.4.94

ORAL

NO. 70 OF 1994

THE HON P R CARUANA

GBC RADIO EMPLOYEES

Mr Speaker, will Government ensure that GBC radio employees taken on by any private contractor engaged to operate radio continue to enjoy the same terms of employment so successfully obtained for them by the trade unions?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, GBC radio is not a Government department. It is run in accordance with the GBC Ordinance outside the Government service. That ordinance empowers the Corporation to franchise out, at any time, any or all of its functions as long as the operation of such services continue to comply with the terms of the Ordinance and any directions which the Governor may give from time to time. If the discussions and negotiations taking place were to culminate in the signing of an agreement, the only involvement of the Government would be on the financial side since at present it subsidises GBC. If and when an agreement is signed, there will be a public statement.

On the question of Government ensuring that employees of GBC who are not public servants should be offered anything by a would be franchise holder, is not and would not be the role of the Government as the hon Member himself has often enough reminded this House.

SUPPLEMENTARY TO QUESTION NOS. 69 AND 70 OF 1994

HON P R CARUANA:

Mr Speaker, just to correct the Minister, GBC is not subsidised by the Government, it is subsidised by this House. Presumably, if he believes that he is entitled to sight the contract because he says he subsidises GBC, presumable, given my correction, he will agree that we are entitled to see it as well, since we all collectively, as a House, vote the subsidy for GBC. On what basis does he think that the Government, as he has just carefully pointed out, have got no responsibility for GBC? On what basis does he think that he is entitled to access to the contract, but not me as an Opposition as if it was his money that was going into GBC as opposed to mine?

HON J C PEREZ:

Precisely because we have that responsibility to find the money and he has not, Mr Speaker. Let me correct the hon Member that I am not going to sign the agreement, that the agreement is not going to be signed by any Minister, so he has no fear of that. The financial side of the agreement is something that is the responsibility of the Government because it subsidises GBC with the approval of the House and Opposition, at the time of the Budget and at any time during the House, may raise issues on the financing of it, but the responsibility for looking for that money and looking for that subsidy in the same way as the responsibility of collecting taxes and allocating different funds for different purposes is the responsibility of the Government and therefore that information belongs to the Government and not to the Opposition. The Opposition have the information provided to them in the Estimates of Expenditure which we are going to debate in the House during the course of this meeting and it is there and at question time, as the hon Member is doing now, where he can ask his questions on the matter.

HON P R CARUANA:

The information, with the greatest of respect, the Minister will accept, does not belong to the Government, I realise that we can make a philosophical debate about this. It is not information that belong to the Government, it belongs to the people. It is public information and he does not withhold the information from the Opposition, he withholds it from the Opposition and everybody else as if he were entitled to see the terms of GBC's contract with Dewmont or whoever, but not anybody else, having just admitted that it is not a matter for which his Government have governmental responsibility. Well he cannot have his cake and eat it. Either he is responsible for it or he is not. And if he is not responsible for it, he is no more entitled to sight the contract than I am.

HON J C PEREZ:

Mr Speaker, I am not responsible for the terms of the contract in respect of the operation. That is a matter for the GBC board. The hon Member can write to the board on the matter. I am responsible for the financial part of it and the financial part of it shall be signed by an official of the Government which will not be the Minister. The hon Member is free to ask the board for a copy and if the board and Dewmont or whatever party wants to show him a copy, I have no objections, but I am not responsible for that.

HON P R CARUANA:

And is the Minister, that has nothing to do with GBC except that he pays for it, aware of what the problems are between Dewmont and the staff as to the proposals being discussed between them?

HON J C PEREZ:

Yes, Mr Speaker, in the same way as members of the staff have gone to him, they have asked me to meet them and I am aware of some of the problems that they have, as the hon Member himself is aware because I know that they have also gone to him to talk about matters.

HON P R CARUANA:

Therefore the question is geared specifically to those areas where it seems that a proposed contractor is seeking to substantially worsen the terms of employment of people in respect of whom the Government have got to, at least approve of the franchise contract, given, as the Minister has already said that he pays for it. Will Government approve of a contract which in effect deprives staff at GBC in terms of employment that they already enjoy?

HON J C PEREZ:

Government have nothing whatsoever to do with the terms of employment or any other term in the contract that is not a financial one and those terms do not need the approval of the Government. The only thing that needs the approval of the Government is the financial part because the Government have to look for the money to subsidise the operation. The markers related to providing the service, how that service is provided and what happens to the employees, is a matter of the management and the board of GBC and the Government continues to hold the arms length relationship that I have explained in this House is being held throughout. The Government's input and involvement has been on the financial side for reasons that I have already explained and, Mr Speaker, any problem that the staff might have with the would be operator or the GBC board or the management is something for them to resolve. When people come to see me, I listen to them and I try and help them along. I am not interfering directly. They come to see me in the same way as they go to see the Opposition Member but it is a direct involvement on my part in trying to get any contract off the ground other than the financial aspects which I have already explained to hon Members why it is that we participate.

HON P R CARUANA:

Within the realms, Mr Speaker, if you give me the latitude of one more supplementary, of those parameters, I suppose that the Minister has an interest in ensuring, and he will express his views to the Chairman of the board of GBC presumably, that his Government would not be very happy to see a contractual of GBC Radio in effect convert the place into a sweat shop, Victorian style, whereby workers are going backwards, in terms of terms of conditions, rather than forward. The Minister may not be about to sign the contract himself but presumably, no contractor which the Government disapprove would be sanctioned by the board since after all he has made it very clear to them that he pays the pipeman and therefore he calls the tune.

HON J C PEREZ:

Mr Speaker, my understanding of the matter is that the conditions that the hon Member describes are not the ones on offer but, as I said before, it is not a matter for the Government to decide and my understanding of the matter is that no one is being forced to go to any contractor. They are being offered alternative employment within GBC if they do not want to go with the contractor, so no one is being forced to go to Victorian times and sweat in the galley or anything like that.

26.4.94

ORAL

NO. 71 OF 1994

THE HON LT-COL E M BRITTO

FEMALE PRISON STAFF

In what capacity are female staff temporarily employed at the Prison?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, as female prison officers.

SUPPLEMENTARY TO QUESTION NO. 71 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, is that the only post filled by females and why are they temporary?

HON J C PEREZ:

I do not get the hon Member. What is the only post as female? In what capacity are female staff employed? As female prison officers, that is what I am saying.

HON LT-COL E M BRITTO:

My supplementary is, are female prison officers the only posts that are filled by women or are there other posts that are occasionally filled by women?

HON J C PEREZ:

Within the Prison?

HON LT-COL E M BRITTO:

Within the Prison and why are female prison officers temporary and not permanent?

HON J C PEREZ:

The only post in the Prison employed by females are female prison officers and they are there temporarily in the event of there being a female inmate in the Prison and for the duration of the term of imprisonment. Since obviously the internment of a female prisoner is much more irregular than male prisoners and the legislation in Gibraltar provides that they should be treated by female prison officers. This is complied with every time there is a prisoner who is a female.

26.4.94

ORAL

NO. 72 OF 1994

THE HON P R CARUANA

PRIVATISATION OF GOVERNMENT DEPARTMENTS

Which Government departments, sections thereof or function presently carried out by Government, are Government intending to privatise or contractorise?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the position continues to be as stated previously that there is no list as such of areas intended for commercialisation. Areas are looked at as and when proposals are received and in consultation with the employees in the area of activity concerned. Currently this is happening with philatelic sales by the Post Office.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1994

HON P R CARUANA:

Are the Government considering any proposal in respect of other sections of the Post Office?

HON J C PEREZ:

No, Sir.

HON LT-COL E M BRITTO:

Are the Government considering any proposals or are they studying the possibility of civilianising the immigration facilities at the frontier?

HON J C PEREZ:

Not at the moment.

HON P R CARUANA:

And the cleansing depot?

HON J C PEREZ:

Mr Speaker, that does not arise as a matter of Government policy. Those situations have arisen as a result of the deal entered into with Moroccan workers and is separate from the normal Government policy and has been explained publicly and been negotiated with the Union and the employees concerned in order to be able to continue to provide the services that were provided with the Moroccan workers being here. There have been some things that are being done in-house with the existing workforce and other things that are being contracted out with the agreement of the Union.

NO. 73 OF 1994THE HON P R CARUANA

HIRE OF PRIVATE VEHICLES

Mr Speaker, how many vehicles are there currently on hire to the Government, how many suppliers are there and by what procedure were the suppliers selected?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there are only two departments presently hiring vans from private contractors, the Gibraltar Post Office has one and the generating station has three. The usual procedure is for the relevant department to ask contractors for quotes and hire the most economical.

SUPPLEMENTARY TO QUESTION NO. 73 OF 1994

HON P R CARUANA:

There is no tender process as such either for the hire or the purchase of vehicles?

HON J C PEREZ:

No, because it is not a long-term thing. In the middle of the year if there is a big breakdown of any particular vehicle and it is expected to be a long time in the garage or beyond economical repair, the hire takes place between that point and the end of that financial year and provision is made at the end of the financial year for a new vehicle to be bought and the contract expires. So it is not long term things, it is only used very short term.

HON P R CARUANA:

Can the Minister say whether there is such a tender system in relation to the renewal of vehicle stocks?

HON J C PEREZ:

Yes. The hon Member should know. He has been voting the money in the House for several years. Tenders have come out publicly in respect of Government vehicles and in respect of the money that is voted in the House.

26.4.94

ORAL

NO. 74 OF 1994

THE HON F VASQUEZ

NEW HARBOURS LETTINGS

Mr Speaker, what proportion of the total overall constructed area of the New Harbours Development has now been let to commercial tenants? Of this total area what proportion of the constructed office accommodation has been let?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 75 of 1994.

26.4.94

ORAL

NO. 75 OF 1994

THE HON F VASQUEZ

INCOME FROM NEW HARBOURS

Mr Speaker, what income do the Government of Gibraltar presently derive from tenants of the New Harbours Development, and what capital payments in the form of premiums or key money if any have the Government received in respect of any letting in the New Harbours?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, as has been explained in the past, the New Harbours development has been transferred to the Commercial Property Company which already holds other previously Government owned commercial buildings.

The transfer of the assets form part of the income of the Improvement and Development Fund which has enabled the development programme to be financed over the past five years.

The income from the rented space in New Harbours or from the sale of leases therefore accrues to the Commercial Property Company who, in turn, uses that money to acquire further properties from the Government. Hence the money eventually appears as income from property sales in the Improvement and Development Fund.

The level of rental or the price negotiated for a particular lease is undertaken by Land Property Services Ltd on behalf of the Commercial Property Company.

The overall level of occupation is 41.2 per cent and that indicates the success of the venture. I am not prepared to go into the commercial arrangements or types of spaces.

These are day-to-day commercial decisions taken by the property managers in the light of what the competitive market situation at the time will allow.

SUPPLEMENTARY TO QUESTION NOS. 74 AND 75 OF 1994

HON F VASQUEZ:

I have got the answer to some of the question, Mr Speaker. Is the Minister prepared to tell this House what income the Commercial Property Company is deriving on behalf of the Government of Gibraltar, after all it was the Government of Gibraltar that paid £30 million for this development. What income is being derived from the property through the Commercial Property Company? Is he prepared to give us that information?

HON M A FEETHAM:

Mr Speaker, in fact I am not prepared to give it on the basis that the New Harbours is a commercial development and as far as we are concerned there is no reason why we should disclose that information.

HON F VASQUEZ:

Mr Speaker, the reason is very clear. There is £30 million of taxpayers money which is being sunk into that New Harbours development. Does the Minister not appreciate that the taxpayer might want to and indeed is entitled to know what sort of return he is getting for his investment and why do not the Government give this House the simple information as to what the rental income from the New Harbours development is for the benefit of the people of Gibraltar and the taxpayers who have paid for it?

HON M A FEETHAM:

Mr Speaker, the Government deal with hundreds of commercial arrangements entered for all sorts of properties because the Government are the biggest landlord in Gibraltar, and I do not see why we should set a precedence over this particular development, which incidentally is proving to be extremely successful, on the basis that the Opposition Member has got a bee in his bonnet about the New Harbours.

HON F VASQUEZ:

Mr Speaker, we know that we spent £30 million, which is more than £2,000 per man, woman and child paying tax in Gibraltar. No taxpayer now knows what sort of return he is getting for that money, which is his money, which is being spent on this development at the Minister's idea and motivation. The Minister seems delighted that there is a 41 per cent occupation of these premises. Was that the occupation was projected for the development when Government decided to spend £30 million on this?

HON M A FEETHAM:

Mr Speaker, what the Opposition Member fails to understand is that the New Harbours has only been opened since August of last year and this is the development which is an infrastructural pivotal scheme based on a long term projection of being able to give people in Gibraltar a development of commercial space, which is of a high standard, that they require for expansion of their business and also to give us an opportunity to bring in new businesses from outside. The projection for the New Harbours were in fact based on at least twelve years, Mr Speaker. The project is part of the Government's economic plans for the future. The Opposition Member is being critical of the Government because he expects a project of that nature to be fully filled after less than one year of it being put on the market, then I think he is not giving credit where credit is due.

HON F VASQUEZ:

Mr Speaker, the Opposition Members are being critical of the Government for refusing to divulge to the taxpayer the sort of return they are getting on their investment. Nevertheless, I think the people of Gibraltar are going to be paying for Feetham's folly, as that is becoming to be known, for a lot more than 12 years for that ridiculous investment that was undertaken on the part of the taxpayer. Let me ask the Minister this, has that development attracted a single new business or industry to Gibraltar yet?

HON M A FEETHAM:

Mr Speaker, whether it has attracted a new business or not, the Government's endeavours are to try to attract new businesses to Gibraltar. I honestly sincerely hope that we are able to attract new businesses to Gibraltar because the Opposition Member will have an opportunity to compete as a lawyer for at least to be able to deal with a new client. The fact is that if we have not got a wider infrastructure in Gibraltar to be able to give Gibraltar an opportunity to expand and diversify its economy, then there is no way we are going to be able to attract new business to Gibraltar. Therefore, Mr Speaker, despite the recession, despite the difficulties, despite the MOD rundown, despite the Spanish attempt to sabotage our economy, left, right and centre, Mr Speaker, this Government will continue to try to bring in new business. Whether we are successful or not sometimes it is because of external circumstances, but the fact is that we do need a project like the New Harbours there to be able to do so. In reply to his answers, at the

moment, Mr Speaker, we are negotiating with about five different new businesses that are looking at New Harbours that are likely to create jobs. What I am saying is I hope that we are actually successful in actually getting them there, but the reality is that unless we had it there we would not be in the position to be able, at this point in time, to be talking to them to get them into the New Harbours. So it is a matter of commercial and economic judgement whether the New Harbours should have been done or not done. What I can say is that everybody that has gone in there are quite delighted for the fact that they are able to go into New Harbours, otherwise he should take the trouble of going down there and speaking to them.

HON F VASQUEZ:

I do not doubt for a minute that the few tenants that are in there are absolutely delighted in that palatial accommodation. The question I want to ask is whether that palatial accommodation was something that Gibraltar could afford or whether this was a speculative investment that this Government has undertaken on the part of the taxpayer? I will repeat the question, Mr Speaker, because I have not had an answer for it yet. Has the Government managed to introduce a single new business into Gibraltar at the New Harbours or have we paid £30 million which is £2000 per taxpayer for relocating existing businesses?

HON M A FEETHAM:

Mr Speaker, as far as I am aware, there are about three new businesses in New Harbours. Let me repeat once again. It has been opened about one year. We have just gone extensively into what we can hopefully say into a marketing drive for Gibraltar, hopefully, because we up to very recently we were not sure whether the British Government was in favour, against or indifferent about certain things connected with Gibraltar, which has inhibited our ability to be able to put certain projects together. So in the light of that, Mr Speaker, we need to give the New Harbours and indeed any other venture an opportunity to prosper, but the New Harbours is not a 12 months venture. It is a long-term infrastructural project designed to meet a number of things and one of the main areas that was discussed when we actually decided to go into that was that we did invite commercial interests in Gibraltar and they supported the requirement for that type of scheme for them to be able to expand their business activities and everybody that has gone into New Harbours, have done it on the basis of that better warehousing, more centralised conditions and opportunities to expand their business. That is why they are there.

26.4.94

ORAL

NO. 76 OF 1994

THE HON P R CARUANA

BUENA VISTA BARRACKS

Mr Speaker, who administers the Buena Vista Barracks complex and Stone Block in what was previously HM Dockyard and on what terms are units occupied?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, both these areas are administered by Land Property Services Ltd on behalf of the Government. The Buena Vista Barracks complex was offered as temporary accommodation to small start-up businesses prior to the move to the new Business Centre at the Stone Block. This is currently happening.

The terms of the Buena Vista Barracks and the new Business Centre are negotiated between the occupier and Land Property Services Ltd in the knowledge that these terms are intended for small start-up businesses and not full commercial ones. The negotiations are conducted by the tenants and their lawyers and Land Property Services as agents for the premises.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1994

HON P R CARUANA:

Mr Speaker, do I understand from the Minister's reference to the fact that they are administered by LPS Ltd for the Government, that the rents, for example, accrue to the Consolidated Fund and that the expenses and revenue are in the Consolidated Fund as opposed to in some other special fund under the Investment Fund? He said that Land Property Services administers them for the Government.

HON M A FEETHAM:

There is distinction between one project and the other, as far as Buena Vista project is concerned, that is paid to the Government through Land Property Services.

2.

HON P R CARUANA:

And as to Europa?

HON M A FEETHAM:

Europa Business Centre goes through the same arrangements as the New Harbours, to the Commercial Property Company.

26.4.94

ORAL

NO. 77 OF 1994

THE HON L H FRANCIS

KING'S BASTION

Mr Speaker, are there any plans to develop or make use of the King's Bastion area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, none at present.

26.4.94

ORAL

NO. 78 OF 1994

THE HON M RAMAGGE

LATHBURY BARRACKS

Mr Speaker, which Government department will be responsible for the Lathbury Barracks upon its handover by MOD and when is that handover anticipated to occur?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Department of Trade and Industry and Lathbury Barracks is to be offered for transfer in October 1994.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, has the area of Lathbury Barracks been identified for any usage by Government?

HON M A FEETHAM:

Mr Speaker, various ideas have from time to time recently been discussed. There are indications of proposals being put but we have not devoted time into making a decision about its usage. We need to consider it very carefully.

HON P R CARUANA:

Does the Minister know what the state of the buildings are generally?

HON M A FEETHAM:

Mr Speaker, I have made it a point of insisting that we should on the point of handing over of properties, get a structural survey which should be carried out by the MOD or the Defence Land Agent, before we receive any future properties because it is clear, Mr Speaker, that as the acceleration takes place, we are getting quite a lot of properties or areas which, quite frankly, are going to be a huge increase in the "maintenance bill" of the Government of Gibraltar which really, at this point in

time, we can ill afford. It would also be ironic that there are buildings in Gibraltar in MOD hands which have not been maintained for years and then on being handed to the Government of Gibraltar, the Government on advice have to demolish the building and then we get, including Opposition Members, criticising the Government for demolishing certain properties. I think we have learned a lesson, particularly this Minister has, and from now on if MOD are going to hand over any properties to the Government of Gibraltar we want to have a full factual report on the state of those properties.

HON LT-COL E M BRITTO:

Mr Speaker, there have been public statements by senior committee members of the Island Games organisation and, subject to be corrected by the Minister herself, of Lathbury Barracks being used to house the visitors of the Island Games. That by implication means that nothing temporary can go in there between October and the date of the games. I do need to remind the Minister of the record of MOD buildings which are left empty over a period of time in Gibraltar and if large number of visitors from outside are going to be housed there, what steps are the Government taking or will the Government take to ensure that the buildings are not vandalised or do not deteriorate rapidly once they are handed over?

HON M A FEETHAM:

Mr Speaker, on the first part, yes it is correct that Lathbury Barracks is being considered for that use, but in a temporary way, because it is a one off situation. What I was responding to was a more long term solution for the Lathbury Barracks complex. Indeed it is being considered for the Island Games. In terms of vandalism and so on, the MOD have to, prior to the handing over, make properties secure. What happens is that in some cases indeed we have had to make properties secure ourselves, but that does not prevent vandalism. We have tried to do everything possible to the extent of course that we ask authorities like the police that these properties are now in Government hands and could they patrol the areas as part of their duties, but unfortunately that does not prevent vandalism. We try to do our best to prevent it.

HON LT-COL E M BRITTO:

Mr Speaker, I think I would ask the Minister to be particularly aware of this area. My knowledge of the way MOD works if the buildings are handed over, facilities are going to be cut and everything is going to be taken away. Military guards will be removed and that area is particularly accessible from the Upper Rock to vandalism and I hesitate to think what sort of state of deterioration in only three or four months before the games take place.

HON M A FEETHAM:

Insofar as Lathbury Barracks is concerned, there is of course, special consideration because we may want to make use of it for the Small Island Games, so we may have to put what one can term temporary extra security vigilance like security guards or whatever, but we have not yet made a decision, but certainly it is one that my department is at the moment studying in order to make certain recommendations.

HON LT-COL E M BRITTO:

One final question, Mr Speaker, more from a personal interest point of view. I know that MOD are retaining certain facilities on the Windmill Hill area, can the Minister give us an indication of what the dividing line will be between the area to be handed over and what will remain in MOD hands?

HON M A FEETHAM:

In fact, Mr Speaker, I cannot, because this is one of the problems that the Government are constantly facing, that a statement is often made from official to official about this property or this area which is going to be handed over to the Government, for example, like Lathbury Barracks by October 1994 and more often by the time October 1994 comes, they are still not ready to have been able to identify the extent of the handing over because they have got things like services and so on for which they may not even have plans or have not been able to identify it, so by the time the handing over comes, it has to be delayed. Mr Speaker, sometimes we ourselves do not get the full extent of the information. As far as Lathbury Barracks is concerned, the position is that. We do not know the boundaries at this point in time.

HON H CORBY:

Mr Speaker, would this be an idea for the Minister? There is a gate at Jews Gate at the top and an army police post just at the entrance going up to Lathbury Barracks. It might be an idea to close that with a gate or something so that the security guards can stay on one side and then patrol the area and the two accesses are closed instead of leaving the accesses to Lathbury Barracks free for anybody to come in.

HON M A FEETHAM:

Mr Speaker, I take note. I did actually say that one of the things that we are looking at and really we would have to depend on what recommendations the officials tell us as to the security on it, but I will take note of what he has said.

26.4.94

ORAL

NO. 79 OF 1994

THE HON P CUMMING

REGISTRATION OF BUSINESS NAMES

Would the Government explain how complaints about the registration of business names are dealt with?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 80 of 1994.

NO. 80 OF 1994THE HON P CUMMING

BUSINESS NAMES REGISTRATION

Given that the purposes of the Business Names Registration Ordinance is to prevent duplication of names of businesses, could the Government explain why two businesses have been registered by the name of the "Leading Edge"?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it would not appear from a reading of the Business Name Registrations Ordinance which dates from 1916 that the purpose of the Ordinance is to prevent the duplication of names of businesses and there is no proviso to this effect in the Ordinance. The position regarding therefore the registration of a name Leading Edge is that the only grounds on which the name could have been refused registration was on the grounds that it was undesirable and that presumably it would have applied to both businesses. The procedure laid down in the law for dealing with a complaint is on the basis of appealing against a refusal to register the name. As far as the Government can tell there has only been one case where a business name was refused which was similar to one already in existence and the entity that was refused appealed against the decision and was successful.

SUPPLEMENTARY TO QUESTION NOS. 79 AND 80 OF L994

HON P CUMMING:

Mr Speaker, I asked this question as a result of a complaint of a constituent. After hearing the problem I spoke to the Hon Michael Feetham who referred me to the Attorney-General and the Attorney-General actually wrote me a note which I have here saying that the thing to do here was to point them in the direction of an appeal because under the Ordinance, the Governor would set up three independent people to look into the complaint and give a final ruling. This I did thinking that my job as a Member of the House of Assembly was now over having sort of made the contacts and passed on the information. Then I hear from this constituent again a couple of months later that having written for an appeal they are told that there is no appeal possible. It seems to me that this constituent loses faith in the House of Assembly and in the Ordinances and laws which are supposed to protect small businesses from bigger businesses and I wonder whether the Minister could tell me why in fact the appeal was denied to this constituent.

HON M A FEETHAM:

Mr Speaker, I have tried to make it as clear as possible. The Ordinance is not there to protect one business from another. As far as the appeal against it, I do not know what the Attorney General may have told the hon Member, but I can only go from what I am told that the law is under the present Ordinance. What someone can do is to appeal against a refusal or because the Registrar may think some other reason but not on the basis that there is already a business registered in the same name. It is unfortunate but that is the reality of the situation. Now if the Attorney General advised the hon Member to tell his constituent, whoever made the complaint, that he can actually appeal because his constituent had already registered, then I think that was not the appropriate advice to have been given because it is not correct. But it is not a matter for me to respond on behalf of the Attorney-General.

HON P CUMMING:

This is the Financial and Development Secretary. May I say first of all it is commonsense for the man in the street, it is not desirable that business names should be duplicated. That would seem to be elementary commonsense and secondly, this is the Registrar of Companies is, I believe, the Financial and Development Secretary and it was him who said, "This is officially the Assistant Registrar, I am not going to intervene, but I am telling you and I have it here in writing, tell them to appeal and then the Governor will set up an independent body." I tell them and then they are told there is no possibility of appeal and the Ordinance has in-built in it this facility of complaint.

HON M A FEETHAM:

Mr Speaker, when the Opposition Member called me without actually having looked at the legislation and the way he explained it to me, I must admit that I thought why this had occurred. So I said, "I am not responsible for the register, speak to the Financial and Development Secretary." On the face of it it seemed to me as well that there was a point being made quite frankly, but the realities are we have to go by what the law says and the law is very specific. Having looked at it, it may well be that they may over a period of time, the evidence has not shown it, that the law ought to be changed. But one can only act on how the law states and that is the point that I made to the hon Member. So it is no good arguing about it. He may have been told something but on the face of it, the Financial and Development Secretary, like me, when he explained said, "Well why should there be two" but the realities are that someone can only appeal under specific conditions. That is the reality.

HON P CUMMING:

In the last meeting of the House of Assembly, the Attorney-General did say that the law was like the Ritz, it was opened to everybody and I am afraid that if this is the general attitude, I am afraid that it brings this House and the law in general into disrepute.

HON CHIEF MINISTER:

Mr Speaker, nobody is saying that because the constituent approached the Opposition Member, he was denied access to the law which was then opened to somebody else or that in order to appeal, he needed to engage a QC and therefore it was like the Ritz open to everybody provided they could pay the fee. The hon Member is right in saying that initially the response was to say, "If somebody has got a complaint about somebody else being registered with a name which is the same as the name that they have already got, there must be a mechanism for objecting to that." I can tell the hon Member that that advice was given in good faith but happened to be incorrect. The Governor actually went as far as appointing a committee to listen to the appeal and then when they looked at Section 16 of the Ordinance, they found that the only type of appeal that the committee can listen to is an appeal against a refusal to register a name, not an appeal against an objection because a name has been registered. So in fact the committee that had been appointed, had to be disbanded because the law did not give them the power to listen to that nature of complaint. The fact that that advice was given in good faith and incorrectly perhaps is explained by the fact that it is the first time it has ever happened and the law has been there since 1916. So it is not that it was a long tradition of complaints of this nature before. Having researched the matter for the purpose of this question - because I knew nothing about it until the question appeared - what I was informed was that on a previous occasion, there was a situation where somebody wanted to register a name, the Registrar rejected it on the grounds that it was very like one that already existed, the person that was rejected appealed and won. So what I am telling the hon Member is let us suppose the Registrar had rejected the second Leading Edge, on the basis of the one single case we have had before, the second Leading Edge would have appealed and would have won. In looking at this and in looking for example at the Companies Act in the United Kingdom and the Companies Ordinance in Gibraltar, what we have found is that in the Companies Ordinance a name can be turned down because it is very similar to an existing name in Gibraltar or anywhere else. That carries certain dangers for the small business, because the small business might want to start a registered business then which is not

a limited company and using a household name, so if, for example, somebody that wants to call himself Rolls Royce Sweet Shop, we could then have somebody say, "I object because somebody can mistake the sweet shop for Rolls Royce in the United Kingdom." It is not easy. I feel the problem the hon Member has raised is a genuine one and needs to be addressed but it is not so straight forward to find a solution because the converse argument is well then if we have a situation where somebody says, "I have Rolls Royce in my registered business for my sweet shop" and then Rolls Royce wants to come here, they find then that they cannot operate because the original owner of the name would object to the newcomer. But since the hon Member has brought it up, we have looked at it and if we can find a way of reconciling the position, we will. I agree with the sentiments of the Opposition Member and we do not want to be depriving small business entities of being able to operate and not be damaged by bigger organisations.

ORAL

NO. 81 OF 1994THE HON M RAMAGGE

SCAFFOLDING AT ALAMEDA ESTATE

Mr Speaker, what has been the cost to Government of the scaffolding which was erected in various parts of Alameda Estate during 1992/93?

ANSWERTHE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, the cost of scaffolding for the rendering and painting of the blocks at Alameda Estate during 1992/93 amounted to £90,000.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1994

HON P R CARUANA:

Mr Speaker, can the Minister say whether the Department that he now heads has considered it necessary to give any further consideration to the observations at paragraph 6 on pages 29 and 30 of the Principal Auditor in his report, to the effect that, in his opinion, given the amount of money that the Government was spending on scaffolding and on such things as idle time, he thought it sensible that the Government should acquire its own stock of scaffolding to which he received an answer from the then Housing Manager that this was not viable because of lack of storage facilities to which the Principal Auditor said that he was certain that the Government could make available storage space. Is it now the policy of his Ministry to continue to hire scaffolding notwithstanding the cost? Is he not persuaded by the views of the Principal Auditor, that this is something that the Government could economically purchase for itself?

HON J L BALDACHINO:

Mr Speaker, after reading the remarks that the Principal Auditor made in the Report, my Department is now confident that with the amount of scaffolding that we have, it is more than likely that we will be able to carry out whatever major refurbishment there has to be done without going out to hiring. It depends on the job. It might be that in the future we will have to hire but we will not have to hire to the same extent that we have been hiring previously, but as far as I am concerned, I would prefer to keep it in-house rather than go out for hire.

HON P R CARUANA:

And on these rare occasions where it may still be necessary to go out of the Department, what regard, if any, will the Minister have to the observations of the Principal Auditor at paragraph 6.3.7, in which he asked whether there was any public tender process in relation to the hiring of scaffolding and the Minister may not recollect the passage. Basically the answer that he got was that there was a sort of departmental tendering process because they had several quotations from different firms and they chose the lowest one. That is not actually a tender system in the strictest sense of the word.

HON J L BALDACHINO:

No, but it is the most effective cost wise, Mr Speaker. What happens is that we invite all major providers of scaffolding to submit a sort of tender on what will be the cost for a project for x amount of weeks or months and obviously then it is looked at and the one who gives the best conditions is the one that is hired. I think that is even better than the tendering procedure, Mr Speaker.

HON P R CARUANA:

By best conditions, the Minister means the cheapest price, necessarily?

HON J L BALDACHINO:

One of them, Mr Speaker.

HON P R CARUANA:

I shudder to ask what the other circumstances might be if not price.

HON J L BALDACHINO:

There are other conditions, Mr Speaker, that it might be that if the job is prolonged more than what we have said that it would take, then obviously in some of the tenders, they put that it will cost extra and other people say we can keep it on even if it is prolonged beyond that date. So that is another consideration we take into account.

HON P R CARUANA:

That is cost. We are wondering what considerations other than cost you might take into account.

HON J L BALDACHINO:

No, only cost.

26.4.94

ORAL

NO. 82 OF 1994

THE HON M RAMAGGE

QUEENSWAY HOUSING ESTATE

Mr Speaker, will Government state categorically that all flats at the Queensway Housing Estate are safe to live in?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, the advice given by the professionals to my Department is that the flats in question do not represent a danger to the tenants.

26.4.94

ORAL

NO. 83 OF 1994

THE HON LT-COL E M BRITTO

VARYL BEGG SWIMMING POOL

Will Government explain why the residents of Varyl Begg Estate have been unable to use the estate's swimming pool for the last two years and will they take steps to remedy this unsatisfactory state of affairs before the forthcoming summer?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, last summer was the first time that the Varyl Begg Estate pool could not be used. The previous summer the pool had been used. The pool had been badly vandalised during the winter months and the person who had the licence to operate the pool could not bring it up to the required standard in time for it to be used during the summer season. The person currently holding the licence is now trying to negotiate new conditions with Land Property Services. I have informed Land Property Services to bring this matter to a head with the current licence holder and if no agreement can be reached within the next few weeks that they should contact other parties who have shown an interest in running the pool.

SUPPLEMENTARY TO QUESTION NO. 83 OF 1994

HON LT-COL E M BRITTO:

Can the Minister then say that the pool will be operative this summer?

HON J L BALDACHINO:

I have not said that, Mr Speaker. What I have said is that I have instructed Land Property Services to bring it now to a head with the person who holds the licence bearing in mind precisely with the view that it should be brought in before the summer months.

HON LT-COL E M BRITTO:

By implication the Minister is saying that the pool is the property of the Government.

HON J L BALDACHINO:

The pool and the area that the pool is in is the property of the Government which has licensed out to somebody to look after it and obviously to carry out whatever business he has to carry out within that area.

HON LT-COL E M BRITTO:

Is the Minister then saying that the person who has the licence also has the responsibility, not only for the maintenance, but for making good the vandalism there has been during the winter months?

HON J L BALDACHINO:

He has the responsibility to look after the pool and therefore if there is any type of vandalism, it falls within his responsibility because he is to look after it during the summer months and the winter months.

HON LT-COL E M BRITTO:

It seems, Mr Speaker, that the people who lose out are the residents of Varyl Begg because there is a situation where a licence is given and if they do not ensure that the person does his part of the deal, then we end up with the summer in which the residents do not have the use of the pool. So will the Minister give an undertaking that whoever he gives the licence to, whether it is the present licence holder or a new one, the terms of conditions are such that the pool is in use by the time the summer months come around.

HON J L BALDACHINO:

Mr Speaker, I have got a letter here from Land Property Services dated 20 April 1994. The management of the pool was licensed out two years ago. The area however was vandalised during the winter of 1992/93 resulting in the pool not being available last summer. Negotiations are presently in hand with the licensee with a view to having the pool available for the forthcoming summer season and let me say, Mr Speaker, that one of things is that somebody has to look after the pool. He has to maintain it and another thing is that people do vandalise the pool or whatever other property. I have to make it clear and I made it clear on the day that the pool was built, that if the pool at any time was going to be a burden financially, then we will take away the pool and we will use the area for something else. The Government are not prepared to finance the pool.

26.4.94

ORAL

NO. 84 OF 1994

THE HON F VASQUEZ

BUILDING AND MAINTENANCE SECTION REMUNERATION

Mr Speaker, has any remuneration for work done by the employees of the Building and Maintenance Section of the Ministry of Buildings and Works been paid out of anything other than monies voted to that Ministry by this House in the usual way over the last twelve months?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, there was no head of expenditure for the Ministry of Buildings and Works in the 1993/94 Estimates since the change of name occurred after the Estimates had been approved. I assume that the hon Member is referring to the Housing Department's estimates of expenditure? If that is so then the answer is none.

SUPPLEMENTARY TO QUESTION NO. 84 OF 1994

HON F VASQUEZ:

Whether it is part of the Housing Department or the Ministry of Buildings and Works, the question is the same. Can the Government confirm that there have not been occasions recently when the employees have been paid in a way that it involved their getting the usual cheque or the cash from Government setting out the usual way.....

HON J L BALDACHINO:

Mr Speaker, I think I have been very clear in my answer. The answer is none.

NO. 85 OF 1994THE HON H CORBY

MAINTENANCE OF HOUSING ESTATES

Mr Speaker, what has been the annual maintenance cost to the Government during each of the last six years in respect of each of the following Housing Estates:-

- (1) Alameda
- (2) Varyl Begg
- (3) Laguna
- (4) Glacis
- (5) Moorish Castle
- (6) Queensway pre-fabs?

ANSWERTHE HON THE MINISTER FOR BUILDINGS AND WORKS

Mr Speaker, the hon Member should know that the cost of maintenance of the Housing Estates is met from Head 8 Subhead 7 - Housing Maintenance. This sub-head block vote covers the maintenance of all the Government's rented housing stock. The cost of maintenance for the financial years 1988/89, 1989/90, 1990/91 and 1991/92 have been published in the Government's annual accounts for the years quoted above. In respect of financial years 1992/93 and 1993/94 the figures have not yet been audited.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1994

HON H CORBY:

Mr Speaker, what I wanted is a broken down version in the different estates.

HON J L BALDACHINO:

Mr Speaker, the Government, on the maintenance of their housing stock, have a block vote and therefore do not have individual maintenance cost for each of the different estates. Mr Speaker, I have to remind the hon Member that the same as he has the right to whatever question he wants, I have the right to answer the question whichever way I like.

HON P R CARUANA:

We have not asked the Minister what has been published in the estimates. We know where to find that. The question says in respect of each of.... The answer is that he has not got the information broken down or is not willing to give the information.

HON J L BALDACHINO:

It does not exist, Mr Speaker. I have given him the answer where he can find it. I have stated in my original answer that this is a block vote and therefore we do not carry each individual maintenance analysis for each of the different estates that the Government maintain.

NO. 86 OF 1994THE HON H CORBY

ALLOCATION OF GIB 5 HOUSES

Mr Speaker, how many houses at Gib 5 have been allocated to persons on each of the following basis:

- (1) 50/50 Scheme
- (2) Outright purchase
- (3) The so-called "Option C"
- (4) Ordinary rental?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the following are the number of houses allocated to persons under the categories requested:

- (1) 50/50 Scheme - 283
- (2) Outright purchase - none
- (3) The so-called "Option C" or contract of purchase scheme - 191
- (4) Ordinary rental - none.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1994

HON H CORBY:

Mr Speaker, that means by the answer that the Minister has given to us that there is no ordinary rental inasfar as Gib V is concerned. Once a person pays in the rental for the month, in essence he becomes a home-owner for month one, once he has paid the amount of rent for a month. Is that correct?

HON J E PILCHER:

Mr Speaker, I assumed and the answer was ordinary rental - none, because that does not exist, ie an ordinary rental system in the Sir William Jackson Estate. The nearest to an ordinary rental is the schemes which have been put in place under the new category of licences for our senior

citizens. There are 110 of those. If what the hon Member is asking; and I am trying to be helpful; is if under the contract to purchase scheme, the moment that the person signs, he becomes the home owner, under the "Option C" payments, then the answer is yes.

HON H CORBY:

Mr Speaker, in the 1992 manifesto, it states "In the next four years we will build however many units are required to meet the needs of those of low income who cannot afford to buy". Inasfar as Gib V is concerned, I believe it might tally with the statements here that they will build as many houses as possible. It does not afford the low income rental accommodation that offers the low rental people purchase of a house.

HON J E PILCHER:

Mr Speaker, to be absolutely honest, I am prepared to give this House any information required, but that question has got nothing to do with the request for information on the number of units that were being sold. I am prepared to answer any question but not to be dragged into another question which I believe is going to be geared, I may be wrong, in the same manner, which is 88/94.

26.4.94

ORAL

NO. 87 OF 1994

THE HON H CORBY

GIB 5 OPTION C

What criteria has been used to allocate Gib 5 houses under the Option C Scheme?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the position is as stated in answer to Question No. 213 of 1993.

SUPPLEMENTARY TO QUESTION NO. 87 OF 1994

HON H CORBY:

Will the Minister restate how he comes to allocate houses under the C Scheme, what criteria is used for people to go into the C category and is it what money they have in the bank account, how much they earn, etc?

HON J E PILCHER:

Mr Speaker, I believe I explained all that in answer to Question No. 213 and then again when I made a public statement. The way that the system was working, Mr Speaker, was that it was not means tested. Persons who were eligible for the Option C were those persons who because of their income were not able to obtain a mortgage either under the 100 per cent or 50/50 and then those categories of persons were re-interviewed for the Option C.

26.4.94

ORAL

NO. 88 OF 1994

THE HON H CORBY

REFUSAL OF GIB 5 OFFERS

Mr Speaker, how many persons on the housing waiting list have refused the offer of housing at Gib 5?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, it is not possible to accurately quantify those persons on the waiting list who have refused an offer of housing at Gib 5.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1994

HON H CORBY:

Mr Speaker, if people have refused housing at Gib 5 because the units are small and they require a bigger house, is the Minister contemplating or has he contemplated moving those persons in the housing waiting list irrespective of their family units into a bigger home in order to allocate at Gib 5?

HON J E PILCHER:

I do not really understand the question, Mr Speaker. If the hon Member is referring specifically to the schemes operated at Sir William Jackson Estate, the answer to the question is yes, but that obviously only applies to Gib 5. It does not apply to the houses in the waiting list where the composition actually categorises the persons in the room category per house, but in Gib 5 Estate there have been instances where this has been accepted.

26.4.94

ORAL

NO. 89 OF 1994

THE HON M RAMAGGE

HOUSING WAITING LIST

Mr Speaker, will Government explain the criteria governing the categorisation of persons into the new housing waiting list?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, there has been no change in the criteria governing the categorisation of persons into the housing waiting list. The criteria used is the scheme approved by the Government in 1987.

26.4.94

ORAL

NO. 90 of 1994

THE HON H CORBY

DECANTING OF FAMILIES

Will Government say by what date they will decant families from Town Range, Old Police Barracks and Queensway pre-fabs?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, it is not possible for the Government to give dates by which families will be decanted because of the complex nature of the decanting process and the availability of houses. It has to be stressed that, as has been stated in this House in answer to Question No.185 of 1993, Old Police Barracks is not a decanting area. The same applies to the Queensway pre-fabs which is itself a decanting centre and this has also been made public by me.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1994

HON H CORBY:

Mr Speaker, inasfar as the Queensway pre-fabs are concerned, has the Minister any problems inasfar as certain members which are there at the moment which are not in the housing waiting list and it will be difficult for him to allocate elsewhere?

HON J E PILCHER:

Mr Speaker, my understanding is that there is nobody in the pre-fabs at this stage that does not have a historical housing file. What occurred some four or five weeks ago is that, in bringing the new files into place by looking at what had happened after Gib 5, it was discovered that somewhere along the line some of the old files in moving people from their old addresses to the pre-fabs had been, I would not say lost, but had been misplaced. This has now been corrected and I would say that every single person in the pre-fabs has a file at least going back, in many cases prior to 1992, but certainly most people have files that go back to early 1992.

HON H CORBY:

Mr Speaker, inasfar as the Police Barracks which is in a dilapidated state, is it being used to decant people into there and then move them on to somewhere else?

HON J E PILCHER:

Mr Speaker, not as a norm. In very exceptional circumstances where there have been specific social problems and the Government have found that at a specific time they did not have a house, rather than allow the person to be homeless, we have used the Old Police Barracks for that, but it is not a norm and it is not something that the Government wish to utilise.

NO. 91 OF 1994

THE HON LT-COL E M BRITTO

CENTRALISED COLLECTION OF REFUSE

Will Government say in which areas has the centralised collection of domestic refuse been made permanent and say whether they intend to extend the system to other areas?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government has made permanent the centralised collection of domestic refuse in the following areas:

Line Wall Road
Mackintosh Square (North)
Mackintosh Square (South)
Castle Street
Engineer's House
Engineer Lane
Rosia Dale
Cumberland Road (North)
Cumberland Road (South)
Naval Hospital Road (North)
Naval Hospital Road (South)
Scud Hill (opposite Scud Hill House)
Castle Road (opposite Carters)
Castle Road (by Sacred Heart Church)
Danino's Ramp
Hospital Ramp (opposite Maternity Ward)
Willis's Road (top)
North Pavilion Road
Hargraves
Crutchett's Ramp
Catalan Bay

Due to certain difficulties, the trial continues in the following areas:-

Cornwall's Lane
Irish Town
Turnbull's Lane
Scud Hill (by Post Office)
Castle Road (opposite Artillery Arms)

It is the intention of the Government to extend the system to other areas as and when these are identified.

SUPPLEMENTARY TO QUESTION NO.91 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, as the areas that we are now given are obviously more and more extensive than in answer to previous questions, is it then Government's policy to extend throughout the whole of Gibraltar as far as possible?

HON J E PILCHER:

It is the intention of Government to extend the system to other areas as and when these are identified. We will do as many as are possible, given the fact that I have already said prior to that, that in some areas we do have difficulties. We will not implement the system just because that is the policy. When there are difficulties we have to look at specific areas.

HON LT-COL E M BRITTO:

So I take that to mean, Mr Speaker, that the intention is to do away eventually with door to door collection where possible?

HON J E PILCHER:

Yes Sir.

HON LT-COL E M BRITTO:

What sort of reaction is this getting from the public?

HON J E PILCHER:

In the majority of cases, Mr Speaker, I believe that the public are cooperating and in most cases the central cubicle systems, as we call it, are welcomed by the tenants, as I say, in the majority of instances. For example, we have got a situation where people obviously historically have put their little bag with their refuse outside the door and it has been picked up. I think over the last two to three years particularly, people have understood the environmental effect of that and people want to live in a more cleaner, healthy area and therefore, Mr Speaker, in general terms, people welcome the move although I accept, before the Leader of the Opposition jumps up from his seat, that there are still areas where that is not the case.

HON P R CARUANA:

The environmental effects, Mr Speaker, of the areas chosen for the central cubicle system, both visually, smell and every other kind, is dreadful. The fact of the matter is that over weekends the end of Irish Town is a veritable rubbish tip and I think that a fair amount of more work needs to be done in marrying the household deposit of rubbish with the frequency of the collection and the emptying of this. What is not acceptable is that people should be depositing throughout the weekend and that there should be no collection from Friday morning to Monday morning. So that we have areas of town that are veritable garbage dumps in the middle of a highway for day in and day out. Certainly for 48 hour periods during weekends. That I can vouch for from my own experience in relation to Irish Town.

HON J E PILCHER:

I believe, Mr Speaker, that the hon Member has in fact in that way declared an interest. I assure him we did not choose that area because he happens to live above it and it is one of the difficult areas that I have mentioned in my initial reply which we will continue to monitor.

HON P R CARUANA:

What it needs is to clear it up more often, not monitor it.

NO. 92 OF 1994THE HON M RAMAGGE

TRANSFER OF MOD PROPERTIES

Mr Speaker, which Government department is responsible for the preservation of properties transferred to Government by the MOD and why are so many allowed to deteriorate before any action is taken?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the reason why MOD vacant properties deteriorate so quickly is because of vandalism. What happens is that, once they are formally handed to the Government, action is taken to board them up but there are no special funds available for maintaining the empty property. Sometimes they are empty for quite a long time even before they are formally handed over, in which case the MOD is asked by the Government to secure the premises and protect it from vandalism as far as possible prior to formal transfer. Once the property belongs to the Government of Gibraltar, the Government of Gibraltar tries to make them secure.

SUPPLEMENTARY TO QUESTION NO. 92 OF 1994

HON H CORBY:

Mr Speaker, would it not be an idea once that the Government have these properties in their possession, which have been boarded up, because they are now accepting these properties, that they are given off to whoever they are going to sell it to or rent it or whatever, quickly in order that it is not vandalised.

HON M A FEETHAM:

Mr Speaker, we are working as quickly as possible towards that objective. It is not an easy matter but the declared policy is precisely to do that.

26.4.94

ORAL

NO. 93 OF 1994

THE HON L H FRANCIS

PARSONS LODGE/CITY HALL

Mr Speaker, is there any commitment on the part of Government to assist the Heritage Trust with projects such as Parsons Lodge and the City Hall?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government already assist the Heritage Trust in all its projects through the Ministry of the Environment and the Gibraltar Tourism Agency. This is not the case only of the two projects mentioned in the question but is true of almost all the projects taken on by the Heritage Trust since 1988.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1994

HON L H FRANCIS:

Mr Speaker, will the Minister say what sort of assistance is provided?

HON J E PILCHER:

Short of financial assistance, in some cases it is even that assistance, the assistance requested by the Heritage Trust. In the case, for example, of Parsons Lodge, the area was handed over to the charitable trust created by the Heritage Trust, at no cost. Mr Speaker, when the team visited Gibraltar to refurbish and clean up, we made premises available for the visitors to stay in Gibraltar. We have made available design services of the Ministry of Trade and Industry, through Buildings and Works. There is a lot of assistance given in various areas and as I say some is financial, but the majority of the cases, it is short of finance because that is not something that we have a lot of these days, Mr Speaker.

HON L H FRANCIS:

Has the Minister received any request for financial assistance and been turned down?

HON J E PILCHER:

Not in the case of the Parsons Lodge, Mr Speaker. I am at the moment in discussion with the Heritage Trust in looking at the City Hall project to see how we can assist including some kind of financial assistance to that project which is turning to be a much more costly project than I think the Heritage Trust imagined it would be at the start.

26.4.94

ORAL

NO. 94 OF 1994

THE HON L H FRANCIS

PIAZZA REMODELLING

Mr Speaker, why has the remodelling of the Piazza taken so long?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the remodelling of the Piazza was initially supposed to have been complete by early April of this year. Due to changes in the specifications and the addition of items included under the phase two works, the completion date is now early June of this year.

26.4.94

ORAL

NO. 95 OF 1994

THE HON LT-COL E M BRITTO

EUROPA POINT TOILETS

Is Government aware of the bad impression caused to the many visitors to Gibraltar who use the toilets at Europa Point by the regularly dirty and unhygienic state of these toilets and will they state how frequently they have actually been cleaned in the last six months?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government are aware that the toilets at Europa Point have had major problems created by both sewage infrastructure defects and vandalism. The toilets have been cleaned regularly over the last six months but however due to the above problems have not been to the standard maintained at other toilets used by visitors to Gibraltar and residents alike.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1994

HON LT-COL E M BRITTO:

Are the problems of sewage infrastructure of a serious nature that they have not corrected, because it seems to me from information that I have been given, that the problem has existed for a long time?

HON J E PILCHER:

Mr Speaker, I am not sure what the source of information of the hon Member is. The source of information that I have is both the contractor and the people that we contract to do the cleaning of the sewage once the sewage system becomes clotted up. It is repetitive and I dare say it is the age of the sewage infrastructure system in that area, but I can advise the hon Member that this happens very, very regularly. Perhaps it is also related to vandalism. I am not absolutely sure, I will leave it to the hon Member's imagination.

HON LT-COL E M BRITTO:

Mr Speaker, the vandalism is not just to the actual facilities themselves. As recently as two days ago, the door was broken, there was no lock on the door, the windows were broken and the ceiling of the roof because it is simply corrugated plastic sheeting that has been broken by rocks or other heavy articles going through it, quite apart from damage to wash basins and toilets and so on. Is there a particular reason why this building in that area is identified to vandalism because it seems to me that next to it is the Europa sports field pavilion which ultimately anyway does not seem to suffer anything like vandalism? Next to it is the commercial premises beside the Light House and that shows no sign of similar vandalism. Is it that there are a certain group of people who occupy that area at night using binoculars and looking out on the straits? Are they the ones who are guilty? Is there any indication why this particular building is suffering so badly?

HON J E PILCHER:

That, Mr Speaker, is a rheological question.

HON LT-COL E M BRITTO:

It is not meant to be, Mr Speaker, it is very much a question of fact. It seems to me that this is a problem that has been going on for a long time and something should be done to try and correct it.

HON J E PILCHER:

Mr Speaker, the Opposition Member has explained in detail the vandalism to that specific building. Why is it that they target that building? Who is it that targets that building? Why they throw stones through the roof? Why is it that they break the door down and pull up everything and anything? Mr Speaker, we have already advised the police. We do that regularly. They have regular patrols in the area, but obviously, Mr Speaker, I do not know which type of person does it, which group of persons does it or whether they have binoculars to look at the sea or to look at birds, I have not got the slightest idea.

NO. 96 OF 1994THE HON P CUMMING

MARKETING OF GIBRALTAR

How does Government evaluate its levels of success in marketing Gibraltar?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, it is not possible to evaluate the success or otherwise of marketing Gibraltar since the number of tourists visiting Gibraltar is not determined only by how the destination is marketed. Normally a good measure of success is how the industry feels in relation to this marketing and as I have already stated publicly, the Gibraltar Tourism Agency Ltd markets Gibraltar as requested by the Gibraltar Information Bureau and the Industry in the United Kingdom, Gibraltar Tourism Association.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1994

HON P CUMMING:

Mr Speaker, I did not intend in this question to limit the marketing of Gibraltar to the question of tourism. Is it not true that this Government said that in the first term of office was going to be dedicated to infrastructure and the second term to marketing? We are more than half way now into the second year, there should be some sort of evaluation of the level of marketing that has been done and the reason that I ask, Mr Speaker, is that I remember a remark made by the Hon Mr Bossano on the television about the successful marketing of Gibraltar to the extent that he said that if "we do not do it it is because it cannot be done." I am wondering whether now half way into the second term of office, there is any indication of whether it can or cannot be done to the level to ensure the survival of Gibraltar. It does seem that from time to time, Mr Speaker, there is an element of desperation coming into remarks made by Ministers where, for example, the Hon Michael Feetham returns from South Africa and says, "I bring people from South Africa and then here you tell them about the frontier and cite the difficulties and then they go away, forget about the frontier". And this kind of remark makes people very depressed about the future and wonder whether in fact the Government's evaluation is as grim as it occasionally sounds.

HON M A FEETHAM:

Mr Speaker, marketing is an ongoing thing. One continues to try to market Gibraltar. Indeed not just the Government. I think that there are a substantial number of people in the private sector who are continuously marketing their product, trying to do the best they can, not just for their own business, but obviously, if they are successful, it will have its impact for Gibraltar generally. The realities are that whilst everybody in Gibraltar tries to do his bit to ensure a successful diversification of the economy of Gibraltar, the realities are that for the last two years, as the Opposition Member is fully aware, we have had quite a lot of fundamental problems in establishing Gibraltar's position in certain areas, particularly as far as Gibraltar's position in the EC is concerned, which is extremely important in trying to put together packages as part of the marketing drive and if these things are put into question, it puts back Government's efforts. Not that we ever doubted what our position and our capacity were, but the moment that we get pressure from certain quarters externally questioning this and questioning it is I think fair comment to say, we tend to be fairly alarmist in our composition. I think it is a psychological inheritance we have had as a consequence of the frontier being closed for many years. We get people in Gibraltar seriously concerned about what other people say and that has an impact when we attempt to bring people to Gibraltar and it is a fact whether we like it or not and I am sure nobody, no Opposition Member wants Gibraltar to fail irrespective of whether GSLP as a Government fails or not. I think we are all here in this House to try to ensure success for Gibraltar's future because not only just ours, but our children's future lies in a successful changeover from the old military structure into a modern economy competing in world markets and in the context of the European Community. But it is a fact that many people have come through here and I could actually be on the front page of the Chronicle virtually everyday with people that we have brought over or other clients have brought over to Gibraltar looking at business opportunities in Gibraltar and the moment that they come out here and learn of the uncertainties about this and the uncertainties about that, people say, "I better come back sometime in the future when these things have cleared up." That is the reality. It is true to say that in the previous term of office we put in the infrastructure to give Gibraltar an opportunity to survive so that we could diversify, in terms of infrastructure in the widest possible sense, from telecommunications to warehouses, to office space, to new sewers and so on and so forth and that we were relying on the next four years to market and bring in business. The realities are and it is known very, very well that we have been faced with quite a lot of problems, some of which are never likely to go away but that all of us are going to

have to start to think more about influencing events ourselves and going out there and being aggressive and not worry about, for example, what Spain says every day or what Mr Ruperez says about this or Mr Ruperez says about that. That comes out in the front page of the Chronicle nearly everyday and if somebody comes to Gibraltar and sees what the future holds for us and if that is the psychological thing that we want for Gibraltar, we are not going to succeed. We must begin to forget what other people think about what their rights are and we are going to have to start thinking about what our rights are and what our possibilities are and work on that. So when I go to South Africa, Mr Speaker, and I try to sell Gibraltar, I go there precisely to try to sell Gibraltar and I think we have had a measurable level of success in my marketing in South Africa and indeed for ongoing discussions as the result of the joint effort in other areas like China, we are beginning to see a level of interest being created. All I hope is that as a result of what seeds we may be planting that if indeed some Opposition Members are successful in the long term future, our only hope is that whatever we may have done may be to their benefit later in being able to build up from the foundations that we have established. So when we talk about marketing, marketing cannot be measured overnight. Marketing is an ongoing thing. All I hope is that we are able to turn round and I can tell the Opposition Member who is so concerned about New Harbours, sometime in the future, instead of three clients, I have got ten clients because I am sure that he wants a successful New Harbours. He is not criticising me for bringing in New Harbours on the basis of an investment because I am sure that he wants a successful New Harbours, as indeed we want success for Gibraltar. At the end of the day, Mr Speaker, we are all trying to do our best but it is not possible to measure things on a day-to-day basis. Some things are more on a long term basis.

HON P CUMMING:

Mr Speaker, I have no intention of wanting to criticise the efforts that the Government have made to market Gibraltar. It is a question of a realistic evaluation because we have to face the fact that the economic blockade Spain puts to us is being effective. It seems to me, Mr Speaker, that a new approach may break down that economic barricade to Gibraltar, so that they begin to change their policy from pressure to persuasion. I think that we would welcome a bit of persuasion and it seems to me, Mr Speaker, that if the elephant has its foot on the mouse's tail, the mouse will have a try at turning round and saying, "Please Mr Elephant would you mind taking your foot off my tail." This approach may have some effect. We have seen from Mr Ruperez's remarks that whether someone is a Minister of such a large nation or a small one, they do take note of personalities, they do take note of statements, they do act and react very much like we do, just that they represent more people, it does not make them different.

HON M A FEETHAM:

Mr Speaker, I think I need to make this point. There is no doubt, I have said it time and time again, that if we were able to market Gibraltar in the context of its possibilities in terms of the potential it would have, in terms of what there is around us, ie the Campo de Gibraltar - we are looking at it strictly from a commercial perception - I think Gibraltar's potential would be that much enhanced. There is no doubt about it but the realities are that there is no indication politically on the other side that that is a starting base. There is no indication of that and for information, there has been two ventures that I have been associated with, one from South Africa and another one from China, that because we could not meet all their requirements in Gibraltar. I said, "Commercially we may be able to meet 25 per cent of your requirements if Spain is able to meet commercially the rest" and it seemed to me that that was something that is worthwhile looking at. From the marketing point of view, it is commonsense to try to use everything at our disposal, providing the goodwill is there. I can say that from that perception we actually passed on the information to companies that have got association with Gibraltar, commercially and are established here, but are originally from Spain. And those two proposals are at the moment in the pipeline. The indications that I have been given are that they have blocked politically. So here is a position where we have given an opportunity to be able to bring something to this area that would give us employment, in the areas where the Gibraltarians are most used to, where land and other resources are available there, which would not be available in Gibraltar, where commercial interests there could participate and quite frankly, up to now, we have not had a final response and I am told on a private basis that there is some political pressure.

HON F VASQUEZ:

Mr Speaker, I just cannot believe the speech I have heard in the last ten minutes from the Minister. It seems to me he is living with Alice in Wonderland. Has the Minister just woken up to the fact that Spain is actually working to sabotage this economy? Is he seriously telling this House that all this great economic plan that the Government Members are planning depended on the goodwill and the assistance of Spain to help this economy take off? Is this what the Government's marketing drive consists of? The Minister has spoken to us about laying the seeds and relying on goodwill. I ask the Minister the question how he expects the Government marketing drive in respect of Gibraltar to succeed when any international investor seeking to bring money to Gibraltar picks up a newspaper and reads about Gibraltar only about smuggling, drug

smuggling and scandals involving Ministers which are not replied to by Ministers. How is he going to market this jurisdiction? How is he going to bring people here? We normally have the international press knocking us and the Government doing nothing in reply. If he is relying on the goodwill of Spain to make industry certain in Gibraltar, I cannot believe what I hear.

HON M A FEETHAM:

Mr Speaker, that is not the point I made. I was responding specifically to the question put over by the Opposition Member who was saying that if we were able to be persuasive, if there was a way round the possibility of getting Spain on our side. He did not get to the point of saying, conceding concessions, so I gave him[Interruption] Mr Speaker, will he be more respectful to this side because I have given him an opportunity to ask. So what I am saying to him is that if it was possible to go down a particular road commercially, then of course it will be an advantage, but let him not preach to the Government about Spanish antagonism towards Gibraltar because it has been this side that has fought the Lisbon Agreement, that has fought the Brussels Agreement, that has been the resistance against Spanish political take-over in Gibraltar. The hon Member is one of those people that if he had half the chance would do a deal with Spain. He and a few others like him because he has represented vested interests all his life, Mr Speaker. He is not interested in the good of Gibraltar, that is his position and he has not got the courage and the guts to say so.

HON F VASQUEZ:

Mr Speaker, we have heard the Minister for economic development in this community, saying for the last ten minutes in reply to a question by the Hon Mr Cumming, that the Government's marketing plan has not really taken off because we cannot rely on the goodwill of Spain to attract businesses to Gibraltar that might be able to get 25 per cent of their services in Gibraltar and 75 per cent from Spain. That is what he has been saying and I find it incredible, Mr Speaker, and I ask the Government to confirm that if in fact their economic plan is based on the assumption that we are going to get cooperation and goodwill from the Spanish side because if he is then I am amazed that he is living in Alice in Wonderland.

HON M A FEETHAM:

Mr Speaker, the answer is no. We are not depending on that. I was simply replying to a question put by the Opposition Member. I have said very clearly that we have to continue to do the best we can irrespective of the position that Spain takes. I made that very clear and we have always taken that into account.

NO. 97 OF 1994THE HON F VASQUEZMARKETING OF GIBRALTAR

Mr Speaker, what steps have Government taken to market Gibraltar as a holiday destination for the coming tourist season?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, as I informed the House last year during the Budget session, the marketing of Gibraltar by the Government is done in liaison and partnership with the United Kingdom Gibraltar Tourism Association.

This year the activities planned and approved are amongst others as follows:

ADVERTISING

A major national advertising campaign will target ABC1 UK holidaymakers directly. The focus of activity will be in April/May and September/October. National publications such as the Mail on Sunday, the Daily Telegraph and The Times are included in the media proposal. The European, as a pan-European publication is also being used. A brochure response mechanism and market research will be used to measure the responses and analyse the Gibraltar "customer".

EXHIBITIONS

A stand will be taken at the Trade Exhibitions FITUR in Madrid and the ASTA Convention in Lisbon. FITUR attracts a large percentage of the public who visit the Costa del Sol in the summer and the ASTA Convention will be attended by top operators from the United States and beyond.

UKGTA

Support will be given to individual tour operators servicing Gibraltar. The tourism budget will also support the UK Gibraltar Tourism Association on a "pound to pound" basis. The Association's activities include the production of a new Gibraltar entitled "The Classic Collection" which is being launched this week and will be distributed to all ABTA Travel Agencies in the UK.

This brochure along with Cosmos and Sovereign will ensure that all ABTA Travel Agencies in the UK, which number 7000, will have a bookable brochure of Gibraltar on their shelves.

SPAIN

The Gibraltar Information Bureau is also in discussion with the Chamber of Commerce with the view of implementing a joint advertising campaign to support the summer season day visitor. It is expected that this year the Costa del Sol will surpass all previous figures of visitors.

PUBLIC RELATIONS

Mr Speaker, a major public relations campaign involving extensive media relations activity will continue throughout the year. Using editorial channels of the press and broadcasting media Gibraltar will be publicised in a variety of ways. Television examples being the broadcast of the Antiques Roadshow from Gibraltar in March. The Detectives (BBC1) is due to be filmed from Gibraltar in the Autumn.

Journalists from top national and regional newspapers and magazines will be brought to Gibraltar on familiarisation trips in May and October. These visits usually result in special features being written on Gibraltar.

High circulation national consumer magazines and newspapers including the Daily Telegraph, Woman's Realm and Chat and specialist publications such as Active Life and Good Holiday will feature double page and competitions and editorial features on Gibraltar during the course of the year.

Press information is also distributed regularly to all travel writers.

TRADE

The travel trade will continue to receive Gibraltar's full colour newspaper entitled The Key. It is circulated to 7000 ABTA Travel Agents in the UK on a quarterly basis. Featuring articles on different tourist sights, places of interest and accommodation, the newspaper is a colourful directory geared to appeal to the travel trade. Each newspaper includes a coupon response for the travel agent to request tour operator brochures. This coupon response attracts hundreds of enquiries.

Gibraltar roadshows will replace the World Travel Market. Gibraltar roadshows will take place in the UK in Manchester, the south coast, London and Newcastle at which independent agents will be invited to a seminar on Gibraltar. A new Gibraltar video will promote the Rock, its history, heritage and tourist sights within the ambit of this roadshow.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1994

HON F VASQUEZ:

Mr Speaker, that is a very full reply and I hope it comes to fruition and I hope we will see the Minister for Tourism reverse the tide which has led to the virtual destruction of the hotel industry over the last five years in his period of tenure as Minister for Tourism. I have a couple of questions that I want to ask in supplementary. The first, what is the advertising budget allocated to the marketing of Gibraltar? Secondly, I am surprised to hear that Gibraltar is to be represented at the FITUR exhibition. I was under the impression that Gibraltar recently backed out of FITUR at the last time that it was held.

HON J E PILCHER:

Three parts to that. First of course, I do not agree with his initial..... [Interruption] Secondly, the budget specifically allocated to tourism is discussed every year at budget session. We advised the Opposition Member. It was £300,000 and obviously he has to wait another couple of weeks to find out what this year's budget is, but it is what Gibraltar can afford to spend in marketing tourism and if we had £10 million we would spend £10 million. If we had £20 million we could spend £20 million. On the third point, Mr Speaker, we did not back off FITUR last year. If the hon Member had bothered to find out the exact position, he will find that most of the major entities backed out of FITUR last year because the week of FITUR coincided with the major industrial action movement in Spain by two of the major unions in Spain and FITUR last year was a disaster because a lot of people did not go, Mr Speaker. And those who did, half the time Madrid was paralysed.

HON F VASQUEZ:

Can the Minister confirm that Gibraltar is still being marketed as one of these short stay weekend breaks for high class tourists?

HON J E PILCHER:

In general terms, we do market Gibraltar in various areas, but mid-week breaks and week-end breaks, that is one of the major drives within the market.

HON F VASQUEZ:

Mr Speaker, if that is one of the major marketing drives, perhaps the Minister can explain why over the Easter week-end - when in fact we managed to attract quite a number of tourists, I understand there were several hundred tourists that came into Gibraltar over the Easter week-end - how his Department managed to contrive things so that these tourists wandering around Gibraltar, with the Cable Car shut, the Apes Den shut, the Upper Galleries shut, the Moorish Castle and nowhere for them to go. Is this the sort of marketing and liaison campaign which his Department is indulging in order to save Gibraltar as a tourist centre.

HON J E PILCHER:

Mr Speaker, I very rarely lose my patience and I certainly will not lose it with the likes of the Hon Mr Vasquez. But, I am not sure if it is a point of order or not, but he has just lied to this House. The Nature Reserve was opened throughout the Easter break, the Apes Den consequently was opened, St Michael's Cave was opened, the new areas were opened, even the beaches. I do not control the Cable Car. It is a commercial private entity.

MR SPEAKER:

Could the Minister please withdraw the phrase lied? Perhaps he has misled the House.

HON J E PILCHER:

Misled the House, I am sorry.

HON F VASQUEZ:

Mr Speaker, I have no hesitation in withdrawing if in fact I am incorrect, I withdraw it unreservedly. The information that I had was that they were shut, certainly the Cable Car was shut and I understood other services also available to tourists were shut. If that is not the case, I withdraw it unreservedly.

HON J E PILCHER:

I accept the Hon Mr Vasquez's apology, Mr Speaker.

NO. 98 OF 1994THE HON F VASQUEZ

AIR TRAVEL ARRANGEMENTS

Mr Speaker, are Government satisfied that Gibraltar's interests are well served by the present air travel arrangements to Gibraltar?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Mr Speaker. The Government believe that Gibraltar's interests would be better served if the air travel arrangements to Gibraltar were covered by the provisions of EEC Regulation 2408/92 which took effect on the 1 January 1993, which allows total free movement within the European Union by any airline from any Community airport to any other Community airport. The exclusion of Gibraltar since 1987 by the infamous Anglo Spanish Airport Agreement of 1987, has, in the Government's view, acted against Gibraltar's interests by creating a situation which makes it possible for indirect pressure to be brought to bear on airlines that may wish to fly the Gibraltar route and creating an image that Gibraltar is less well served by airlines that it could otherwise be.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1994

HON F VASQUEZ:

Mr Speaker, once again we have a complete red herring in reply. Yes we would all love it, if the EEC Air Liberalisation Directives applied to Gibraltar. They do not. So what are we doing about it? Is the Minister satisfied that the present arrangements for servicing Gibraltar's airport is satisfactory?

HON J E PILCHER:

Again, I did not know what the hon Member was referring to. So I honestly thought, Mr Speaker, that he was referring to the inability to attract European airlines. Now that I know what he is referring to, Mr Speaker, I can then tell him that the Government are satisfied that the present air travel arrangements are the best possible arrangements given the difficult state of the civil aviation market worldwide. The Government are also

satisfied that the present carrier is doing its utmost to serve the present air travel requirements of Gibraltar and has in fact established a very good liaison with the civil aviation authorities in Gibraltar. Having said this, Mr Speaker, the Government cannot be satisfied until it expands further the overall network of airlines feeding traffic into Gibraltar.

HON F VASQUEZ:

I notice obviously that the Minister is reading from a reply, a prepared text, so obviously he knew exactly what the question was aimed at. The fact is, as the Minister must be aware, that passengers, both trying to travel to and from Gibraltar on an aircraft are finding it increasingly difficult to find seat availability and secondly are being pressed to pay increasingly ever larger sums for those tickets. The fact is that it is becoming ever more expensive to fly to and from Gibraltar and that is the experience of almost anyone who has been involved in that. We have been told in the past that under the present arrangements whereby only one carrier is operating the route, there was established some sort of monitoring arrangements whereby Government would constantly monitor the question of seat availability and the question of prices. Are Government actually indulging in that sort of monitoring activity and are they satisfied that passengers are paying too much and that not enough seats are being made available on the route?

HON J E PILCHER:

First of all, the Government have been monitoring. Let me explain to the hon Member because on the one hand he tends to pay attention to rumours and on the other hand he does not read statements made by Ministers. I advised the Gibraltar Chronicle some time back that the arrangements which we had entered into with GB Airways terminated in October 1993. Since then, Mr Speaker, we have had a situation where we monitor seat availability and the problem of seat availability in Gibraltar, Mr Speaker, is a much more difficult problem than the hon Member realises because when there are no seats coming to Gibraltar, there is excess capacity going out of Gibraltar and when people want to come out of Gibraltar there is excess capacity coming in. The balance of that is what is difficult for the airline to maintain. Secondly, Mr Speaker, we do monitor the fares. All the fares are authorised by the United Kingdom Civil Aviation Authority. We monitor that and certainly the scheduled fares are equivalent to scheduled fares in airports around the region. But, obviously, what we do not have in Gibraltar, Mr Speaker, is the charter traffic which has

got a majority of movement in Malaga and there is where the cheaper flights come in. From a scheduled point of view, Mr Speaker, the fares are equivalent and we do monitor that but there is very little we can do because it is a life-line operation. Let me just add one more thing, Mr Speaker. Since we terminated the liaison between GB Airways and the Gibraltar Government, there has not been any second airline knocking at our door.

NO. 99 OF 1994THE HON P R CARUANA

STATISTICS OF RESIDENCY

Mr Speaker, what change of classification took place in 1992 in relation to residence of persons marrying in Gibraltar which appears to have distorted both the "Resident" and "Non-resident" statistics contained in Table 11 on page 14 of the 1992 Abstract of Statistics?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, there was no change in classification in 1992 relating to persons marrying in Gibraltar. The figures for that year which appears in Table 11 of the 1992 Abstract of Statistics are incorrect and should read 246 Residents and 532 Non-residents. There was an arithmetic error in the compilation by either the Registrar or the Statistician.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1994

HON P R CARUANA:

Did the Chief Minister say 432?

HON CHIEF MINISTER:

I think what has happened, Mr Speaker, is that the figures in the columns were transposed. They are compiled on a monthly basis and when the adding up took place, they added up half the wrong column, so, in fact, they should have come up with 246 residents and 532 non-residents which the hon Member will see is compared to the previous year where there was 229 and 552. So there has been no change.

26.4.94

ORAL

NO. 100 OF 1994

THE HON P R CARUANA

IMMIGRATION CONTROL ORDINANCE

Mr Speaker, what is the Government's policy in tendering advice to His Excellency the Governor upon consideration of applications for exemption from the requirements of Section 12(1) of the Immigration Control Ordinance by an Indian national who has been continuously resident in Gibraltar for 23 years?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, any advice that the Government tenders to the Governor in this matter is confidential. The nationality of the individual making the application is not a relevant factor. If the hon Member will provide me with details of the case which he is referring to, I shall look into the matter.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1994

HON P R CARUANA:

Mr Speaker, will the Chief Minister recognise that there are persons in Gibraltar, some of whom are of Indian nationality, although I am certain that what he says that that is not held against them, who are even on the electoral register, although there seems to be a contradiction there, who are unable to get what they consider to be Gibraltarian status (Exemption from Section 12(1)) and that there are many long term residents in Gibraltar that are excluded or appear to be excluded by combination of what appears to be policy at the Convent, which when enquiries made there we were told that this is the Gibraltar Government's policy and not vice versa. The result is that we get one answer from the Convent, another answer from the Government, both of whom point at each other and the result is that people appear to be under the impression that the door has been slammed and that no such cases will be considered.

HON CHIEF MINISTER:

Mr Speaker, I have not pointed the finger at anybody in my answer. I have told the hon Member that certainly from the description that the gentleman or lady is Indian and had been for 23 years, I do not know who he is talking about. Therefore, if there is a particular case that

he wants me to look at and he lets me have the details outside the House, I will look at it. What I can tell him is that certainly one thing that does not enter into the equation is what is the current nationality of the applicant. There is no racial bias in the system in considering applications. Certainly the length of time alone, is not enough. I think in practically all the cases that have been successful in applying for nationalisation have been those that are married to local people. I think there have been very few other cases. That is as far as I can go.

HON H CORBY:

Mr Speaker, the Chief Minister knows that I have gone up that path inasfar as trying to get people, both into schools and nationality wise and on what I got from the Convent, which I spoke to him on the matter, I got the impression that it was very much the Convent liaising with the policies of the Government inasfar as that was concerned.

HON CHIEF MINISTER:

Mr Speaker, the question of residence permits is a different issue. The question is about naturalisation and the reason why it is talking about an exception from the requirements of Section 12(1) is because under the 1981 British Nationality Act, it says that someone can only apply for naturalisation if the person is free from immigration restrictions and since anybody that is here on a temporary renewable permit is subject to immigration restrictions because the person might have been here for 23 years or 50 years, but he has not got residence in Gibraltar, I imagine, other than as a consequence of having employment. We know this from the position of Moroccans who have been here for 23 years, who argue because they have been 23 years here, they should be allowed to stay here for the rest of their lives. The position in law is that immigrant workers arriving in Gibraltar are brought by their employers; the permit is granted to the employer and the residence permit is giving to the employee on the strength of the work permit given to the employer. In that area the question of children being allowed, who in the main arrive here as visitors and then somehow get forgotten and become long term residents into our schools, is a matter in which the Government have a say, because we are then talking about the kind of question we had early in the Order Paper, "Do we have enough teachers? Do we have enough school buildings?" Those are areas where we feel that we cannot have a situation where the Governor may feel that there is a meritorious case, he grants all the necessary permits and then waves goodbye and we have to find the budget for ever more.

HON P R CARUANA:

Mr Speaker, is there no development of the number of people that are belongers in Gibraltar by reference to passage of time? There are many Gibraltarian families who came from various parts of the world that are now regarded as Gibraltarians which if these rules had been in place then, presumably would not be. Are we saying that the category of belongers - I do not use the word "Gibraltarians" knowing that the Chief Minister would understand me - is now closed, unless they are of British or European Community origin who are free from immigration control?

HON CHIEF MINISTER:

No, Mr Speaker. This is not the case. The fact that Community nationals are free from immigration controls, does not, in fact, mean that they will have any greater prospects of getting nationality granted as British Dependent Territory Citizens. When this is evaluated, what is looked at primarily is what is the net effect on the survival of the population given the constraints that we have got at the moment 21,000 belongers, whom we have to make sure survive in this place and that if we have 22,000 belongers, then it becomes that 5 per cent more difficult. That is the basic criteria.

HON P R CARUANA:

We are talking about long term people that are already here and have been here as an integral part of the community for 25 years. They are already part of our problem.

HON CHIEF MINISTER:

The length of time alone is not enough. I can tell the hon Member that there have been instances of people with 40 years that have not been successful.

NO. 101 OF 1994THE HON P R CARUANA

OFFICIAL CARS

Mr Speaker, will Government say what policy they apply to the use of official cars by Ministers attending social functions?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, there is no policy as such. Ministers make use of official cars when they have a need to.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1994

HON P R CARUANA:

The purpose of the question, Mr Speaker, is to highlight the practice which appears to be now - I do not say it happens on every occasion - whereby Ministers avail themselves of the official car to attend a social function, which may be a social function to which they are invited in a public capacity, and then the driver and car waits outside twiddling thumbs, presumably at overtime rates, for the duration of the social function. It seems to me until anybody argues the contrary on the basis of practicality, that the logical thing to do would be to fix the time for return and say, "Come back at 3 am, by which time I will be in a fit state for you to drive me home," rather than have them waiting there from 8 pm to 2 am on overtime. It seems to me wasteful at the time when we are all tightening our belts.

HON CHIEF MINISTER:

I did not know what the purpose of the question was, Mr Speaker, so I did not really know. I agree with the hon Member that it makes more sense rather than have somebody in the uncomfortable situation of simply waiting there if it is known when the person is going to leave whatever function it is, that they should be asked to come back. I regret to say that that will not produce any savings and that the established practice of paying the person for the time that he is required, whether he is there or when he comes back to collect has to be respected. I think otherwise we would all have to start walking to the functions.

NO. 102 OF 1994THE HON F VASQUEZ

BANKING LICENCES

Mr Speaker, are the Government aware what, if any, reasons the Duchy of Luxembourg has given for its reported decision not to recognise in Luxembourg licences issued to banking and other financial services institutions in Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government became aware of the refusal of the Duchy of Luxembourg to permit a Gibraltar licensed bank to operate a branch in that country after my return from meeting Ministers in London in September last year. I raised the matter verbally with the Foreign Office on the basis that a bank in Gibraltar licensed by the Financial Services Commission in Gibraltar was a Community bank as defined in the Second Banking Co-ordination Directive. As a Community Credit Institution, the Gibraltar licence could only be valid if it was valid for the entire territory of the European Union. I pointed out that the bank was entitled to take pre 169 proceedings if it was not allowed to operate in other parts of the European Union. The understanding of the position then was that Luxembourg's refusal was based on its unwillingness to recognise the Gibraltar licence because the Financial Services Commission, as a licensing authority, was not classified as being one of the competent authorities in the European Community.

Perhaps I should stress, Mr Speaker, so that hon Members can fully understand the position, that at the time, having returned from lengthy discussions at Ministerial level in London in September, I was not aware of the views that Spain had put to the Banking Advisory Council in July 1993. Nor indeed that in September of that year, the United Kingdom intended to answer replying to these views. I only became aware of all this in the first week of November when I was given a copy of the Spanish position paper of the previous July which I was told had been overlooked during my September visit. I was also given a copy of the response of Her Majesty's Treasury to the Commission refuting the arguments in the Spanish paper. On reading this, it became very clear that the position adopted by the Duchy of Luxembourg was entirely consistent with the position adopted by the Kingdom of Spain in July 1993. The Spanish position in the paper that they presented in July was summarised as follows:-

it considered that the application of the Second Banking Directive in territories under the responsibility of the United Kingdom should be the preserve of the British Authorities alone. Thus even if for internal purposes a territorial division of authorities were to exist in the UK the validity of such division for Community interstate relationship was unacceptable.

Spain went on to say that they considered that no country of the European Community could accept the substitution of the Gibraltarian for the British authorities in the procedures envisaged in the Second Directive. Until these doubts were dispelled, the opening of branches or the freedom to provide services in EC countries by banks authorised in Gibraltar should not be acceptable.

It is self evident that this is precisely how Luxembourg reacted three months later. Needless to say, Mr Speaker, I did not reflect this in the statements I made on my return from the Ministerial meetings in September 1993 in London, nor in this House when the matter was raised in October 1993 because, as I have already stated, through an oversight, the British Government neglected to inform me until November.

SUPPLEMENTARY TO QUESTION NO. 102 OF L994

HON F VASQUEZ:

Mr Speaker, one of the things that occurs to me from that reply is how did the Luxembourg authorities.... I take it that Spain must have circulated its opinion to the other Member States?

HON CHIEF MINISTER:

No, Mr Speaker. The Banking Advisory Council consists of 12 representatives and the Spanish position paper was tabled at the meeting of July of the Banking Advisory Council and every member had a copy.

HON F VASQUEZ:

I am grateful for that, that was an aside. But my principle supplementary is this. Gibraltar has recently been forced into a situation and to a position that it would not have liked or would have preferred to have been in, ie, we have had to accept that the regulations of the financial services industry henceforth is going to be directed from London. I take then that the quid pro quo for that arrangement is surely that the British Government has undertaken to lead on all the other Member States to satisfy them that in fact Gibraltar now is complying with the requirements of the relevant Directives and has the Chief Minister had any such undertaking from Her Majesty's Government?

HON CHIEF MINISTER:

Mr Speaker, I made public the exchange of letters with the Chancellor where I ask precisely for that undertaking in exchange for us agreeing and I got the undertaking. I have also said publicly that notwithstanding having had the undertaking, I am not convinced in my own mind until we test it, that, in fact, what the UK has proposed addresses the Spanish argument. I can tell the House that the UK in September - I have said that they answered in September what the Spaniards said in July - indicated to the Commission for circulation to all the Member States that they were holding intensive discussions with the Government of Gibraltar, in order to ensure that there was what they called a direct line of accountability to the Member State, so that the Member State could reassure the other Members that they were in a position to guarantee that Community standards were being implemented in Gibraltar. I do not believe and it remains to be tested, because in November, subsequent to the detailed account that I have given, Spain replied rejecting that, saying that was not enough. Spain then went on to say that irrespective of the structure, as far as they were concerned, the very essence of the dispute was one about inter-state relationship. They argued that the Member State was UK and the relationship had to be that the applicant, say Luxembourg, had to be an applicant which was authorised by the national laws of the Member State. The UK has argued that the laws of this House are the national laws of the Member State because that is a purely internal arrangement. I can tell the hon Member that one of the things that I have insisted on in my negotiations with UK, prior to this latest position is, that whatever should be done, should be done by legislation here and not by the application of UK legislation to Gibraltar. One of the changes that we were successful in persuading them to make, was that in the original draft that they put in, they actually put that the Commissioner should regulate business in accordance with the laws of the United Kingdom. I said if we legislate in Gibraltar telling the Commissioner that he acts in accordance with the law of the UK and tomorrow we change the law in the UK, we have, by our law de facto said that every subsequent law of the UK will apply in Gibraltar, willy nilly, without us having a say in it. That was changed to reach matching standards as opposed to effectively complying with UK legislation. It is a matter in which we will go into when we debate the Financial Services Ordinance and the proposals, but I can tell the hon Member, that it seemed to me, with the benefit of hindsight, after I put all these things together, that one can see that what Spain urged other Members to do, is what Luxembourg did. Obviously, in this situation, I think part of the difficulty is that Luxembourg is a competitor, so it does not take much persuading. If Spain provides them with

a ready made argument, saying that this is not really kosher EEC licence, because after all Gibraltar is not a Member State. The Member State is UK and the licence ought to be from the Bank of England. Luxembourg said that that was a very convincing argument because it suited them to say to somebody, "If you want to be in Luxembourg, come and open a bank here rather than open a branch."

HON P R CARUANA:

That is exactly, Mr Speaker, the point that I wanted to make. It is clear that whilst we can understand why Spain has argued what she has argued, it is entirely a political argument. Luxembourg is a good deal cruder than that. They are simply trying to keep out a competitor on a subject incidentally when their own house is hardly in order, given their dismal failure to regulate BBCI. But in relation to the question of licensing, has the Chief Minister considered that given that we have now agreed to implement standards of regulation acceptable to the United Kingdom, that this argument can be in effect circumvent by saying to the Bank of England, "Now you must put your rubber Bank of England stamp on any licence issued by Gibraltar because after all you are willing to defend this in Europe, so make the Gibraltar licence a Bank of England licence for European purposes by simply replacing your own stamp on it." That would deprive all these other European countries of the argument.

HON CHIEF MINISTER:

Mr Speaker, I believe that I have explained this before publicly, but I am quite happy to explain to the hon Member the nature of the problem. Before we were able to make any advance in discussions with the United Kingdom, the first problem we had when the whole thing was totally stagnant was because the UK itself had not, at the Government level, taken a position to put to us on a government to government basis and my understanding was that eventually it required an agreement at the level of Kenneth Clark and Heseltine and the Chairman of the Bank of England to determine what should be done because the Treasury's preferred position was that it should be on the basis that it was a Bank of England stamp. But the Bank of England's position was that they would not accept having the Bank of England name on something that was not 100 per cent under their control. [Interruption] They do not think it is. The Financial Services Commissioner of Gibraltar under the new proposal is appointed with the approval of the Foreign Secretary. As far as the Bank of England is concerned, that is not enough. We must realise, Mr Speaker, that the position that we have got is not just the result of a process of

argument and negotiation between us and London. Within the UK itself, there were different positions being taken by the Bank of England, Her Majesty's Treasury and the Department of Trade and Industry. Eventually, what they came and put to me was what was their consensus which they said was their bottom line, which was no longer renegotiable because otherwise it would have opened up again the whole issue. That is why it became so difficult to change even a full stop and a comma because it had taken them a very long time to reach that position which, I think, again, if we put it in the context of the Spanish objection, frankly, I would have preferred that they had told me that they had not had this unfortunate oversight and told me in July, "Look this is the difficulty we are facing with Spain, how do we tackle it?" Or, "We propose to tackle it this way, what do you think?" I think the fact that they did not let me know that there was a problem with Spain meant that I was focusing on the problem from a position of saying, "Because they cannot reach agreement amongst themselves, here we are suffering the consequences." Once I have analysed the arguments put in the two papers by Spain, it seems to me that the problem with Spain is not going to go away and I told the Chancellor as much when we were together in London and I said, "You may be able to persuade Luxembourg," he said he would just pick up the phone and talk to his friend in Luxembourg and the bank would be in, we will have to wait and see but I doubt it if he can pick up the phone and talk to whoever is around in Rubio's place and say, "Accept the Gibraltar licence." Obviously, I do not suppose in July it was Sr Rubio who did not think our licences were up to scratch.

MR SPEAKER:

That is enough now. I have allowed all this but we are anticipating everything that is going to happen. So that is the end of this question. Next question.

NO. 103 OF 1994

THE HON H CORBY

EMERGENCY DISASTER PLAN

What effect is the withdrawal of MOD services personnel having on the ability to implement the Emergency Disaster Plan?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Gibraltar Disaster Plan is currently under review and due account is being taken of the effect of the continuing rundown in MOD personnel.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1994

HON H CORBY:

Mr Speaker, does that mean that Government will have to put in material resources to carry on with the plan?

HON CHIEF MINISTER:

Well, I think the state of the material resources the Government have are self evident. Certainly we are looking at the review of the disaster plan on the basis of not having the buck passed to us, let us put it that way.

26.4.94

ORAL

NO. 104 OF 1994

THE HON LT-COL E M BRITTO

MOD CIVILIAN JOB LOSSES

Have Government been able to establish from the British Government how many more civilian jobs will be lost in the MOD locally by 1997?

ANSWER

THE HON THE CHIEF MINISTER

As is already public knowledge the Ministry of Defence is engaged in a reduction of its presence in Gibraltar known as the 30..30..50.. study which was announced in December 1991 and covers the period 1992 to 1997. This exercise is designed to achieve by 1997 a 50 per cent reduction in land holdings and a 30 per cent reduction in manpower and budget costs.

The further study which was revealed in the press on 4th February would imply an acceleration of this programme with more civilian jobs being lost than originally envisaged. The information that I have at the moment is that the study concerned is still with the United Kingdom Government and that a decision has not yet been taken at ministerial level. The Government of Gibraltar have no other information than this but clearly it considers that a reduction of the MOD presence accelerating further the cuts that are already in place will create serious problems for the Gibraltar economy and that Her Majesty's Government have to take this into account in coming to a decision on the proposals.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, in view of the seriousness of the potential cuts, can the Chief Minister indicate what representations he has made to the British Government about the figure indicated in the paper that was leaked or made available or found by the Chronicle and published on the 4th February which showed losses of the order of 1,416 civilian jobs, and whether he has been able to establish whether that figure is going to be in any way accurate?

HON CHIEF MINISTER:

Mr Speaker, the document published by the Gibraltar Chronicle had 'confidential' printed on it and the MOD have not confirmed that and I do not think it is proper to ask me to confirm or deny it. All I can tell the hon Member is that it was printed in the Chronicle. I can tell the hon Member that certainly the decision has to be taken at ministerial level and not just by the Ministry of Defence but by the Defence Committee that has looked at defence cuts in Gibraltar in the past but from what I hear on the UK news they seem to be in the middle of a major and quite draconian exercise of which I am sure this must form part. Basically the bottom line and the strongest way in which we can put it to the United Kingdom is that they cannot simply see this in terms of defence requirements because ultimately they have a constitutional responsibility for the financial stability of the territory and that all that we are asking is for some understanding that coping with change - which is something we all have to do in life and we all have to do with the changes that are taking place in Europe - certainly cannot be done overnight and it cannot be done with the limited resources that our community has. In looking at implementing the decision rather than in taking the decision, I think it is difficult for me to say to them, "You should not cut 1,000 jobs, you should cut 500". What we have got to try and do is commit them through this undertaking that they have given us of working jointly with the Government in the Joint Economic Forum and saying to them, "The phasing in of any cuts must be made to dovetail the creation of new activities as alternatives in the economy. And this means that, if necessary, measures will have to be delayed or deferred so that that can happen". That requires a certain amount of work being done, for example, not just on the global number of people affected, but of things like the age structure; the balance between males and females, because if one is looking at alternatives it is no good saying, "Tomorrow we are going to bring a factory which will employ 500 people" and it turns out that the people who are being redundant are office cleaners and messengers and they are not capable. So we have to look at the pool of skills that potentially could be released and what would be the activity which I think is also important in looking at alternatives. I do not think it is sufficient to say, "We bring in new activity" which at the end of the day cannot be undertaken by people who are here and we have to bring in the new activity and the new workers to go with the new activity. Obviously it is better to have more activity rather than less but the objective must be that the activity must be one that the people who lose their jobs can taken on. That is the nature of the argument that we have put.

HON LT-COL E M BRITTO:

Mr Speaker, another factor, it would seem to me, is the figure, again, leaked in the document we are talking about of 1,024 services jobs. In view of the present size of the MOD establishment in Gibraltar, I would venture to assume that that figure must include Gibraltar Regiment personnel. If that is so, would the Chief Minister agree that it makes the situation even worse because if those Gibraltar Regiment jobs are lost, the effect would be to add to the figure that comes under the civilian heading higher up in the piece of paper and the total figure, if that document is correct, makes the situation worse if Gibraltar Regiment jobs are affected?

HON CHIEF MINISTER:

The information I have at the moment is that the Gibraltar Regiment will not be affected and that the cuts are mainly on the RAF and secondary on the Navy. In fact, the withdrawal of the resident battalion is really more or less the cut that the Army took. But I want to put on record, Mr Speaker, that my experience of dealing with this situation over the last 10 years is that the stronger the guarantee that one gets and the more often one gets told one does not need to worry the more one has to worry. That is my experience and I have seen it happen with the dockyard closure and with many other moves. At the moment all I can tell the House is as much as I know. It is not a great deal.

26.4.94

ORAL

NO. 105 OF 1994

THE HON P CUMMING

GIBRALTAR DAY CELEBRATIONS

What steps are the Government willing to take to ensure that Gibraltar Day celebrations of our national identity do not become orientated towards party political position, so that the day may be enjoyed by the widest possible cross-section of our community?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, as far as I could tell, from participating in the National Day celebrations in 1993, the event was enjoyed by the widest possible cross-section of our community, almost the entire population. Certainly the Self Determination Group that organised the event last year are looking forward to a repetition this year and, if anything, an even bigger turnout.

SUPPLEMENTARY TO QUESTION NO. 105 OF 1994

HON P CUMMING:

Mr Speaker, speaking for myself in the Opposition and with a wellknown position as regards the Brussels process which is also shared by the Opposition, I think I can go that far to say, we would want to be there as, after all, we are representatives as well of this people and be harangued by the Self Determination people about the dangers of the Brussels process.

HON CHIEF MINISTER:

Mr Speaker, I believe that the spirit in which we decided to call a public holiday on the 10th September and the spirit upon which it was carried last year and the spirit in which I would expect that it should continue to be carried was one of a day of celebration where we can at least for one day a year stop quarrelling with each other and enjoy our identity as a people and then the day after, on the 11th we can start hitting each other again.

26.4.94

ORAL

NO. 106 OF 1994

THE HON P R CARUANA

PARTY POLITICAL ACTIVITIES BY EMPLOYEES

Are persons employed by the Gibraltar Development Corporation or the Employment and Training Board permitted to pursue active party politics?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I do not know what the Leader of the Opposition means by pursuing active party politics, nor am I aware that any employee to whom the question refers is aggrieved because he or she is being deprived, as a citizen, from being involved in the activities of any political party of the person's choice. If there is a complaint of this nature the matter will be investigated.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1994

HON P R CARUANA:

I think the complaint may be in other quarters not in the quarter of the employee. The fact of the matter is, Mr Speaker, that within the structure of the Gibraltar Development Corporation and particularly the Employment and Training Board and other functions that Government have found out for a variety of reasons, there has developed really what some might call a parallel civil service in the sense that there are a body of people who are not civil servants in the sense that they do not work for a Government Department who are nevertheless employees of one or other of these bodies and it seems to me unfair that they should be free to pursue activities which would not be tolerated in the civil service when in reality both are paid from, what are really, in the broadest sense of the word and not in the constitutional sense of the word, public monies. They are all employed, in effect paid for by the community to perform administrative functions for the community and it seems to me that if civil servants have restrictions and constraints placed upon them, that others in that category should have similar restraints placed upon them.

HON CHIEF MINISTER:

I can tell the hon Member that, in fact, in the employment of the Employment and Training Board, I think the majority are seconded civil servants and that those who are not seconded civil servants are mostly people who were employed originally in the shiprepair yard; subsequently in one of the other companies and have tended to be transferred from function to function as something has gone into decline and we have had to look for redeployment of such persons as an alternative to making them redundant. I do not think there has been any sort of new recruitment into the employment of the Employment Board other than maybe some two or three clerk typists.

HON P R CARUANA:

The sort of function that I had in mind where employees of Government-owned companies and even of the Employment and Training Board, for example, who may participate in putting together the Chief Minister's party political newspaper, things like that which would not be tolerated in the civil service and it seems to me that an unfair distinction is drawn between what somebody in one service can do and what somebody in the other service can do.

HON CHIEF MINISTER:

I do not accept that there is a party political newspaper which belongs to me, Mr Speaker, but certainly if what the hon Member is saying is that there are people who may volunteer, who are not civil servants and that it is unfair that civil servants who may want to volunteer are not allowed, I am prepared to allow all the civil servants who want to volunteer to do so.

26.4.94

ORAL

NO. 107 OF 1994

THE HON F VASQUEZ

GDP FOUNDATION

When did the Government become aware of the GDP Foundation?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 108 of 1994.

26.4.94

ORAL

NO. 108 OF 1994

THE HON F VASQUEZ

BALTICA CASE

Why have Ministers refused to give evidence to the Danish fraud trial relating to the affairs of Baltica, and how many Ministers and civil servants provided statements to the Danish prosecuting authorities?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government is not prepared to make any comments or statements on any matter which is at all connected with the court case that is taking place in Denmark regarding allegations involving former employees of Baltica and will not make any statements on this matter until after the judicial process is over.

The Government has made clear, from the beginning, to the investigating officers that while they could have access to whatever records they required for the conduct of the investigation, no one from within the Government Service would become involved in a foreign court case which is, as far as the Government is concerned, the way any other Government would conduct its affairs.

As regards the question of statements, there have been no statements provided by Ministers or any civil servant to the Danish prosecuting authorities. There has been no involvement, as far as anyone in the Government is concerned, between the Government and its public officers and the Danish prosecuting authorities.

SUPPLEMENTARY TO QUESTION NOS. 107 AND 108 OF 1994

HON F VASQUEZ:

Mr Speaker, that raises a number of issues and I trust Mr Speaker will indulge with me in the number of supplementaries.

MR SPEAKER:

It depends on how far you go on this. You have got to stick to the point.

HON F VASQUEZ:

Mr Speaker, there were two questions and I need to deal with them one by one. I see that the Chief Minister has replied in relation to the Danish proceedings but he has not commented on the question related to the GDP Foundation. I do not know how he is connecting the GDP Foundation to the Danish proceedings. I have read no report which is linked to them and so I will repeat the question because already the Chief Minister has admitted in public that he is aware of the existence of the GDP Foundation and the question I put to him is when did he or any member of the Government become aware of the existence of the GDP Foundation? I have not mentioned the Baltica proceedings in that question.

HON CHIEF MINISTER:

And the answer that I have given him, Mr Speaker, is that I am not prepared to tell him.

HON F VASQUEZ:

What he has said is that he is not prepared to comment on the trial taking place in Denmark. That question does not relate to the trial in Denmark. The question relates to the GDP Foundation upon which he has already commented in public. On the 7th December the Chief Minister released a statement confirming that the Government were aware of the existence of the GDP Foundation. Why does he feel that now he cannot comment upon it, in fact, he has been interviewed on television about the GDP Foundation. Why does he now tell this House that he is not prepared to comment?

HON CHIEF MINISTER:

Mr Speaker, I do not think I have to give him any reason as to why I choose to tell him or I do not choose to tell him. It is the prerogative of the Government, in dealing with a question, to decide whether they provide the answer or not and I have told him I am not prepared to make any statements in anything that is remotely connected with the case. There is nothing he can do about it, he can ask me 20 times and I will tell him 20 times.

HON F VASQUEZ:

There are other factors.

MR SPEAKER:

It is no use asking the same question again and again because you would be out of order.

HON F VASQUEZ:

I do not intend to ask the same question again. We just have the Government's refusal to comment on matters on which allegations have been made publicly against his Ministers.

HON CHIEF MINISTER:

What is the question, Mr Speaker, and I will answer it?

HON F VASQUEZ:

The question is, when did he find out about the GDP Foundation?

HON CHIEF MINISTER:

And the answer to that is I am not prepared to tell him and if he is going to preface your remarks about allegations, I will start putting my allegations against him in my answers.

MR SPEAKER:

Order, order.

HON F VASQUEZ:

They are not allegations.

MR SPEAKER:

No imputations must be made in this House.

HON F VASQUEZ:

We have heard that the Government is not prepared to comment on proceedings that are taking place at Denmark. At one time it was believed because Ministers and civil servants were going to give evidence and now it transpires they are not, but it also appears that the Attorney-General has issued a Commission Rogatoire on the Swiss authorities requiring

a Mr Max Volanvyder who it is alleged controls the funds in Switzerland to give evidence to the Swiss authorities. Can the Chief Minister or the Attorney-General please explain why that presumably is nothing linked to the Danish case, it is not an application made by the Danish authorities, it is an application made by the Attorney-General? Can the Attorney-General or the Chief Minister or any Minister please explain why that Commission Rogatoire has been issued by the authorities in Gibraltar and is there, in fact, an ongoing investigation unrelated to the prosecution in Denmark?

HON CHIEF MINISTER:

Certainly I cannot give an answer to that question, Mr Speaker, and I think if the Attorney-General is in a position to do it he will do it and if not the hon Member should address it to the Governor or should address it to the people who are carrying out the investigation. I am not carrying out any investigation and if anybody is investigating me they had better come out and say so openly.

HON F VASQUEZ:

Well, Mr Speaker, we have the Attorney-General and it is known that he has issued a Commission Rogatoire so I have put the question to the Attorney-General who is in a position to answer it. Can he confirm that he has issued a Commission Rogatoire requiring Mr Max Volanvyder to give evidence in Switzerland in reply to questions that he wants to put to him?

HON ATTORNEY-GENERAL:

The hon Member would know that in any investigation of a criminal character, it is on in Denmark now, that it would be entirely inappropriate at this stage for me to make any comment. He knows that.

HON F VASQUEZ:

Mr Speaker, we have already heard that the Government is not prepared - we do not know why - to answer questions in relation to proceedings in Denmark where certain allegations have been made. The question now does not relate to those proceedings. We know that a Commission Rogatoire has been issued by the AttorneyGeneral. Can he at least confirm that he has issued a Commission Rogatoire to the Swiss authorities concerning a Mr Max Volanvyder?

HON ATTORNEY-GENERAL:

Mr Speaker, if in fact the hon Member says that he knows I have and he says it in public and in the protection of the House, I do not have to confirm what is known, if he is right.

HON F VASQUEZ:

Let me phrase the question this way. There have been reports that the Attorney-General has issued a Commission Rogatoire, I am not asking, it seems there is a deliberate stonewalling for political reasons because I see no other reason why the Attorney-General should not answer a perfectly proper question unless he is playing party politics. So I want him to answer the question. Is there an investigation proceeding in Gibraltar in the course of which he has issued a Commission Rogatoire which is unrelated to the Danish proceedings? Mr Speaker, the point is if there are Danish proceedings continuing, the Danish authorities might wish to issue a Commission Rogatoire; this Commission Rogatoire has stemmed from the Attorney-General. So can he confirm that, in fact, there is an ongoing investigation in Gibraltar? Yes or no?

HON CHIEF MINISTER:

Mr Speaker, before the Attorney-General answers, I must ask the hon Member to withdraw the imputation that his willingness or unwillingness to answer is as a result of any political pressure from me because, in fact, it is a criminal offence, in case the hon Member does not know with all his knowledge as a lawyer, to seek to influence the decisions of the Attorney-General who is totally independent politically. We do not tell the Attorney-General whether to have a Commission Rogatoire or not, or whatever it is because I do not even know what a Commission Rogatoire is and I refuse to accept that the hon Member who is a professional should come out saying, "One must assume that he is under political pressure" as if he did not know the implications of what he is saying. So he must withdraw that. He must say that it cannot be true because if he says that I am under political pressure then, Mr Speaker, I will ask the police to take up his accusation. That is a very serious accusation to say that the Attorney-General is under political pressure from me. If he is under political pressure from anybody it is not from the Government of Gibraltar.

HON F VASQUEZ:

Mr Speaker, then perhaps the Attorney-General can explain why he refuses to answer a perfectly straightforward question? I can understand that he is not allowed to comment on matters under investigation but I can find no precedent for the Attorney-General refusing to either confirm or deny

that an investigation is taking place. I am not seeking to in any way prejudice that investigation. I do not see how it can possibly prejudice an investigation for the Attorney-General to confirm that an investigation is or is not taking place. The question is simple, is the Attorney-General pursuing an investigation? If he refuses to answer the question, Mr Speaker, perhaps he can grace the House with an explanation as to why he refuses to answer a simple question.

HON ATTORNEY-GENERAL:

Mr Speaker, firstly let me explain to the hon Member that I am not an investigator, I am not a Police Officer and I have no part in the investigative process. What happens, if he looks at the Constitution, is that if he looks at section 77 he will see that at the end of the day if a report is sent to me - there is one here, nothing to do with Baltica and nothing to do with his firm. It is a report prepared by the Royal Gibraltar Police on a matter that we have to make a decision in my chambers whether there are to be proceedings or not. I am not the investigator. I have not taken the statements by the Police Officers who have given me statements in this case which I have not read because it is too noisy. The point is this, at the end of the day a decision will be made but I am not prepared to say at the moment that anything is happening because I, at the moment, am not the investigator. At the end of the day I might make a decision or I might not. As to whether Commission Rogatoires have been issued or not, the hon Member knows because he has said that he knows there has been a Commission Rogatoire issued. He says that in fact there are proceedings issued by Mr Max Volanvyder or vice versa. I cannot comment on that, I really cannot and I am not prepared to.

MR SPEAKER:

There is one point that I want to clear up for the record. The accusation made that there was political pressure on the Attorney-General and that matter has got to be resolved for the record of the Hansard. You said before, and I do not know whether you have got any statement that you can support, that the Attorney-General acted under political pressure in the House.

MR F VASQUEZ:

Mr Speaker, I have suggested.....

MR SPEAKER:

You withdraw that.

HON F VASQUEZ:

No, the point is this, I have not said that. I have suggested that the only reason I can think that he has not answered.....

HON CHIEF MINISTER:

It is the same.

HON F VASQUEZ:

Then I withdraw it. Unlike the Chief Minister, if my attention is drawn by the Speaker I withdraw it and I do not argue with the Chair, Mr Speaker.

HON ATTORNEY-GENERAL:

Mr Speaker, I think I should make one point absolutely plain because I am standing here on the Government side and I want to say, unequivocally, since the 14th July 1992 when I came here, there has been absolutely no pressure of any kind to make me do or not do what I should do in accordance with the functions of the office. That is positive and I hope it is on record.

HON P R CARUANA:

On a different point, Mr Speaker. Will the Chief Minister comment, given the explanation that he has given of what his Government's position apparently has always been in relation to the Danish case, on the Danish public prosecutor's expression of bewilderment, as reported in today's press, at the non-cooperation by his Government with the investigation in apparently refusing to allow two former civil servants to provide evidence and this gentleman appears to not share the Chief Minister's view about how civilised governments should treat each other in cooperating with one another and this man.... [Interruption] Well, who are we discussing? The Danish Government or the Gibraltar Government? I assumed that both were civilised, the Government seem to think that one of them is not. I am proceeding on the basis that both are. And it seems to me as a contradiction that one civilised Government should express bewilderment at the conduct of the other. One of them has clearly got a mistaken criteria and it seems to

me that the position, at least as visible from the public, is that the Government of Gibraltar has information which, incidentally not just the prosecution but also the defence say they might find useful. Certainly I am told the law appears to be, although I have never researched it, that the law is that Ministers cannot be compelled and that civil servants cannot be compelled; in other words, the Court cannot order them to give evidence, but that is not a reason why they should not voluntarily give evidence, as indeed many people have done in Gibraltar, in order to assist the administration of justice in another country, not just for the prosecution because far be it from me to assume that the information in the possession of the Government would assist the prosecution. I would expect it to rather assist the defence and presumably the Government can possibly have no incriminating evidence on their files. Given these assumptions that I make in favour of the Government, is it not logical that the Government should make this evidence available voluntarily, and I accept that no foreign court ought to be able to compel Ministers of this Government or of any other Government to give evidence but on a voluntary basis as others have done. Otherwise, I am afraid, that people will believe with - I would put it to the Chief Minister - a degree of justification, that there is some sort of cover-up going on.

HON CHIEF MINISTER:

Mr Speaker, I am not sure what the question is because the Leader of the Opposition has been making lots of different points. Let me say, starting from the beginning, that my only reaction is that I am bewildered by the bewilderment and presumably I am entitled, in my own country, to be as bewildered as some foreigner that turns up on my doorstep, in a free society. Therefore if, indeed, it is a voluntary decision then, surely, the exercise of choice must be one that is free from people having the right to say, "Well you are free to either be my witness or not be my witness but if you choose not to be my witness that must be that I am entitled to say there must be something fishy about it". Well no, we are free and I would like to know which Danish Minister has appeared in which court case at the request of which prosecution in which civilised country in Europe. Because the hon Member is comparing me.... [Interruption] What, there has never been any scandal involving.... The whole Baltica scenario, Mr Speaker, went bust over there before it even surfaced here. They lost hundreds of millions of pounds with all the same Danish companies over there and it was because they collapsed over there, because the takeover of Hafnia collapsed and because the whole system started shaking that they started questioning whether the investments here were profitable or not. It is not up to us in this House to make a comment on whether anybody did anything wrong or did not do anything

wrong. When the investigation started the position of the Government was, if people want to know what was the nature of the transaction, then they go and they look at the information and they can get corroboration of the nature of the transaction but that does not mean that any of us are prepared to be asked to appear in court as witnesses and if the fact that they know all that there is to know is not enough, well I am afraid that is their problem and not our problem, and certainly the degree of cooperation that has been provided in a year and a half has served too precious little in order to stop people saying every time..... We have had a situation, Mr Speaker, where somebody has said, "Can you confirm that there was a meeting on such and such a date?" And what has been reflected publicly? That they were reading the Minister's diaries as if this was something almost X, where the Minister would have all his little 'pecadillos' in the diary. That is the situation we have faced for a year and a half and we have tolerated it with enormous tolerance and patience and we have had enough. Therefore bewildered or not bewildered he has had all the cooperation he is going to get and that is our final word. Those who like it can like it and those who do not can lump it.

26.4.94

ORAL

NO. 109 OF 1994

THE HON P R CARUANA

SOCIAL ASSISTANCE FUND

Mr Speaker, who administers the Social Assistance Fund?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the controlling officer for the Social Assistance Fund is the Accountant-General.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1994

HON P R CARUANA:

Will the Chief Minister confirm that he maintains therefore and administers all payments in and payments out and is a function of the Treasury as any other Government accounting fund?

HON CHIEF MINISTER:

Yes, that is what is provided in the Public Finance (Control and Audit) Ordinance.

NO. 110 OF 1994

THE HON LT-COL E M BRITTO

COMMUNITY WORK PROGRAMME

Will Government explain the conditions of employment in the Community Work Programme financed by the European Social Fund?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the conditions laid down for eligibility to the programme, in order to qualify for European Social Fund support, is that the participants should be long-term adult unemployed which is defined as over 25 and 12 months unemployed in 1993. In the submission for funding for this year the new rules applicable in the new programme has reduced the definition of long-term unemployed to six months as opposed to one year.

As regards the scheme itself, as is already known, the funding is limited to £81 a week of which 45 per cent is provided by the European Social Fund. In actual practice the participants in the scheme, which was announced in last year's Estimates, have been paid £128.70 for a 39 hour week. This represents an hourly rate of £3.30, which has been selected because around 20 per cent of the unskilled jobs notified as vacant in the private sector are offering pay rates of £3.30 or less.

The difference between the £81 and £128 plus the social insurance cost and employment registration cost are met from the funding provided in the Improvement and Development Fund and charged to the actual project being undertaken as community work. The persons who are offered the opportunity of participating have this explained to them when the offer is made. Those who have taken part in the scheme understand that the conditions of employment are such that the scheme is not intended or designed to provide permanent employment but to give people an opportunity to re-acquire skills which will improve their prospects of employment and their prospects in competing for vacancies that become available through the Employment and Training Board. Those that are in the scheme therefore continue to be considered available by the Employment and Training Board to be sent for interviews with employers in the private sector. The conditions of employment include, in fact, the proviso that when required to attend an interview by the Employment and Training Board, they are released during working hours on pay in order to attend such interviews.

There has been a modest success rate in persons obtaining employment elsewhere during the course of their participating in the community work schemes.

On completion of the period of re-training on community work, the person becomes eligible for unemployment benefit if his insurance record prior to the commencement of the scheme plus the time that he has spent on the scheme, is enough to enable him to obtain unemployment benefit. Obviously the other conditions of employment are those that would apply in comparable unskilled work in the private sector as laid down in the law. There has been, as is known, a minority of persons involved who have either refused to join the scheme or, on completion of their term in the scheme, complained that they were being used as cheap labour and underpaid. In some cases it is a fact that the net income on the scheme has only been slightly higher than what would have been paid as social assistance prior to participation in the scheme. So far, however, it has to be stressed that the participation has been on a voluntary basis. Nobody has been compelled to accept the offer of training. There are sufficient persons interested to make it worthwhile pursuing the matter with a view to getting further funding this year to continue with the schemes. Provision is being made again in the Estimates this year, in the Improvement and Development Fund, so that the scheme continues.

When schemes are renewed one thing that the Employment and Training Board will be looking at is ensuring that the person understands fully and is given, in writing, the conditions of participation in the scheme. This will make it clear that essentially the scheme is not permanent employment, but temporary training which is being enhanced in order to allow a higher rate to be paid to adults than would otherwise be the case under EEC rules.

SUPPLEMENTARY TO QUESTION NO. 110 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, are these rules in any way influenced by conditions of giving the funding from the EC or are the rules drawn up locally?

HON CHIEF MINISTER:

No, they are imposed on us. That is to say, in order to qualify for the funding which, incidentally, is submitted not directly from us by the Department of Employment in the UK, we have to run the scheme on the same rules as any region in the UK. Our information is that the regions in the UK running these schemes only pay the £81.

HON LT-COL E M BRITTO:

Mr Speaker, I think, by implication, from the ending of what the Chief Minister has said, he accepts that there is room for improvement when the scheme re-starts. Would he accept that, first of all, there is scope for dividing and having different rates of pay for people who have certain skills and people who have no skills at all? Because the accusation of cheap labour to which the Chief minister has himself referred and which have been made public in the media, I think seemed to be based mainly on that; they do not seem to come from the unskilled employees but from those who have some degree of skill or qualification and who feel aggrieved at the lower rate of pay.

HON CHIEF MINISTER:

Mr Speaker, this is a voluntary system and one cannot go beyond that because, in fact, we are not employing people to do a job for which a rate of pay is laid down which we need done. We are creating an opportunity for somebody who is unemployed to be able to improve the amount of money that he takes home. A number of these instances affect individuals who were not just unemployed. The hon Member will remember that when I announced it last year and in previous questions I have indicated that one of the things that happens in these cases, as we have expanded the scheme this year we have had other people in but initially we were talking about people who had been out of work maybe for 10 years. They may have been very skilled but nobody would employ them for 10 years. And part of the flexibility in the scheme is that if having not been successful in obtaining employment for so long had created a situation where it was not the easiest thing in the world to get up in the morning however skilled one was, instead of arriving at 8 o'clock they arrive at 10 they do not get sacked, they get paid two hours less; and if instead of turning up five days a week they turn up four they do not get sacked, they get paid for four. The whole purpose of that exercise, irrespective of their skills, is so that when we send them to a prospective employer, the prospective employer will see them in a better light, shall we say, than the situation that they were in before where we used to get people saying to us, "Look, I am a plumber and yet whenever I go either they employ a Spaniard or they employ a Portuguese or they employ an Englishman but they will not employ a Gibraltarian". And we thought, "Well perhaps part of the problem is that you may have been a plumber but the last time you did any plumbing was 15 years ago and that may influence." So it is better if you are able to say, "I am employed as a labourer but I am a plumber and I am applying to be a plumber because the rate of pay is higher". Certainly I have told the hon Member that they continue to be sent to vacancies so if we have got somebody who is a plumber

and who is getting £3.30 and the rate for a plumber is £4.75, he gets sent to the vacancy of plumber whilst he is on the scheme and therefore that gives him the opportunity to go. At the end of the day, frankly, if we were to pay some people more that would only be at the expense of employing less people and if we employed less people because we have got a finite budget, that would mean we would be getting less units of the £81. Because as far as the Community is concerned, they are not interested whether we pay the guy £81 or £800, they will only give us 45 per cent of the £81. But if we have got less numbers with higher pay then the money from the EEC is a lower proportion of what we actually expend and therefore would be spreading what is available over a narrower number of people and benefiting less. We have weighed these factors, frankly, and in arriving at this and I can tell the hon Member honestly that I believe the volume of funding that we are likely to get, which is not enormous, we are going to find sufficient people willing to do it voluntarily.

HON LT-COL E M BRITTO:

I find very little to argue with the principles of what the Chief Minister has been saying except for one point and that is to take issue on this question of people taking up the employment voluntarily. I speak not for myself but again for allegations that have been made in the press by participants in the scheme themselves; straight from the horse's mouth. The accusations, as the Chief Minister will be aware, are that if people do not "volunteer" to take on the job then the supplementary benefits tap is turned off. Whilst I would not necessarily criticise that principle on a 100 per cent basis because there may be some people who need that little bit of extra push but on the other hand it should not be used as a means of coercing people if they have reasons for not wanting to accept it. If we have a situation where unemployment is still relatively high, there must be plenty of others who would be willing to take employment on a voluntary basis without having to force anybody to do it by cutting off their supplementary benefits.

HON CHIEF MINISTER:

Mr Speaker, whatever the horse may be whose mouth it was that said it, I can categorically deny it. Nobody has been told, "You will not get the supplementary benefits" because it does not make sense.

HON F VASQUEZ:

He is wrong.

HON CHIEF MINISTER:

No, I am not wrong. I ask the hon Member to produce one.

HON F VASQUEZ:

I can give him the name but I think it is improper.

HON CHIEF MINISTER:

No, Mr Speaker, what is improper is that if there is somebody who has made such an allegation and I am saying it is not true, it is quite obvious that Mr Vasquez will believe the devil incarnate rather than Joe Bossano so Joe Bossano must be the liar, that is the truth. Therefore what I am telling the hon Member, Mr Speaker, if I am allowed to finish giving the explanation, is that where somebody has turned up and said, "I am not willing to work for this money", he has been told, "Go back and report to the ETB" because we have got more people than money willing to join the scheme and because it does not make sense to dragoon somebody who will then, because he does not want to be there, stir everybody else up. So I am telling the hon Member if he has got one name and he does not have to give it here publicly because I do not think people should have their names bandied about, if he has got one name and somebody has told that one person, "You either do this or we will take your money away" and he passes the name on to me, I will make sure that it is investigated and I will make sure that whoever has done that without proper authority never does it again. But all I can tell him is the policy is not to do it and therefore nobody has complained to me that they have done it so it has not happened.

HON F VASQUEZ:

There are two points I want to raise in supplementaries. The first that I want to comment is on a point of order, the Chief Minister seems to have taken upon himself that every time I get on my feet I am accusing him of lying. I did not accuse him of lying, I said he was wrong because it is quite possible that he has got the wrong information. I am not imputing lying on his part but he seems to assume that every time I say something I am accusing him of being the devil incarnate.

HON MEMBERS:

Very unlikely.

HON F VASQUEZ:

The fact is that I have had people before me, they may be lying, I cannot imagine why they would make this up, who have been to the Employment and Training Board who have been told that if they do not take the position at SOS 24 Ltd at this level of salary that they had better take it because if they do not take it their names are not going to be left on the ETB list for the skilled jobs that they are looking for anyway. That is the information that I have had from more than one person, people who have been dragooned into SOS because they are being told, "Either you take the job or you are going to stay on supplementary benefits because we are withdrawing your name from the vacancies". That is what I am saying. I am not accusing the Chief Minister of lying, I am just telling him that that is the information I have and that, in fact, he may not have the correct information. The fact is that the Employment and Training Board is not a Government Department, it is a company; he keeps on saying that these companies are their own entities and that he cannot answer for their actions and there are may be things happening within these companies of which he is not aware.

HON CHIEF MINISTER:

Mr Speaker, it is not a company, it is a statutory body set up under the Gibraltar Development Corporation by a law. But in any case the point that the hon Member has made now does not seem to be the same one as the questioner was making. The questioner was saying that people had been told, "Either you go on the community projects or we withdraw your supplementary benefits". I am telling the hon Member, as far as I am concerned, nobody has been told that. If somebody has been told that then it is wrong and they should have not been told that because it does not make any sense to do that. I can understand that somebody who is getting £88 a week may not be attracted to working for £100 a week. If they are getting £88, as far as they are concerned, they are working for £12. Of course they may have other sources of available income other than the £88 which may also influence their decision of not wanting to be in a scheme which only gives them £12 more but we have not gone into any of that. We have just said, "Well, right if you do not want to go do not go". We have said to the people who have gone and then started complaining, "You do not have to stay", in the first week when they go their first pay packet, "If you do not like it go back and you go back to register". So as far as I am concerned, people have neither been told that they will be de-registered which, in fact, they cannot be because as we have explained in giving the figures on registered unemployed, if the person calls at the ETB they have to appear on the register, there is no proviso for de-registering people even if they turn down jobs. We do

not do it here. They do it in other places but we do not do it here. One of the areas where I think not enough has been done in the scheme is in making sure that whilst people were on the scheme they were sent to other jobs. I do not think we have done enough on that, I think we have actually only placed something like 19 individuals in permanent jobs while they were on the scheme and I think that is because the tendency is that the person who is behind the counter in the ETB and has got somebody on the other side of the counter is more likely to remember that person than somebody that was sent off to do a community scheme a month before. I think we have to correct that because part of the purpose is that if we are able to create that scenario of people spending some time in these retraining programmes and then, as it were, coming off the other end then we can have a flow where people who are unemployed for a long time and having difficulty in coping with the unemployment and sometimes they get very depressed but at least we have got them actively employed until they can be put somewhere. That is the idea but it does not work like that. I mean it started in May last year, Mr Speaker, we have been running this thing for about eight or 10 months. I am not saying that there have not been any difficulties in making them operational and that it has worked perfectly because that would be untrue, but what I am telling the hon Member is that I can give a categorical assurance that at no stage were people told they would lose, in fact, their registration as persons who are unemployed unless they accepted to go on the scheme and at no stage were they told they would have the social assistance removed unless they joined the scheme. If they were told, it should not have happened. If I am told to whom it happened I will make sure it does not happen again.

HON LT-COL E M BRITTO:

Mr Speaker, I referred to the matter originally and I was quoted the horse's mouth and I cannot give the Chief Minister a name because simply I have not got it written down but it is quite easy for him to find it from the information I am going to give him. The information to which I referred is public, it appeared on the front page of the Gibraltar Chronicle on the 17th January and, if I remember rightly, the headline was something on the lines of cheap labour but that may not be accurate. It was a front page article, it was dealing with the whole question of Community funding and in it there was an interview with one of the participants and I honestly cannot remember at this moment if there was a name mentioned or not, I have a feeling that there was but I cannot vouch for that. That person said, amongst other things, what I said before, that either he or others like him had been coerced into taking up the position at the risk of losing their social benefits if they did not do so.

HON CHIEF MINISTER:

Mr Speaker, I will check the information the hon Member is providing but from memory I think the individual concerned was, in fact, somebody who packed it in the first week and went straight back on getting supplementary benefits. That is the proof. The proof is that that was somebody who, on the first day said, "I am not prepared to work for this because I am a tradesman" and he probably went back to getting supplementary benefits.

HON LT-COL E M BRITTO:

One final question, Mr Speaker. Why was it that a proper period of notice was not given or appears not to have been given, maybe it was but the impression that I have from the public comments of the people concerned in the scheme, is that they went back to work after the Easter weekend to find that the scheme had terminated? Presumably if the amount of funding was known and the scheme had been going on for X number of months, at least a week ahead of the scheme terminating people should have been told. Is there a reason why this did not happen and, if so, is it something that can be avoided in the future?

HON CHIEF MINISTER:

Mr Speaker, what is going to be avoided in the future is anybody being given the opportunity of saying subsequently that he did not know what it was or that he was mislead and that is why I answered my original question saying, "This is what is going to happen, this is what you are going to get paid, this is what the scheme is for, this is when it is going to start, this is when it is going to finish and sign here saying you have read and understood" and then when somebody says it is not true we will produce a piece of paper.

ORAL

NO. 111 OF 1994THE HON F VASQUEZ

SOS 24 LTD/PCS LTD

What amount of EC funding has been paid by Government to the Companies SOS 24 Ltd and PCS Ltd and how is this funding administered by or on behalf of the Government?

ANSWERTHE HON THE CHIEF MINISTER

The EC funding was originally obtained in a submission made in 1992 to provide training during 1993 for catering industry skills for the proposed Hyatt Hotel. When this project was postponed alternative proposals were put seeking the use of the fund for a scheme in other skills in order not to lose the grant.

The maximum allowance payable to an individual under the European Social Fund rules is £81 per week of which the EEC funding provides 45 per cent. The estimated funding has been £78,400 consisting of 2152 man weeks at 45 per cent of £81 and the number of individuals that have participated in the schemes have come to 98 individuals between May 1993 and 31 March 1994 when the scheme terminated. The Government is at present putting together a submission for further funding for 1994 and 1995.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1994

HON F VASQUEZ:

Mr Speaker, I am grateful for the detailed answer as regards the figures but it seems that the second part of the question has not been answered fully, and that is, how is the funding administered by or on behalf of the Government? Is the money just put in in a company account; how is it done?

HON CHIEF MINISTER:

The money is provided by the UK Department of Employment as a grant. It is deposited with the Accountant General and the Accountant General makes periodic payments from that money which is on deposit to the Employment and Training Unit on the basis of the returns that they make of the number involved in the scheme. It is the Employment and Training

Unit that goes through the process of selecting the individuals, so really the two companies have no choice in selecting who is in the scheme. The Employment and Training Board selects individuals, provides them to the company that is running the scheme and the Employment and Training Board pays the £81 to, say, SOS or PCS, and claim 45 per cent of that £81 from the Accountant General who is the holder of the grant from the Department of Employment in the UK. The company then has to obtain the difference between the £81 and the £128 on the basis of the project which is being given as a community project for those persons to be working on.

26.4.94

ORAL

NO. 112 OF 1994

THE HON F VASQUEZ

FINANCES AND STRUCTURE OF GOVERNMENT COMPANIES

Will Government lay before the House of Assembly the Binder Hamlyn and Nabarro Bathason reports relating to the finances and structure of Government companies?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 113 of 1994.

NO. 113 OF 1994THE HON F VASQUEZ

GOVERNMENT OWNED COMPANIES

In light of his public statement that explanations have been given in the House repeatedly for the network of companies established by the Government, will the Chief Minister state when explanations have been given in the House in respect of the following companies which are owned and controlled by the Government: Gibraltar Residential Property Company Ltd, Gibraltar Investment (Holding) Ltd, Gibraltar Land (Holdings) Ltd, Gibraltar Commercial Property Company Ltd, GRP Investments Company Ltd, Rock Holdings Company Ltd, GIIC Ltd, Gibraltar Commercial Property Company Ltd, GCP Investments Company Ltd, GRPI (Holdings) Ltd, GCPI (Holdings) Ltd, Gibraltar Land Holdings Investment Company Ltd, Venture Enterprises Capital Company Ltd?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, in dealing with this question I wish to make reference to the public statements that Opposition Members have been making in recent weeks in relation to the structure of Government companies. In an interview on GBC television on 3 March 1994 the Leader of the Opposition denied that they were making malicious attacks on the Government. He said, and I quote, "Mr Bossano does not appear to distinguish between theft on the one hand and accountability on the other. He seems to assume that the fact that the Opposition and the public calls for accountability from the Government means they are accusing them of stealing".

Mr Speaker, I have no difficulty in telling the difference between the two. In a previous interview on 24 February the questioner, Mr Vasquez, stated on GBC television in reference to the structure of Government owned companies in the Gibraltar Investment Fund, "The only purpose of setting up a structure, complicated network of companies of this sort is purely to disguise, to hide what is going on. This is the sort of design which Robert Maxwell might have used to disguise the shenanigans, the comings and goings, the movement of funds, the payments of dividends, the capital transfers from here to there and, basically, by the employment of this kind of very complicated company network it becomes impossible to trace either the provenance or the directions of the firms as they flow in and out". This, Mr Speaker, is not a call for

accountability but an accusation of theft which is what Mr Maxwell was accused of. He then went on to say, "it is a completely irresponsible and almost fraudulent way of conducting the business of Government". Mr Speaker, an accusation of being engaged in a fraudulent way of conducting the business of Government is not an accusation about accountability; it is an accusation about stealing. I accuse the hon member of making such statements knowing them to be false. The explanations that have been given about the companies in the House and the accounts of the Government of Gibraltar clearly demonstrate that it is not true that the bulk of the business of the Government is being handled through nebulous companies controlling hundreds of millions of pounds about which there is no record. All the companies mentioned in the hon Member's question are companies which employ nobody, which are not engaged in trading and which simply hold assets valued at millions of pounds but which do not involve millions of pounds in cash slushing about as he claims in obscure funds. That explanation has been given by me in this House on many, many occasions previously. The companies were in existence before the hon Member was elected to this House. The existence of those companies has been known before the 1992 General Election and I defended the existence of the companies in an election campaign against precisely those accusations from Opposition Members.

I find it odd, Mr Speaker, that a person who makes these outrageous and scandalous statements should take offence and consider his personal integrity under attack because somebody calls him a liar. The explanation that has been given in this House which was reflected in the public statements that I made on many occasions since and prior to 1992 has been that the companies that were created under the Gibraltar Investment Fund were companies which were capitalised by money coming into the Gibraltar Investment Fund. The accounts of the Government show the money that came into that fund to the last penny. There is no question of the House not knowing how much money went into the fund. The hon Member is wrong therefore to say that the provenance of the money in the companies is not known. The principal use to which the money has been put is also known. A cursory analysis of the accounts of the Government will clearly demonstrate the equivalence between the money going into the Gibraltar Investment Fund and the money going from the Gibraltar Investment Fund through the companies into the Improvement and Development Fund. It has been explained ad nauseam in this House that the structure of these companies was designed in order to capitalise Government existing assets which previously were not shown as having any value in the balance sheet of the Government and recycling funds which sustained the substantial development programme since 1988.

In the Estimates tabled at this meeting of the House, Mr Speaker, the assets of the Government are shown as £250 million. In 1988, when my party was elected to Government, the assets were shown as £68 million. The primary difference between these two figures is the capitalisation of assets that has been conducted through the creation of companies in the Gibraltar Investment Fund. Are we then talking about a situation where these companies have received millions of pounds which is unaccounted for? No, Mr Speaker. The millions of pounds worth of assets are reflected in the balance sheet of the Government and indeed as income to the Improvement and Development Fund. If Opposition Members, instead of making scurrilous accusations took the trouble to study the documentation, they would be able to verify for themselves the close correlation that there is between the accumulated revenue of the Improvement and Development Fund from sales of property and the capitalisation of the Gibraltar Investment Fund. The money received to date by the Improvement and Development Fund is shown in this year's Estimates as £152 million. That money has been spent by appropriation from the Improvement and Development Fund voted in successive budgets since 1988. Where else does the hon Member think the £152 million came from? I have been explaining this in the House budget after budget. I have explained that what we are talking about is not, in fact, the use of cash holdings in different companies but the transfer of bricks and mortar to different companies. To the extent that there is still cash in some of the companies in the Gibraltar Investment Fund, again, as I have said before, that cash is held on deposit in the Gibraltar Savings Bank. Other than the few trading companies that remain of the former GSL operation, all the other companies are those which are holding assets and which have got paper values. There is no way that such a situation, which is known to Opposition Members, can justify the statement made by Mr Vasquez on television that we are hiding hundreds of millions of pounds and to do so in the knowledge that it is not true and I simply cannot possibly believe that somebody with his professional background, earning his living by incorporating companies, is not aware of this. To do so is to deliberately misrepresent the truth to mislead people. It is in this context and against this background that I made the public statement that the explanations on the structure of the companies have been given on many occasions in this House of Assembly.

It is a nonsense, Mr Speaker, to suggest that if instead of having one company, as there was in 1988, employing 500 people one has 10 companies employing 50 people each, there has been some ulterior motive or some intention to defraud, or some Machiavellian plot to hide the people's money. I cannot possibly, therefore, believe that these innuendoes have been other than a deliberate ploy by Opposition Members.

Since 1992, which is in parliamentary terms the only decisions that Opposition Members are entitled to question, decisions that have been implemented since they were elected to this House, the only one company that has been created was the Gibraltar European Investment Trust. As I said in answer to a question at a previous meeting, the Gibraltar European Investment Trust currently has a cash deposit with the Gibraltar Savings Bank and has not made any other investment. The decision to create such a company was included in the manifesto of the party when we stood for election in 1992. It is the very essence of the democratic process that a Government is entitled to pursue the policies which it was elected on and has been elected on in an election campaign and not be subjected to the undermining to which my Government has been subjected by Opposition Members. An example of this is the assistance that the Government obtained post-1992 from a specialist legal firm with experience of corporate restructuring and from a specialist accountants firm from the UK. These companies came to Gibraltar in 1992 to advise the Government on streamlining the structure of the holding companies. The decision of the Government to streamline the companies was initially as a result of the post-GSL closure of 1991 where some of the previously existing subsidiaries of GSL were no longer trading. The Government took a decision in 1992 that the structure that had developed between 1988 and 1992 could be slimmed down and be made more effective through the consolidation that could be introduced. This has been taking place since 1992. The effect of it will be that we will finish up with less companies holding the same assets since we came to the conclusion that there was unnecessary duplication in the structure.

It is not the intention of the Government to table in this House the advice that is received from lawyers and accountants in respect of Government company restructuring, any more than it tables in the House the advice that it receives from lawyers and accountants in any other area where it obtains specialist advice. Mr Vasquez again, in that infamous television interview, picked on this to portray a picture of the Government being under investigation by outside agencies which is something the Government of Gibraltar would not tolerate.

Finally, Mr Speaker, to deal with what lies behind the two questions from the hon Member, I reiterate what I have said publicly, that the choice of timing by the Opposition to make an issue of these matters which had featured in the 1992 election campaign and since in this House was deliberate. The statements were made to coincide with the restructuring of the Financial Services Commission by claiming that the position of the UK Government was due to the existence of the company structure. As I have already stated publicly, the structure was there before

the Financial Services Commission came into existence in the first place in 1989. It is therefore a complete nonsense to suggest that if the British Government was opposed to the existing legislation of the Financial Services Commission, it was opposed because of the structure of Government companies. In fact, they could have prevented the original Financial Services Ordinance and Financial Services Commission Ordinance from coming into place in the first instance had they chosen to do so because of Government companies.

In answer to Question No. 102, I have shown how there is a certain correlation between the requirements of the UK on the new structure for the Financial Services Commission and the reaction in the Banking Advisory Committee to the Spanish challenge to Gibraltar's ability to be recognised as a competent authority to license credit instructions. I hope that will convince hon members.

SUPPLEMENTARY TO QUESTIONS NOS. 112 AND 113 OF 1994

HON P R CARUANA:

Mr Speaker, I do not intend to engage the Chief Minister in an argument about political philosophy or what is or what is not acceptable political activity. I do not accept, just to establish some ground roots between us, nor do I believe does anybody in Gibraltar accept, except perhaps his most die-hard supporters, that he has any mandate for conducting unaccountable Government simply because there might have been a reference in his 1992 manifesto to the use of companies. Nor do I consider that the electorate were giving the green light to anything that went on in his Government before 1992 simply because they re-elected him in 1992. That, with the greatest of respect to the Chief Minister, is a perverse view of democracy and he knows it. Only last week or a fortnight ago, he was on television explaining that, of course, 73 per cent of the people did not vote for him on every issue in his manifesto to the extent of 73 per cent. And if that is the view that the Chief Minister takes of the effect of his manifesto, then we shall just agree to disagree. He can stand there and lecture and now I lecture him in reply. I do not consider that that is the effect of his mandate nor, incidentally, do I consider that we are entitled to question him only about companies that have been created post 1992 simply because that is the date of our arrival in this House. If there are continuing situations, we can ask to our hearts content whether or not we were here at the time that these companies were created. Those are the ground rules by which I will try and answer some of the points that the Chief Minister has made although

formulating my submissions always in the form of a supplementary question. Mr Speaker, in setting out this list of companies in Question No. 113 of 1994 and when the plan of those companies was devised, firstly we were not under the illusion that this was the totality of Government companies, this is just the part that we had been able to piece together, since I do not know how many of them have now been discontinued. This has represented, I suppose and I assume, a small part of the network of companies that Government have established and dis-established from time to time when it is no longer suitable. As to the Chief Minister's repetition in this House today of what he said in his interview, does he accept that although he has repeated ad nauseam - I accept that it is ad nauseam, because if I am sick of hearing it, he must be even sicker of giving it - that the whole question of borrowing and to capitalise on the money moving from Government to the Improvement and Development Fund and back as the purchase of Government properties, that explanation he has given? The question asks when in the context of that explanation he has mentioned all of these companies. How is anyone who has heard any of his explanations about the mechanics for the capitalisation of Government properties, have assumed or known, that Venture Enterprises Capital Company Ltd and the other 23 companies above it, with the exception, perhaps, of Gibraltar Residential and Gibraltar Commercial, which are the ultimate, are necessarily involved in that mechanical capitalisation scheme when he did not mention those companies in relation to that scheme? Now he tells us for the first time and therefore not ad nauseum, that each and everyone of these companies, is involved in that scheme of capitalisation and only in that scheme. This is the first time that it is confirmed. Why should it be necessary to use a company called Venture Enterprises Capital Company Ltd in the capitalisation of Government property for balance sheet purposes, is beyond me. But certainly, as the Chief Minister said that that is what it was used for, I assume that that is what it was used for. I would ask the Chief Minister to explain why the need for the complicated and convoluted cross and circular shareholdings, which one would have seen in the little sketch that we published recently, for the Government to subscribe for shares in a company and for that company to use the fruits of that shared subscription, to buy properties from the Government. Why it needs 13 companies with complicated cross and circular shareholdings, is not immediately obvious to me. One company would have done, 13 companies perhaps, if Government Members had believed that they needed one company per property. But as to the need for the convoluted cross ownership and circular holdership, I put to the Government Member that there is no obvious need for that complicated structure to achieve the simple

balance sheet act, that the Chief Minister has described ad nauseam in this House before and that, in addition, his explanation has never been accompanied by the mentioning of these companies as being used for that purpose. Therefore, we are entitled to assume until the explanation has been given today for the first time, that these companies serve some other purpose. Mr Speaker, a supplementary, although I accept that this is now becoming the nature of other than questions. In the nature of the Binder Hamlyn Report and the Nabarro Nathanson Report, the reason why I asked for those, dearly as I would like to have them simply for their factual content, the Chief Minister knows that I disagree with him profoundly on the use that he makes of companies in the sense that I believe that there must be more openness and that there is an obligation to accountability, I know that he disagrees. But, the reason why I renew the request, in the context of the Binder Hamlyn and the Nabarro Nathanson Reports, is that I understand that these reports have been made available to the British Government and I will be damned if this Government that considers that we are on the verge of the end of the colonial era, considers it justifiable to have a greater degree of accountability to the Foreign and Commonwealth Office than they feel they need to have to the people of Gibraltar. If this is advice, as he now says it is, solicited by him, by the nature of professional advice to his Government, for his Government to organise its affairs in accordance with that advice entirely as it sees fit, why has the information been given to the British Government. Perhaps he could confirm that my understanding of that fact is right. Why can it therefore not also be made available to this House? If it is confidential, it is confidential in respect of both the British Government and this House. Therefore, there would seem to be little justification in treating the people of Gibraltar with less accountability that he is prepared to submit, let us say, voluntarily to the British Government, if indeed that is how the Binder Hamlyn Report came into existence in the first place. Amongst the last points that the Chief Minister has made, is that there has been a deliberate linking on company structure and on the question of the allegation that we have made and that we shall debate tomorrow, that the position in which Gibraltar finds itself in relation to financial services, reflects - this is a view that we do hold - the view with which the British Government holds this Government's record for accountability. That is an incontrovertible fact which is not to say that we linked it. By the time that we linked it, it was all over. It was a fait accompli. He had come back from London telling us that we had two weeks to take it or leave it. How could we have prejudiced his position further by saying that after the event? I put it to him that his

suggestion that the two matters were linked purposely in order somehow to prejudice his negotiating position which is presumably the purpose that he sought to make of, it was attenuable. He stepped off the aeroplane from London saying "Negotiations are over, discussions are over, this is now brought to Gibraltar on a take it or leave it basis".

HON CHIEF MINISTER:

I will answer the last question first, Mr Speaker. When the hon Member raised in this House in October last year, the nature of our discussions with the United Kingdom, which he insisted on calling a dispute a number of times and then accepted that it was not a dispute, he finished up asking me whether it was influenced by lack of trust, having told me that I could count on his support for what it was worth. He finished up saying to me, Mr Speaker, that when I went to the United Kingdom to argue the case with the United Kingdom Government, I could count on his support for what it was worth. I discovered what it was worth when I stepped off the plane on my return.

HON P R CARUANA:

An offer he did not take up. It was too late by then.....

HON CHIEF MINISTER:

I have not given way, Mr Speaker. I have allowed him under the guise of supplementaries to explain his position because I think it is fair that he should have the same opportunity to explain it as I have explained mine. Now if he wants me to answer, I will answer but then he has got to wait until I have finished. He said that for what it was worth, we could count on the support of the Opposition. I assumed that that was on the basis, not that he expected me to take him with me, but on the basis that he supported what I was defending, which was the autonomy of Gibraltar, absolutely. When he said, "Is it a question of trust?" My reply was "How can it be a question of trust, because if they say they do not trust the Commission, they are saying they do not trust something which is completely independent of the Government? They can trust me or not trust me, whatever they like, but that does not mean that they have to do anything to change the Commissioner or the members of the Commission who are professionals". That was the answer that I gave him. So if they are expressing distrust, they are expressing distrust of the professionals in the industry, not of me or of the Government. We have made it clear from day one that it is the industry that is represented on the Commission and it is the UK that say

they want a majority of expatriates. Nothing to do with the Government. That was the answer that I gave him. So it seemed to me that having apparently been satisfied by that answer, that when I should come back and say we have got this difficulty with the United Kingdom..... Let me say, Mr Speaker, as I have said before, it would have been the easiest thing in the world for me to do what perhaps has been done in the past, which is to come here and do a selling job and I can tell the hon Member that it was made very clear to me that all sorts of medals would be put, metaphorically speaking, if I came back saying what a wonderful deal we had got. But, since, as far as I am concerned, it is more important to spell out the truth even if it gives people the opportunity to hit me over the head with a cadjole which I do not think is in anybody's interest, so be it. I knew what I was exposing myself to but I certainly did not think, frankly, after the exchanges we had here in October, that I was exposing myself to a situation, where on balance, the line of the hon Member would be to say "The United Kingdom is justified because they do not trust Bossano", because that is really what he was saying. [Interruption] No? I will get the quote and post it to him. Therefore, I felt that since they have known about the structures of the companies since 1992, the printing of the structure, the brandishing it on television, the putting it on the front page of the Chronicle and the full page adverts were not all accidents. They were all a deliberate attempt to say that the blame lay here, not in London. I do not think, frankly, that that is good for anybody and if that was the view of the hon Member, he did not need me to come back and say it because when we had it in this House, he should not have said to me that I could count on his support for what it was worth. He should have said to me "Since you are obviously Maxwell Mark 2, you cannot count on my support". That is what he should have said if that is how he sees me. We live in a democracy and in a democracy, Mr Vasquez is entitled to think that I am the scum of the earth and I am entitled to think the same of him. But, when we are talking about influencing things beyond our personal hatred, then we have to think of the implications of what we are saying. It may be that Opposition Members honestly believe all the things that they say. I can tell them there is absolutely no justification. If the hon Member says "I know the British Government does not trust you", then he ought to reveal his source. Who has told him in the British Government that they do not trust me? Somebody here, somebody there? Who? Because I would like them to say it to me on my face. I am cheesed off with the half truths. Let us have it out in the open and let us hear the whole truth, Mr Speaker. I am saying to the Opposition Member that we agreed with the United Kingdom to accept their offer of assistance in

paying for Binder Hamlyn, then obviously, I dare say, that since they paid for it, they have got a copy of what I got. They paid for it. It is not the first time they pay for something which has been provided here. When the British Government paid for the Price Waterhouse Report on GSL, the Government of the day told me when I was sitting in the Opposition benches, that I could not have a copy and I had to accept it. I did not say to Sir Joshua Hassan, "That means that you must be colonialist because the Foreign Office has got a copy of the Price Waterhouse Report, which they paid for, and you are not prepared to give it to me". I accepted that the United Kingdom Government, as the Government responsible for the colony, do not need the permission of the Chief Minister to have access to any document which belongs to the Crown. It is the same Crown here as the Crown there. They do not need to ask me for these things. They are entitled to have them, constitutionally. The Opposition Member is not entitled to have it constitutionally. I can choose to provide it or I can choose not to provide it and just like I do not provide the advice he might give me legally to anybody else, if I pay for it, then I do not provide him with the advice of Nabarro Nathanson, who are a firm of lawyers, who are supposed to be advising us on the restructuring because the point that the hon Member has made is "Is that not unnecessarily complicated?" Yes, perhaps it is valid, it may be unnecessarily complicated. But whether the complication in the structure is wise or unwise, whether it is sufficiently accountable or not sufficiently accountable, those are perfectly legitimate differences of view. I will not criticise the Opposition Member who says that I have fought an election and "Because you are not giving enough information about these companies and therefore I will continue criticising you because you are still not giving enough information." I will say that I defended in 1992 the information and I said in a debate with him sitting beside me "If we get elected we will continue with the policies that we have already been implementing". It does not mean that we have to agree, but that does not give anybody the right to say "The only possible explanation, because you will not give me the explanation, is that you must be up to something fraudulent". In political life for somebody to call a member of the GSD a liar, because that puts the integrity, if his standards are so high that it is immoral and libelous to say to somebody, "You are a liar," then to say to somebody, "You are engaged in near fraudulent Government" and to say to somebody, "It is a kind of structure that Maxwell used for his shinanegans". he is telling the people of Gibraltar, "Bossano is up to the same shinanegans as Maxwell," that is what he is telling people. There is no getting away from it. At least have the honesty to admit that that was what was

done. I am saying to the Opposition Members that that is not good for political life, for any of us. Criticise me for all they want, because they think I am making mistakes, because they think I am going to not succeed in having a viable economy, because at the end of the day, there have been occasions when the hon Members have said to me, "I wish the hon Member would succeed for the good of Gibraltar, but I do not think that he will". We can have that kind of difference, Mr Speaker, but I tell hon Members honestly, in 22 years of public life in this House, I have never had a situation either sitting on this side or sitting on that side, where the bitterness that has been created in the House by the nature of the going over the top, where I have experienced this, and, frankly, we are too small to engage in this and we should have whatever differences we want but still be able to live in the same place.

HON P R CARUANA:

Will the Chief Minister give way on that point?

MR SPEAKER:

First of all I think this has developed into a debate and we have to come to the end of the debate. We have broken all the rules of the book. I have allowed it to go on but there must be an end. So will you please just put yours in that is it.

HON P R CARUANA:

Mr Speaker, I do not know how the atmosphere and temperature compares with other Houses of Assembly, because of course, with the exception of the tail end of the previous House, this is the only one in which I have served. I am aware that there has been a fair amount of acrimony between Leaders of the Opposition and Chief Ministers in the past and my belief had been that in certain of those, in fact, it was even more acrimonious than ours because ours appears to be limited to certain issues whereas in other cases it seemed to be broader, but still, that is neither here nor there. I think the Chief Minister, if he really wishes to go down that road of analysis, which he appears to have and not by asking that question that made me jump to my feet, is I know that there was a pre-1988 precedent in the case of the wretched Quarry Company which had an awful lot to answer for.

HON CHIEF MINISTER:

In 1980.

HON P R CARUANA:

Yes. But there is no precedent in the politics of Gibraltar in which an Opposition has had to grapple with a shrinking Estimates of Revenue and Expenditure, with an ever increasing list of companies, with a creation of a parallel civil service through the Employment and Training Board and the Gibraltar Development Corporation and a whole structure, be it companies or special funds, that are less accountable than the consolidated fund, because they are not subject to the estimates appropriation mechanism and the Chief Minister has got to understand and accept, if he does not agree with it, that imputations of the sort that he has described follow, he may think unnaturally, that is a separate argument, but they originate, if they do not follow, in the whole methodology of Government and of the organisation of Government finances, which has proliferated since he has been in the office of the Chief Minister, because with the exception of the Quarry Company and perhaps also with the exception of GSL, which did exist before 1988.

HON CHIEF MINISTER:

1984.

HON P R CARUANA:

Yes. Those were the only two companies. Now we have a situation where we have, I do not know, how many companies, because of course that is one of the issues that I do not know how many companies, although the Principal Auditor publishes the list of holdings that the Gibraltar Investment Fund has directly. Underneath that there could be hundreds and hundreds of companies.....

MR SPEAKER:

I must ring the bell because there is a lot of repetition now and you are anticipating. You are going into the estimates and you are probably going to say the same thing all over again when we come to the estimates.

HON F VASQUEZ:

I am grateful for the Speakers indulgence. I just want to, in the form of a question, put it to the Government because the Chief Minister has made a number of accusations against this side of the House and against me personally. [Interruption] Aspersions! OK! Accusing me of hatred, accusing me of a number of other things. My question to the Chief Minister is did he or did he not read the press advertisement issued by the GSD on the 4 March of this year? The GSD said as follows "If Mr Bossano is alleging that the Opposition has accused Government of impropriety in the sense of dishonesty, then the GSD now challenges Mr Bossano to say when and where we have made such allegations. The GSD has never accused the Government of using companies for dishonest purposes. If Mr Bossano, on the other hand, means that the Opposition is accusing the Government of impropriety in the sense of irresponsible, secretive and unaccountable Government, then he is absolutely correct. That is exactly what the Opposition is accusing the Government of." That is the point that we were making, that is the point that we have sought to make, that is the point that we will continue to make in our legitimate discharge of our function as Opposition. I accept that in the course of that television interview, I said, and I maintain, that this web of Government holdings created by the Government, is exactly the sort of web that somebody like Mr Maxwell would employ, because he did. Now it is up to the Government to demonstrate what on earth the point of all this is. We have sought explanations and we have never had them. I maintain that there has never been an imputation of dishonesty on the part of Government.

HON CHIEF MINISTER:

Mr Speaker, I think the hon Member has got incredible hard face. He may not agree with the structure but he knows.....

HON F VASQUEZ:

I do not understand the reason for it.

HON CHIEF MINISTER:

And he may not understand the reason for it and he did not vote for me. And the people that did vote for me voted in an election where he was precisely attacking that structure on those arguments in 1992 and I was defending it and the essence of democracy is that if we do something which he does not agree with, he has got the right to say "I do not understand it, I do not agree with

it, I think it is a **mistake** " but he does not have the right to say, "Because I do not understand it, because I do not agree with it and because I do not think it should be done, it must follow that it is up to what Maxwell was up to". He knows that as a lawyer, Mr Speaker. The hon Member knows that if he was not libelous, then certainly the libel suit that he said he was going to take against another party because it is going over the top to say that he is a liar, how can it be to go over the top to say to somebody that he is a liar and not to go over the top to say on television that the only purpose is for the kind of shenanigans that Maxwell did. Maxwell was not accused of not publishing the accounts of the company. Maxwell was not accused of running a Government. I can produce for the hon Member a web, as he wants to call it, of the Western Australian Government and their structure of companies. Therefore, Maxwell did not have the monopoly. The hon Member knows that a holding company with subsidiaries looks like that, whether the shareholder is Maxwell or anybody else. It has nothing to do with who the owner is. The choice of the individual was a deliberate choice to plant that doubt and that innuendo. If he says that that is not the intention, then he ought to watch how he expresses his criticisms so that he does not create that, because there can be no doubt about what the game was. Therefore, Mr Speaker, the position is, we defended our strategy in 1988, we defended it in 1992 and we will defend it in 1996 and that is our right. The Opposition Members have got the right to criticise us for it and to disagree with it but we have got the right to carry out the policies we defended in 1992, not to change them in mid stream because if we do not change them, we are exposed to being labelled all sorts of things. That is wrong.

26.4.94

ORAL

NO. 114 OF 1994

THE HON P R CARUANA

DEBTS OR BANK LOANS OF COMPANIES

Will Government say whether the Government is bound by any agreement whereby, in relation to the debts or bank loans of any company, Government may, in any circumstances, be directly or indirectly required to finance that company in relation to its debt or loan obligations, whether by loan or equity finance or otherwise?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, none whatsoever in any circumstances. I have already given this answer to similar questions in the past on a number of occasions.

26.4.94

ORAL

NO. 115 OF 1994

THE HON P CUMMING

FINAL PAYMENTS FROM PENSIONS FUND

What average individual amounts are involved as final payments to Spaniards after the winding up of the Pension Fund, and how many have taken up these final payments?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the average individual amounts due as final payments to Spaniards after the winding up of the Pension Fund is not yet known. The calculations are being carried out by the United Kingdom Government's Actuaries Department. There has therefore been no offer yet of any final payment to Spaniards.

26.4.94

ORAL

NO. 116 OF 1994

THE HON P R CARUANA

REPLACEMENT OF OLD AGE PENSION SCHEME

What progress is Government making in devising a permanent replacement for the now repealed Old Age Pension Scheme?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the proposals produced by the Government Actuary Department of the United Kingdom as to a possible future scheme are being studied by the Gibraltar Government and have been submitted by the UK to the European Commission for their comments.

NO. 117 OF 1994THE HON P CUMMING

SPANISH PENSIONS COURT CASE

Is it true that legal advice given to the Government is that we are unlikely to lose the Spanish pensions case in our court and the European courts?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government is not aware of any case having been presented as regards Spanish pensions in the European court. As regards the case for judicial review presented by Messrs Triay and Triay in the Gibraltar court against the Government of Gibraltar, the case challenges the legitimacy of the decision taken in the House of Assembly to provide legislation for winding up the Social Insurance Fund and also suggests that the Fund was wound up because of financial difficulties of the Government of Gibraltar. The Government totally rejects these two assumptions but clearly is not prepared to explain the legal advice it has on the case.

I am sure the hon Member understands that anything I say in that respect could serve to assist Messrs Triay and Triay in their case against the Government and prejudice Gibraltar's interests.

SUPPLEMENTARY TO QUESTION NO. 117 OF 1994

HON P CUMMING:

I would like to know, Mr Speaker, what happens if we should lose the case?

HON CHIEF MINISTER:

Well, if apart from all hell breaking loose if we should lose the case, presumably we would find that the Social Insurance Fund which no longer exists would, in legal terms, never have been dissolved. I am not sure how one would handle this financially because apart from the fact that the Fund is no longer there, there have not been any contributions generated in that direction any more. So, frankly, I have not got a clue as to how we would handle that situation except to pass it back to London.

26.4.94

ORAL

NO. 118 OF 1994

THE HON P CUMMING

AIRPORT' RUNNING COST

Has the Government any information as to the cost of running the Gibraltar airport?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I assume that the question is about the cost to the Ministry of Defence of running the Gibraltar airport.

I have no information as to this cost. On enquiring from the Ministry of Defence I have been told that the defence budget for Gibraltar is £60 million a year and that the Ministry of Defence does not make public the cost of individual items of the defence presence in Gibraltar.

NO. 119 OF 1994THE HON P CUMMING

SHARING OF AIRPORT

Would the Government be prepared to share the airport in any circumstances with Spain?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I do not know what the hon Member has in mind with his proposal for sharing the airport with Spain.

It is the first time since the question of the airport has been discussed in this House since 1984 that any Member of this House has publicly advocated the conversion of Gibraltar's airport into a shared airport with Spain, and it is the hon Member who recently stated, in an interview, that it seemed logical to share the benefits of a shared airport.

As far as the Government of Gibraltar is concerned, it is not prepared to share the airport with the Spanish Government under any circumstances and it is only in that context that I can interpret the meaning of the words "shared with Spain". This, of course, does not mean that we are opposed to Spanish airlines establishing services to the Gibraltar airport. Indeed, this would have been the logical consequence of the inclusion of Gibraltar in the EC Directives on Air Services Liberalisation which is the position that the Government of Gibraltar and the House of Assembly consistently adopted since the 1987 Airport Agreement excluding Gibraltar for the first time, was signed. Prior to the 1987 Airport Agreement, Gibraltar was included as an EC airport under the 1983 Inter-Regional Flights Directive. It is the view of the British Government that under the terms of the 1983 Directive, which was never repealed in the case of Gibraltar, it is possible for flights to take place between Gibraltar and Spain on the terms of the Directive which limits the aircraft size to 70 seats or less.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1994

HON P CUMMING:

Mr Speaker, in view of the comments made last year by the Hon Mr Bossano that if the airport was handed to him in the morning he would close it in the afternoon and therefore we would have an asset just wasting away and with Spain apparently willing to share expenses of running it, would it not seem logical that in the end, if we want to make use of it, we are going to have to share it?

HON CHIEF MINISTER:

Mr Speaker, the hon Member has got a question, No. 121, about the objections to the Airport Agreement. Certainly if by sharing the airport he means implementing the 1987 Airport Agreement and if we have got our backs to the wall they will have to elect him as the Chief Minister to do it. I will not go down that route now, in 1987 or at any time in the future because I have no doubt that if it comes to the crunch I will be in the group of Gibraltarians - and it is not being ultra-nationalist or manning the barricades, it is a question of the sense of pride we have in ourselves as a people and the love we have for our country. The proposed Airport Agreement, as I will explain to the hon Member in the next question, is completely immoral; they have no right to do what they did and therefore the fact that we have got difficulties does not mean that we crack and we say yes today to what we said no yesterday because if we even given the impression we are inviting more pressure to make us crack that much quicker.

HON H CORBY:

Mr Speaker, I believe that I speak for the Opposition Members of the GSD who are in complete agreement in as far as the Airport Agreement is concerned with what the Chief Minister has just said.

26.4.94

ORAL

NO. 120 OF 1994

THE HON P CUMMING

JOINT USE OF THE AIRPORT

Has any feasibility study been carried out to try and establish potential profitability levels for any joint use of the airport with Spain?

ANSWER

THE HON THE CHIEF MINISTER

Not as far as Government is aware.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1994

HON P CUMMING:

Mr Speaker, I do not know whether the Chief Minister has had the pleasure of reading the Dewmont interview with me done two weeks ago in which Dewmont expresses his own views as well and took me by surprise with a question saying, "What do you think of the future of our very expensive airport, would it not be better to close it and use Malaga?" and it was in that context that I heard for the first time that local expert opinion says that this airport cannot be viable under any circumstances in view of the great progress of Malaga airport and other airports on the other side. This took me completely by surprise and it seems that the world moves on and that by not developing it as soon as we can we may, in fact, never be able to develop it and looked at from a commercial point of view it may not get very far. I did read, just recently, an article in a Spanish newspaper talking about the reclamation along La Linea and how the Algeciras port was going to spread part of its assets down to there and reference of latching it in to the Gibraltar airport and they said, "In spite of the many limitations of the Gibraltar airport it could still contribute something to this development" which, again, was a new idea that this is a very limited airport and that if we do not start to develop it soon we may end up with no airport at all.

HON CHIEF MINISTER:

Mr Speaker, the question is, "Has any feasibility study been carried out" and the answer is I do not know of any feasibility study having been carried so therefore whatever views Mr Dewmont may have, he may be an expert on safety deposit boxes, I do not think it necessarily follows that

he is an expert on airports and therefore, as laymen, we can all have all the views we like on the airport but it does not mean any of us know what we are talking about. For what it is worth, I certainly feel that the potential of the airport in terms of flights other than from Spain has been grossly overrated and I certainly believe that the potential for flights from Spain is very great. I believe we would get a lot of traffic from, say, Madrid and Barcelona. Obviously there is a limit to the amount of traffic unless one has got a tunnel or some other way, otherwise one would then finish up with a closed land frontier because of the aeroplanes landing every five minutes. The essence of the Spanish position from the beginning, the hon Member may not be aware of it, was about whether a flight from Spain was a domestic flight or an international flight. Before they were in the EEC, before the Air Liberalisation Directives came in, going back to 1984 and the time of the signing of the Brussels Agreement where there is a specific reference to cooperation on air communication, the immediate problem that the Government of the AACR came up against in 1984 was that the Spanish position was, "We will restore flights to Gibraltar tomorrow on the clear understanding that the aeroplane is not leaving Spain" which the Government of Gibraltar did not accept and which I supported from the Opposition. So the essence of that from day one, ten years ago, before anything else was, "You have to accept that the aeroplane has landed on Spanish soil". That is where the problem started.

HON P CUMMING:

Could it be then that people like Mrs Thatcher were claiming that the Airport Agreement was sovereignty neutral?

HON CHIEF MINISTER:

Mr Speaker, I think I will be able to demonstrate in the next question that the hon Member has about my objections to the Airport Agreement rather than on this one which is about the feasibility study, whether it is sovereignty neutral or not.

26.4.94

ORAL

NO. 121 OF 1994

THE HON P CUMMING

AIRPORT AGREEMENT OBJECTIONS

Would Government specify their objections to the Airport Agreement?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the purpose of questions in the House is to obtain information which is not readily available from public records. I have difficulty in believing that the hon Member is not aware of my reasons for rejecting the 1987 Anglo Spanish Airport Agreement on which volumes have been published.

I can only surmise that it is not therefore only a matter of information but that with his new found freedom the hon Member may be questioning the wisdom of rejecting the Airport Agreement. If that is the case he should say so publicly rather than camouflage it in a question. Notwithstanding what I have said, I am prepared to give, again, the main, but by no means the only, objection.

Perhaps, Mr Speaker, I also need to remind the hon Member that, in fact, the Airport Agreement was rejected unanimously by this House in March 1991. In the motion rejecting the Agreement it was stated that the House considered the 1987 Anglo Spanish Airport Agreement capable of being construed as giving Spain the right to participate on the use of Gibraltar's airport and that it had been so construed. It has been the long-standing position of the House of Assembly that any agreement with Spain that was capable of being construed in this way would be unacceptable to the people of Gibraltar.

The Spanish submission in the European Court of Justice serves to make it absolutely clear that so far as Spain is concerned, Article 1 of the 1987 Agreement, which requires that applications to fly on the Gibraltar route from third countries should be subject to consultation between London and Madrid, was seen by Spain as a major concession as a result of which the role of competent authority for the Gibraltar airport would be shared between the United Kingdom and Spain. This view was explained in the submissions by the representative of Spain before the European Court of Justice.

Spain explained that their position was that the airport at Gibraltar was a Community airport under Article 227(1) of the Treaty of Rome as a Spanish airport and not under Article 227(4) as a British regional airport. They then went on to add that it was in order to safeguard these two respective positions in the dispute that Gibraltar had been suspended from the application of the Directive and that the Spanish and United Kingdom Governments had set up the arrangements for the joint use of the airport agreed in London on 2 December 1987. Spain said that that suspension was necessary not only to safeguard their position in the dispute and compliance with the result of the negotiations for decolonisation put in hand by the United Nations, but also on technical grounds. Also, insofar as Decision 87/602 required the determination of the Member State from which permission was to be sought for the commencement of air services to its airport, the arrangement for the joint use of the Gibraltar airport shared such competence between Spain and the United Kingdom for which reason it was necessary to await their implementation in order to deal with the applications.

The Spanish argument put in the European Court clearly links the 1987 Airport Agreement with the Brussels Agreement and, in particular, with its reference to decolonisation and the use of the issues of sovereignty, in the plural. Spain argued that the 1987 Agreement was neutral on sovereignty simply because it did not bring about a transfer of sovereignty of the isthmus to Spain but, in fact, created a situation which was tantamount to the sovereignty of the isthmus as far as competence for permitting flights to the airport was concerned, being shared jointly between the United Kingdom and the Government of Spain.

I would have thought, Mr Speaker, that it was self-evident that for this reason alone the 1987 Airport Agreement is totally unacceptable and has always been unacceptable and contrary to the views expressed in this House of Assembly prior to the 1992 election. Therefore, I do not think there is a need to analyse any other part of the Agreement.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1994

HON P R CARUANA:

Mr Speaker, just for the purpose of the record, on that issue certainly the Chief Minister knows that he has always enjoyed our support since 1992.....

HON J E PILCHER:

For what it is worth.

HON P R CARUANA:

Exactly. Really it represents the views of everybody that has analysed the Agreement, not necessarily as an agreement in relation to the use of the airport, but who has looked at the Agreement for the political document that it is, for the political document that it is intended to be rather than for any pretence that it has at being a document in relation seriously intended to regulate the joint use of any airport, let alone one of a disputed territory.

HON P CUMMING:

Mr Speaker, I should just like to say that I do not see any harm in revising the arguments and exploring them once again. I have not come to any conclusion on the issue except that I thought that I would share with the House this view presented to me in the Dewmont interview that we may end up in fact with no airport at all.

HON CHIEF MINISTER:

Well, Mr Speaker, I think the hon Member should understand that these decisions have not been taken lightly and they have been debated at length. If the hon Member checks on what was said recently in the Foreign Affairs Committee by Senor Solana and Senor Ruperez he will find there total corroboration of what I have told him about this Agreement. In a way, as I explained to the House, probably for the one thing that it was worth spending more money in going to the European Court of Justice was because we got an explicit explanation which previously we could only surmise and when the UK was saying, "They have their interpretation and we have our interpretation, so you implement it on our interpretation". Our view was to say, "Well, wait a minute, who is going to be able to impose the interpretation at the end of the day?" Because they have got an interpretation that in 1984 Spain agreed to allow the ferry from Algeciras and that is not the Spanish interpretation. And the British interpretation is worthless because there is still no ferry. So if the British Government is saying in London, "Spain is interpreting the Agreement wrong" then they ought not to ask us to implement something which is going to bring us into a head-on collision the day after we implement it because we have two different interpretations. How is that conducive to better relations for heaven's sake? So our view has been to say, "Go back" and that has been the most open position that we have taken with them. It has been to say to them, "You go back and reconcile your difference with Madrid. It does not mean we are going to accept any agreement but at least put to us one agreement to us to consider not two". Today the situation is that it is two and that in fact the weight of the

argument of Spain is enormous, logically, rationally, if we analyse the veto can we really think that Spain removed the veto in 1987 for anything less than this? It is inconceivable. They may have been mistaken, they may have thought they were getting something that the UK never intended them to get but I have no doubt that they honestly thought they were getting this in order to remove the veto because it seems to me that if all they were offered, which is what the UK claims they were offered, is that they would be told, "Somebody has applied to fly to Gibraltar" - which is an exclusive British airport - "and we are going to ask you what you think of it. And then when we have heard what you think of it, we will do what we like and in exchange for that remove your veto which has been holding up the entire air liberalisation process for nine months". They must be awful negotiators if having blocked everything they remove the block for something as inoffensive as that because, frankly, we would not have objected to that. If it is a face-saver where we say, "There is no question that Gibraltar is a British regional airport" but we are going to say to Spain, "We will take your views into account" because, after all, if we have a lot of traffic you could say it affects the neighbouring towns, there could be a lot of noise so it is reasonable that we should say to them, "What do you think?" but ultimately it is our decision. Which, for example, is the situation in the Basle airport. Ultimately there is one government which has got the final word and to put us in a situation where the use of the airport requires a unanimous decision between the two sides and one can veto it is, effectively, to give it to the one who will veto it because there is only one that will. So in those circumstances, frankly, we have to be brutally honest. If we have to choose between a Spanish airport south of the frontier or no airport, I put my money on no airport.

26.4.94

ORAL

NO. 122 OF 1994

THE HON P CUMMING

TALKS WITH CAMPO MAYORS

Is Government prepared to resume dialogue with the Campo Mayors?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, if the question refers to the meetings of the Economic Coordination Council, the position of the Government is as stated publicly following the decision of the Campo Mayors to discontinue the meetings of the Council.

26.4.94

ORAL

NO. 123 OF 1994

THE HON P CUMMING

TALKS WITH SPAIN

Would the Government clarify in what circumstances it would attend talks with Spain, and what importance it gives to establishing such talks?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the answer to this question is a matter of public record. As the hon Member well knows the Government does not support the Brussels Agreement and will not participate in any talks with Spain as part of the United Kingdom delegation on the basis of the Brussels Agreement. Indeed, the Brussels Agreement was unanimously rejected by this House prior to the 1992 election. The Government stand by the terms of the motion carried in 1991 which inter alia said that the House supports the promotion of cooperation with the neighbouring country on a mutually beneficial basis and rejects that such cooperation should be linked to any negotiations involving Gibraltar's status, sovereignty or decolonisation as suggested in the Brussels process.

The clarification that the hon Member is seeking can be easily obtained if he cares to read the statements that I made, on two occasions, to the Committee of 24 and to the Fourth Committee where the position of the Government of Gibraltar was spelled out in detail.

As regards the final part of the question, in an interview that was published in 'Interviu' dated 4 to 11 April 1994, I made clear that the holding of such talks is not a high priority for the Government.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1994

HON P CUMMING:

Mr Speaker, when the statue of the sapper, the soldier artificer, in Main Street was unveiled, the Chief Minister was reported to have said that we must learn from the sappers and defend Gibraltar like they did. It seemed to me something like a psychological connotation that we are going to dig into the rock with a siege mentality and fire down the depression carriages onto the surrounding

area. It seems to me that we must defend Gibraltar yes, but with a different more outgoing approach. Furthermore would the Chief Minister agree with me that it is apocalyptic type statements coming from him, for example, that he is going to sink with the ship, that makes people feel that we must re-examine the whole situation that Gibraltar is in and take stock of where we are at?

HON CHIEF MINISTER:

I did not make that statement in order to cause the hon member to leave the GSD, that is the result it had, it was unintentional. What I said, Mr Speaker, in an interview which had nothing to do, of course, with talks with Spain, was when somebody said to me, "Will you resign? Will you pack it in?" I said, "No, I will not pack it in. However difficult it gets, I go down with the ship". That is not apocalyptic or getting into the trench, what I was saying was, "I have taken on a job and I will see that job through come hell or high water, however tough the going gets I am not throwing in the towel". That was the context in which I answered a question from Clive Golt about sinking with the ship. I was not saying, "The ship is going to sink and I have not got any lifeboats", what I was saying was, "I will not resign and pack up because we have got a problem with the United Kingdom on financial services". It was in answer to that question. I can tell the hon Member that I honestly believe that though he will not want to do damage or harm to Gibraltar, he is exposing himself to a situation of becoming a weapon in the hands of people on the other side who have already said that he is being intimidated. I think that the views that he is expressing are totally unacceptable to the majority of the people of Gibraltar and I do not think he will get re-elected to this House if he defended them. Therefore, frankly, it is too serious an area for us to be able to just take it. If tomorrow the hon Member were to disagree with some other part of the GSD views and say, "I am now resigning from the GSD because I think the structure of companies of the Government is wonderful" we would not be criticising him. But when he talks about fundamentals which can be engineered then he is on dangerous grounds.

26.4.94

ORAL

NO. 124 OF 1994

THE HON P R CARUANA

CONTACTS WITH SPANISH POLITICIANS

Is the Chief Minister pursuing contacts with Spanish politicians, and if not, is it his intention to do so?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I am not sure what is meant by pursuing contacts with Spanish politicians. The only Spanish politicians that I have met, because they have called on me, have been Senor Carracao, who is a Senator in the Spanish Parliament and Senora Pilar Rahola, who is a Deputy in the Cortes. The contacts with these two politicians continue as and when the occasion arises.

I do not share the apparent enthusiasm of the hon Member for contact with Spanish politicians and in that sense I have no intention of pursuing anyone.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1994

HON P R CARUANA:

Mr Speaker, the question carefully uses the words "Spanish politicians" and not "Spanish Government". We have heard in his last answer that he does not give a high priority to political discussions with the Spanish Government. Is there no nature of politician in Spain with whom he believes contact could ultimately assist us in our common goal of trying to persuade Spain to shift its approach to Gibraltar? Presumably, he, who subscribes to the view that Spanish public opinion has to be changed, because he has often expressed that view, presumably does not altogether abandon the notion that certain Spanish politicians may be in a position to assist that and I ask simply whether he does have that view; whether he is in contact with such Spanish politicians or whether he would be in contact with any such Spanish politicians?

HON CHIEF MINISTER:

I think, Mr Speaker, the answer to that is that it is a two-edged sword. The obvious affinity of views on self determination between us and Spanish politicians are with those Spanish politicians who would not be unhappy to see self determination in Gibraltar followed by self determination in Cataluna, followed by self determination in the Basque. I am not sure we particularly would gain in winning friends by being bracketed with those minority views but they are minority views which are important because.....

HON P R CARUANA:

..... many of the people who share those sentiments are not fringe politicians of the sort that I hear the Chief Minister was describing, like this lady.

HON CHIEF MINISTER:

Mr Speaker, the Esquerra Republicana, for example, which is a minority, is strong. It was the Government of Cataluna for a brief period when Cataluna was an independent republic and they want to get back there. What I am saying is, we are very grateful to those colleagues who clearly have defended our right of self determination within Spain which is not something that we can do anything other than welcome but he has got to understand that if we are seen to be, if we like, getting involved in their own domestic feud - this is why I said it is a two-edged sword - we cannot then provoke an even more hostile reaction from the people that have got the power and the influence in the central government than we are getting already. So it is a question of keeping them warm without overdoing it.

26.4.94

ORAL

NO. 125 OF 1994

THE HON F VASQUEZ

NEGOTIATING PROCESS WITH SPAIN

Is the Chief Minister in a position to state what proposals he intends to put on the table if and when he succeeds in establishing a negotiating process with Spain?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, for reasons that I am not aware the Opposition Member is assuming that I am engaged in attempting to establish a negotiating process with Spain. This is totally untrue, therefore the question of succeeding or failing in establishing such a process is irrelevant. The first part of the question therefore does not arise. In any case, let me say that if there was such a process in place and there were any proposals to put, which there are not, the Opposition Member would be the last person I would tell since in my judgement the Spaniards would learn about the proposals from him, even before the negotiating process was off the ground.

SUPPLEMENTARY TO QUESTION NO. 125 OF 1994

HON F VASQUEZ:

The point is, Mr Speaker, that I am not asking the Chief Minister to tell me, I was asking the Chief Minister to tell the House. The reason the question was asked was because it came to our attention that the interview in "Interviu", which none of us has seen in its entirety. We just saw the quote which the Chief Minister was quoted as saying that he was prepared to negotiate with Spain and that came as a surprise and we were interested in knowing what line the Chief Minister intended to pursue. It now becomes apparent that, in fact, it seems to have been an aside because certainly it is not a priority in this administration's policy to seek those negotiations.

HON CHIEF MINISTER:

Mr Speaker, I think the interview, whatever they chose to highlight, actually said that I had said in answer to a question that most of our people were more concerned with the MOD cuts than with talks with Spain and that this was no different from the people in Linares who were

concerned about Suzuki leaving. That was in answer to the interviewer who asked, "Are you pursuing having negotiations with Spain?" and I said, "No, this is not the priority of the Government. The priority of the Government is to deal with the economic problems." We have always maintained, as a Government, that the most important thing is to get a solid base for our economy. One does not negotiate from weakness, one negotiates from strength.

HON P R CARUANA:

On a point of order. I think that the Chief Minister's formal answer as delivered from his prepared text to my hon Friend's question contains an outrageous imputation and I am really surprised that Mr Speaker has not.....

MR SPEAKER:

If you explain what was said I will look into it.

HON P R CARUANA:

If I correctly understood the Chief Minister, I would not even say meant, what he said was that if he was to participate in the process of negotiation with Spain the last person that he would tell was my hon Colleague, Mr Vasquez, because if he did that then the Spanish Government would get to know what his position is even before the process of negotiating got off the ground. What he clearly said, I would go further than meant, was therefore that my hon Colleague, Mr Vasquez, would presumably rush off to the Spanish Government in some act of betrayal for the purposes of revealing to the Spanish Government the Gibraltar Government's negotiating position. If there is another interpretation, another meaning to the words of the Chief Minister then, of course, I would be very grateful to hear it.

HON CHIEF MINISTER:

Mr Speaker, I would not think it was an act of betrayal because I think the Opposition Member stood for election and has defended consistently this great desire for dialogue and reconciliation with our neighbour and it seems to me that if he asks me to reveal the proposals in this House what else is he doing? What is the purpose of saying in the House of Assembly, "What proposals would you put to Spain on the negotiating table?" except so that they can just simply tune in and find the proposal? He would not even need to wait till he got to Sotogrande to tell them, all they need to do is to tune in.

HON P R CARUANA:

The Chief Minister may think the question is foolish but that is not what he said. What he said was not that he would not tell anybody in case the Spanish Government was listening to this broadcast on the radio, what he said was that the Hon Mr Vasquez was the last person that he would tell because if he told him..... Mr Speaker has got the written text in front of him and I have not - and if that is not the imputation that was being made then another meaning will have to be given to those words. I put it to you, Mr Speaker, that the clear imputation of those words were that the Hon Mr Vasquez is a non-reliable recipient of information of sensitivity to the national interests of Gibraltar because in the opinion of the Chief Minister he would go and spill the beans, like some traitor, to the Spanish Government. That is what he said, that is what he meant and to quote him in this session earlier before, he should have the honesty to admit that that is what he meant to put Mr Speaker out of the misery of having to decide whether or not there has been an imputation. There has been an imputation, he knows there has been an imputation, now let him be honest enough to admit it.

HON CHIEF MINISTER:

No, Mr Speaker, I do not accept that that would make Mr Vasquez a traitor because I do not think the Hon Mr Vasquez has got the remotest loyalty to me or my Government or my party and therefore as the Opposition Member has often said, one must not confuse the policy of the Government with the national interest. The fact that the Hon Mr Vasquez disagrees with the proposals of the Government does not make him a traitor but the fact that he disagrees with the views of the Government makes him susceptible to reproducing those views. In fact, Mr Speaker, is it not the case that views are being expressed by Opposition Members to visitors in Gibraltar - which is not in the best interests. We know because we have it reported back, everything gets reported in Gibraltar from everybody, therefore what I am saying is if the GSLP in Government have a strategy and a proposal to put, of the 21,000 persons that I had to tell, the last one I would tell would be the Hon Mr Vasquez and that would not make him a traitor, it would mean that I have less trust in him than in the other 20,999 and I think I am entitled to have less trust in one person than in another one. I would tell the Hon Mr Cumming last but one.

HON P R CARUANA:

Mr Speaker, if you will buy that smoke-screen if you are minded to be as lenient as possible with the Chief Minister but if you buy that you will have to buy the next one that I give you as well.

MR SPEAKER:

Let me analyse the position as I see it and my view is the one that counts and I make my own interpretation as to whether this is unparliamentary or not unparliamentary. If you are going to close the view that by divulging a negotiating position, which is really what it amounts to, and the other individual going and spilling the beans, let us put it that way.....

HON P R CARUANA:

.... Mr Speaker. What the Hon Mr Vasquez asked was for the Chief Minister to tell this House.

MR SPEAKER:

I know, I know that clearly. That is what he said and what he implied was, as I see it, "I would not tell this House" because it could not mean anything else "because the Hon Mr Vasquez is going to go and tell the Spanish Government". If he tells this House, because there is no other way, it could not mean anything else in this answer to the question, the Spanish Government would know it even before the Hon Mr Vasquez....

HON P R CARUANA:

That is why.....

MR SPEAKER:

Order, order, order. I am passing the ruling and I do not want any more interruptions from any hon Member. Therefore my position is now to say that this is not really unparliamentary, that this does not mean to say that the Hon Mr Vasquez is a traitor by any means. Next question.

26.4.94

ORAL

NO. 126 OF 1994

THE HON P R CARUANA

CONSTITUTIONAL STATUS

Will Government say what constitutional status it wishes to obtain for Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the hon Member asked the same question in October last year. The answer to the question is the same as the one that I gave then. There has been no change in the Government's position.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1994

HON P R CARUANA:

So the position remains that there is not a constitutional status that the Government of Gibraltar seeks as a target for Gibraltar, except modification to the Constitution in respect of certain items?

HON CHIEF MINISTER:

Mr Speaker, I do not know why the hon Member should think that the policy of the Government has changed between October and April when I told him in October that we had not gone to an election on the basis of decolonising Gibraltar and giving it a new status but on the basis of reforming the Constitution of Gibraltar within the limits provided for in the existing 1969 Constitution. If I said to him in October that this would not change the status of Gibraltar as a British dependent territory, unless he thinks that Senor Portillo or Mr Clarke have upset me so much in the last few weeks that I have now decided to do something different, I do not see why he should think that anything has changed.

HON P R CARUANA:

Only, Mr Speaker, because in the Ceremonial Opening of this House the Chief Minister did say that by 1996 he would expect that the end of the colonial era to have been heralded in. The end of the colonial era can only arrive when there is decolonisation; decolonisation has to be

in favour of some status other than a colony. We are a colony whilst we have the existing Constitution, until we have another status which renders us not a colony. Therefore if he believes that by 1996 he will have ushered in the end of the colonial era he must know what era he will have ushered in because there has to be a status attached to decolonisation, is there not? We cannot remain a British dependent territory and not a British colony, or can we?

HON CHIEF MINISTER:

Mr Speaker, now I understand the reason for the question. The reason for the question is not that he wanted to know if there has been a change of policy since last October but that he wanted to use this argument about the Official Opening of the House in 1992 which he forgot to use in October so he puts the same question so that he can use the argument because he is not telling me he has discovered since October what I said in the Official Opening, he knew that in October when I gave him the answer... [Interruption] I have not finished, Mr Speaker, if the hon Member wants information he sits and listens attentively but if he keeps on jabbering in the background he misses half the story. He did not make that point in October because what I said to him in October and what I say to him today is "Ushering in the end of the colonial era requires as a necessary prerequisite the recognition of our inalienable right to self determination". That is what I said to him then. Therefore, our philosophy and the philosophy that we support in the Self Determination Group is that before we start talking about which status we want, the first thing we have got to establish is if we are going to be given the opportunity to have any status at all other than being Spanish, which is the position of Spain which says that it is a matter of territorial integrity and we can choose to be either expatriates in a Spanish Gibraltar or Spaniards in a Spanish Gibraltar and that position has been repeated in the last week in the Foreign Affairs Committee in Spain by both sides, by Senor Ruperez and by Senor Solana, and that is not a choice of status; or the position of the UK which is to say, "We really believe you ought to have the right to self determination but we are caught by Article 10 of the Treaty of Utrecht". Until we break that barrier it is a nonsense to be speculating about status in the judgement of the Government. If Opposition Members feel that it is so important to come out with a new status, there is nothing to stop them doing it. If he thinks it is so important, and I do not agree with him, but if that is his view, he should say, "We, in the Opposition, think this is the status we should have", why does he not do that? Not here, because here he has got to ask questions, after.

HON P R CARUANA:

Because he is the Chief Minister and I believe that the people of Gibraltar are entitled to know from him what status he wants for Gibraltar and for him to fob off the answer either because he does not want to tell the people what he wants for Gibraltar or because he has not got a policy of what Gibraltar should be, to simply say that we should not even start to think about it until we have recognised our inalienable right to self determination which we all agree we have but is not being recognised, is to postpone the rather thorny question almost in perpetuity. Or does he believe that some day somebody in Spain is going to wake up and recognise suddenly our right to self determination in isolation from a particular status aspiration?

HON CHIEF MINISTER:

Mr Speaker, I told the hon Member last October what I believe. He is entitled to hold a different view. What I can tell him is that, Mr Speaker, when I was elected to the House of Assembly in 1972 and I was elected on the ticket of seeking a new status for Gibraltar which was integration, I did not wait for the Government to say what they wanted because the people of Gibraltar expected the leadership from the Government. I have fought on a philosophy and I defended that philosophy and then when I stopped subscribing to that philosophy I left the Integration Party in 1976. If the hon Member believes that it is the responsibility of the Members elected to this House, which I do not think it is because, in fact, the only party that fought the election on a new status for Gibraltar did not get elected and they are the only one who had it in their manifesto. We did not have in our manifesto having a new status. I do not see that people who voted for me voted for me in order to come out saying, "This is the new status for Gibraltar". If they voted for me on any ticket it was on the basis that I would exercise judgement on how to handle both our relations externally and our domestic affairs and to be held to account for both at the next time the election comes up. So I do not believe that people are having sleepless nights waiting for me to announce the new status and I have no doubt that the hon Member would dearly love me to come out with something else he could criticise when he runs out of companies or other things so I am not giving him a new piece of meat.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

2ND SEPTEMBER, 1994

NO. 127 - NO. 223

INDEX

QUESTIONS & ANSWERS

2nd September 1994

Questions 127 – 223

SUBJECT	NO(S)	PAGE(S)
1987 Airport Agreement	223	
Accumulations of Rubbish	196	
Allocation of Empty Flats	187	
Alternative to Social Insurance Fund	213	
Arrears of Rates	128	
Attorney-General's Resignation	133	
Attorney-General's Resignation	137	
Auxiliary Nurses Resignations	147	
Banking Facilities	131	
Berthing at Western Beach	174	
Bleak House	178	
Calpe House Bookings	151	
Cars Entering Gibraltar	138	
Central Hall	177	
Charter Flights	206	
City Breaks	207	
Community Nurse Manager	169	
Control of Fast Launches	142	
Creation of New Jobs	145	
Demonstration Outside 6 Convent Place	214	
Deputy Governor's Meeting with Sr Oreja	221	
Dialogue with Spain	222	
Dog Fouling	194	
Dog Fouling Fine	195	
Dr Giraldi Home	146	
Fast Launch Activities	216	
Fast Launch Activity	215	
Fast Launch Operations	143	
Financial Services Commissioner's Resources	134	
Fishing in Gibraltar Waters	136	
Floks Eye Clinic	209	
Gib 5 / Harbour Views – Prices	188	
Gibcomponents Factory Site	175	
Gibraltar Nynex Communications Ltd	132	
Gibraltar Services Police	210	
Harbour Views Promenade	176	
High Net Worth Individuals	127	
Hotel Occupancy	198	
Hotel Occupancy Levels	200	
Illegal Exportation of Tobacco	140	
Importation by Local Grocers	182	
Income Tax: Government Companies	129	
Industrial Unrest at Nynex	172	
Invitation to Committee of 24	218	
Island Games	152	
Island Games	155-156	
Island Games Budget	153	
Island Games Participants	154	
Island Games Patron	157	
John Mackintosh Statue	190	

SUBJECT	NO(S)	PAGE(S)
Joint Economic Forum	181	
Keys Promenade	197	
Loss of Lives at Sea	141	
Maintenance of Government Housing	184	
Meeting Between Deputy Governor / Sr Oreja	220	
Meeting with Foreign Secretary	219	
MOD Use of St Bernard's Hospital	150	
MTI's Visit to Russia	183	
National Anthem	161-162	
New Layout, John Mackintosh Square	189	
Notice of Questions	208	
Nynex Dispute	171	
Ophthalmologist	149	
Parking Area – Catalan Bay	166	
Pleasure Fishing Boats	180	
Private Clamping Companies	139	
Ramall Ltd Motor Vehicles	191	
Raw Sewage at Rosia Bay	167	
Recruitment of Consultants	148	
Red Crescent Aid Lorry	135	
Resurfacing of Roads	163	
Resurfacing of Roads	165	
Royal Gibraltar Police Recruitment	211	
Royal Naval Hospital	179	
Safety Queensway Pre-Fabs	185	
Scaffolding	192	
Smuggling from Gibraltar	217	
State of Streets	164	
Swimming Pool	158-160	
Taxation of Ministers' Benefits in Kind	130	
Tourism Infrastructure	205	
Tourism Policy	201	
Tourist Arrivals	202-203	
Tourist Promotion	204	
Tourists at Gibraltar	199	
Unemployment Levels	144	
Upkeep of the Cemetery	193	
Varyl Begg Estate Swimming Pool	186	
Watergardens' Pavement	170	
Western Beach	173	
Youth Employment Prospects	212	
Zebra Crossings – Harbour Views	168	

ORAL

NO. 127 OF 1994

THE HON F VASQUEZ

HIGH NET WORTH INDIVIDUALS

How many High Net Worth Individual certificates have been issued up to the 30th June 1994?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, 31.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1994

HON F VASQUEZ:

Do the Government consider that the high net worth individual regime has been a successful venture in the light of that relatively small number of individuals who have applied for those licences?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker. The hon Member might care to have some figures, there certainly was a slow start with this regime, as he calls it, six during the first year in 1992; 14 during 1993 but more than 50 so far this year. I think the scheme has gathered pace as those practitioners in the finance centre were largely responsible for introducing individuals of high net worth have been accustomed to it. I myself was initially rather sceptical about it but I am convinced that it is quite a potential contributor to Gibraltar's economic development, and I say that advisedly, even on a small scale, for historical reasons as the hon Gentleman will be aware Gibraltar has not been in a position to offer tax privileges to residents like other international finance centres simply because there was a local domestic housing problem. That situation has changed. So I think there is further potential in this scheme.

HON H CORBY:

Are any special privileges given to these high net worth individuals insofar as Gibraltar is concerned; if they want to apply for a Gibraltar passport or is there a waiting time? Are there any privileges that Government

2.

give towards these individuals to bring them into Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No. Sir. The rules are, of course, published and they were published in 1992 as the conditions on which high net worth individuals status certificate can be granted.

NO. 128 OF 1994

THE HON P R CARUANA

ARREARS OF RATES

What is Government's policy in relation to the making of special arrangements for the payment by instalments of arrears of rates?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government's general policy on payment of arrears of rates is that these should be cleared as quickly as possible and no financial benefit should be obtained by delaying payment. There are no standard arrangements for payment of arrears by instalments, but each case is considered on its merits by the Accountant-General, having regard to the circumstances.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1994

HON P R CARUANA:

Mr Speaker, I hear the answer which is that each case is treated on a case by case basis by the Accountant-General. Does the Financial and Development Secretary not consider that it would be a fairer system when dealing with the public administration, that all those persons who had fallen into arrears and could meet established guidelines, so that we do not all make use of it, that there should be a standard practice and procedure so that people should not think that whether or not the Government enters into an arrangement of this kind depends on some consideration which is extraneous to the facts of the case and in particular, I ask the Government, whether that answer is completely true all the time? In other words, whether it is the Accountant-General only who always considers these things on a case by case basis or whether it is not often the case that members of the Government in general and the Chief Minister in particular, reviews these applications and allows them or disallows them in his political discretion.

HON CHIEF MINISTER:

I have nothing to add to what the Financial and Development Secretary has said. People ought to be paying their rates when they ought to be paid and the

policy of the Government is that they should not be able to be better off by not having paid on time.

HON P R CARUANA:

The supplementary was not whether people should pay their rates on time, I entirely endorse the Chief Minister's view that they should be paid on time. The question is whether he, in his political capacity, considers applications by those in arrears of rates for time to pay and whether he decides whether the public administration should accede to the request or not. That is the subject matter of my supplementary.

HON CHIEF MINISTER:

The answer is, Mr Speaker, the Accountant-General is the one who approves it and he does it on the basis of making a submission when they wanted to give somebody particular treatment because they think there are extenuating circumstances but the general policy is that either people pay or we wind them up.

HON P R CARUANA:

Does the Chief Minister, nevertheless and albeit that it is the Accountant-General who actually formally makes the decision, receive or not applications for his consideration before the Accountant-General makes his decision?

HON CHIEF MINISTER:

I keep myself informed of everything that goes on within the public administration and I take full political responsibility which is what I am elected to do.

HON P R CARUANA:

That sounds like a yes to me. Is the Chief Minister prepared to say categorically that the answer is that yes he does?

HON CHIEF MINISTER:

What I am prepared to say is what I have said and if he wants to say that is a yes he can say it is a yes, he can say it is a no and he can say it is a maybe. Since we are on air the people outside will know what I have said and what I have said is whether the Financial and Development Secretary decides or the Accountant-General decides, it is a responsibility for which I as Chief Minister with the rest of my elected colleagues accept responsibility but they determine what should be done on

the basis of the recommendation which we, of course, can overrule. But the practice is that in 99 per cent of the cases we would expect to be; "No, you cannot have an arrangement" and that is the policy which I am defending.

HON P R CARUANA:

Will the Chief Minister conceive that this is not a matter of political responsibility. His political right is to establish the law and the policy. He has no political right, even if he accepts political responsibility, to usurp the responsibilities of the public administration which is to implement Government policy fairly and evenhandedly amongst all citizens in this society and that he might think he can make political decisions in matters of public administration provided he takes political responsibility for it, but that is a distortion of the political system which prevails in Gibraltar.

HON CHIEF MINISTER:

It is not a distortion of the political system that prevails in Gibraltar because the political system that prevails in Gibraltar is the one that has prevailed until now and which will continue to prevail until if ever that disastrous day arrives the day when he is in Government when he can have a new political system when he has got the mandate from the people to change it. [HON P R CARUANA: disastrous than that.] In the meantime he may not like it but he will lump it. All the rest, Mr Speaker, of the 21 per cent that voted for him last time who presumably agree with all his views although it does not necessarily follow that they agree with all his views just like he often says in and outside the House that it does not follow that the ones who voted for us agree with all our views. But when a Government gets elected, it gets elected with the right to take decisions which Oppositions may or may not like but do not have the right to change.

MR SPEAKER:

We are drifting now into the policy of the Government and that has nothing to do with the question. Mr Vasquez, you have got a question but it has got to be to the point.

HON F VASQUEZ:

Yes, Mr Speaker, my question really relates to an answer given earlier this year by the Financial and Development Secretary where he divulged that there were more than £5 million in rates arrears owed to the Government of

Gibraltar. It has come to the knowledge of the Opposition that, in fact, a lot of these arrears relate to exceedingly outdated debts some of which, in fact, are more than six years old. My question is, is the Financial and Development Secretary taking cognisance of the fact that debts which are more than six years old are irrevocable and are Government taking any steps to recover more urgently those debts that are coming up to that six year limitation period of being owed?

HON CHIEF MINISTER:

That is a matter where the Government are taking the political responsibility for taking a policy decision based on recommendations being made to us by the people who are assessing the age of the debt and the arguments that are being put by legal practices, like the hon Member's, on behalf of clients who are arguing that they have got a long arrears of debts because they did not know their tenant had not paid and they had not appreciated that they were responsible and those arguments, which I have indicated in the House before we need to give consideration to, are being given consideration to and we hope we will be able to come up with a formula which will then allow decisions to be made. But that it still in the process of being considered.

ORAL

NO. 129 OF 1994

THE HON F VASQUEZ

INCOME TAX: GOVERNMENT COMPANIES

Can Government confirm that Government owned and joint venture companies are paying income tax?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1994

HON F VASQUEZ:

Can Government confirm that no special treatment has been granted to joint venture companies by the Commissioner of Income Tax?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Not as far as I am aware, Sir. The Commissioner of Income Tax, I feel sure, would have told me if he were proposing to do such a thing.

HON F VASQUEZ:

Since Government is now proceeding to sue personally directors of companies that have failed to pay PAYE, can Government confirm that it will be the intention of the Government to sue also the directors of Government-owned or joint venture companies that have fallen into arrears in the payment of PAYE?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not.....

HON F VASQUEZ:

Is Gibraltar Shiprepair Ltd up-to-date on its PAYE?

HON MEMBER:

Yes.

HON F VASQUEZ:

It is a joint venture company with a Minister as a director.

HON CHIEF MINISTER:

The answer to the question is that all the Government companies which are 100 per cent or joint venture are being treated by the Tax Office in exactly the same way as everybody else. I do not know who precisely has been sued as a director for the non-payment of tax. I am not aware of the particular individual but I will check that individual and which is the legal firm representing that individual and then we might find what the reason for all the kerfuffle is.

HON F VASQUEZ:

And also, no doubt, we look forward to having Ministers and other individuals related to the Government who serve on the boards of joint venture or Government-owned companies being treated in exactly the same way. Are the shareholders or beneficiaries of Government-owned or joint venture companies being charged income tax on the distribution of the assets of these companies when they are dissolved?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That seems to be an entirely different question, Mr Speaker, I did not grasp all of it, obviously I would have to have notice of that if the hon Member wants a reply. He might like to write to me and I will furnish him with the answer.

HON F VASQUEZ:

The point is very simple, Mr Speaker.

MR SPEAKER:

You have had the answer.

HON F VASQUEZ:

I have not had an answer.

MR SPEAKER:

He has just told you, you write to him and he will give it to you.

HON CHIEF MINISTER:

Mr Speaker, if the hon Member repeats the question I may be able to deal with it.

HON F VASQUEZ:

I shall. The question is, are the shareholders or beneficial owners of Government-owned or joint venture companies being charged tax in the same way as ordinary individuals on the distribution of the assets of these companies when they are dissolved?

HON CHIEF MINISTER:

The answer is, Mr Speaker, as the hon Member must surely know, that the ownership of a subsidiary when the subsidiary is dissolved means that the underlying assets become the property of the owner and then it depends on the level of profitability of the owner whether there is a tax liability or not and therefore whether any tax is payable or not will be determined by the Commissioner of Income Tax when he receives the accounts of the particular company which as a general rule, in the case of Government-owned companies, it is considerably earlier than all the other companies in the private sector.

ORAL

NO. 130 OF 1994

HON P R CARUANA

TAXATION OF MINISTERS' BENEFITS IN KIND

Is it Government's understanding that telephone, transport and any other benefits, if any, enjoyed by Ministers will be taxable under guidelines recently published by the Commissioner of Income Tax in relation to the taxation of benefits in kind?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Commissioner of Income Tax has been making inquiries about the nature of tax benefits enjoyed in a number of different areas recently, in order to formulate policy on such matters. When these inquiries are completed whatever policy is adopted will be applied uniformly to all classes of taxpayer.

SUPPLEMENTARY TO QUESTION NO. 130 OF 1994

HON P R CARUANA:

Does the Financial and Development Secretary agree that the enthusiasm with which the long dormant legislation, because I can see that there is no change in the law, in relation to the taxation of benefits in kind is now being resuscitated and applied, added to the already very high level of personal taxation that long suffering Gibraltarian taxpayers pay, amounts in practice to an increase in taxation in Gibraltar for people who are already very, very highly taxed?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As a short suffering taxpayer in Gibraltar, Mr Speaker, I have some sympathy with the middle of the hon Member's speech. But I think he is, as it were, rushing his fences, if I can use that phrase. The Commissioner of Income Tax has been making enquiries and the guidelines which have been issued were issued, perhaps it could be said, perpetually inasmuch as he wanted to acquaint members of the business community, accountants and others who would be dealing with tax matters, at the beginning of the tax year. The hon Gentleman is quite right that the law has always been specific on these matters but as he will know better than I do, there are questions of

interpretation and questions of practice and changes in practice compared with the situation which has obtained hitherto, do require a consideration especially in a sensitive matter such as taxation and therefore, as I said, it has not yet been decided whether the policy - if I can use that phrase - will be changed and will be quite as extreme as I think the underlying implications of his comments suggested they might be. By way of further amplification of what I have just said, there is something called an advisory committee on finance sector legislation, as the hon Member will know, and I do not think anyone from his chambers is a member although I believe there is an alternate member from his chambers who may be coming along to the next meeting of this committee which is to be held very shortly, and though it is not strictly within the terms of reference, I have agreed to take a paper which is being brought together by members of the finance centre to express their views on this question of benefits in kind. I can see that there will be a representative of the Tax Office there to hear what they have to say. So I hope that in the light of that the hon Member and his colleagues will not be too apprehensive about the recent developments.

MR SPEAKER:

We have moved away from the question altogether as to whether the burden of taxation is fair or unfair, heavy or light. I am afraid I cannot carry on like that. Next question.

ORAL

NO. 131 OF 1994

THE HON P CUMMING

BANKING FACILITIES

Lower income groups find banking facilities harder to come by in Gibraltar than in UK, are Government willing or able to do anything to improve this situation?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, if the hon Member is referring to banking facilities generally then I would dispute his suggestion that these are provided on a lesser scale in Gibraltar than in a town of comparable size in the UK. If on the other hand he is referring to the charges made by banks to their customers this is a matter for the banks to determine, not the Government.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1994

HON P CUMMING:

It seems that in this matter the Government has laid aside all vestiges of claim to call themselves a socialist government and to look after the interests of the ordinary man in the street against major companies. Of course we are not talking about banking facilities in general, we are talking about the availability of bank accounts to the man in the street and he has to pay more charges and he has less facilities offered to him and there is no interest in offering them a service in comparison to the exact same banks in relation to..... The difference between Gibraltar and England seems to be that in England the Government take an interest in protecting the small customer whereas here this is not the case. My question is, will Government take an interest in protecting the rights and interests of the man who needs a bank but has only a small account? That is the question which has not been answered.

HON CHIEF MINISTER:

One of the things since the beginning of 1993 is that any bank anywhere in Europe can open a branch anywhere else in Europe, I am not aware that one can say, "We will not allow you to open a branch here unless you have free banking or you allow banking with less than £500". I

will certainly investigate it but I do not think it is possible to do that without being in serious trouble.

HON P CUMMING:

Is the Chief Minister then saying that there is no consumer protection to the banking clients in UK and therefore there will not be any here either?

HON CHIEF MINISTER:

No, I am not aware that because there is consumer protection which is to protect the consumer against not getting value for money, the Government can determine what value for money should be and say to the bank, "If a bank account costs £x to operate, you cannot charge what is costs". I do not know that that is the case. I know that when there has been a lot of competition, banks to attract customers have offered free banking and then that went out of fashion, at one stage it was the fashionable thing to do and they were all competing with each other by advertising free banking facilities with no bank charges provided the customer stayed in credit. Then they moved from being provided the customer stayed in credit, provided he had £x amount and that amount has tended to be increasing periodically and from what I read of what is currently happening in the banking system in the United Kingdom, it seems that they are moving back to trying to charge the full cost to the customer. I suppose in a way it tends to reflect what is happening with interest rates because when the banks are making a lot of money on the income on loans they tend to be more relaxed about subsidising small accounts where there is a lot of administrative work. But when the margins are very tight because the interest rates are very low and therefore the difference between what they pay the customer and what they charge the borrower they consider they do not have to give them as much profit as they feel they should have, then they tend to charge customers. I can only tell the hon Member that that is the layman's knowledge that I have of it. I have no expertise but I will certainly investigate if there is anything that can be done. To my knowledge there cannot be.

HON P CUMMING:

The Chief Minister's remarks are very useful as a general analysis of the situation in UK. But my question is on the disparity of practice between UK and Gibraltar because it seems that a bank comes from UK to set up here with marvellous service exactly as in UK and within months the service is being cut back to the cost of the small consumer and the difference must be something in the local setup that makes the bank more greedy and less

willing to give a service in comparison to the exact same bank in UK. My question is will the Government take an interest in providing consumer protection to the small client?

HON CHIEF MINISTER:

I can tell the hon Member that I know from experience of many years, not just since we have been in Government, that as a rule they seem to be not very interested in individual customers. We have had, for example, great difficulty in getting things like pensions paid through banks because they do not want to handle them, getting wages paid through banks because they do not want to handle them. The main bank that has always handled Government business has been Barclays and they have been always complaining that it costs them money to handle Government business, that in fact because we have put the wages of civil servants direct into the bank, the bank tends to argue that people tend to draw the money out and leave very little behind in their accounts and that this is in fact business they would rather not have and we have great difficulty in getting them to accept even with what they charge today, small individual accounts.

HON P CUMMING:

In UK a bank would not dream of complaining that government or local council pays go through their bank and that it costs them money and all this, there would be a public outcry.

HON CHIEF MINISTER:

I do not know whether they would dream of doing it or if there would be a public outcry. All I can tell him is what is our experience about it and there certainly does not seem any way in which we can order them to accept the business. We have tried from one bank to another bank to see if because there is competition some more banks would be interested in having the business and the reality is they are not.

ORAL

NO. 132 OF 1994

THE HON LT-COL E M BRITTO

GIBRALTAR NYNEX COMMUNICATIONS LTD

How much money have Government received from Gibraltar Nynex Communications Ltd in respect of -

- (a) royalties
- (b) dividends
- (c) any other payments other than company tax or municipal service charges

in each financial year of the company since it was incorporated?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, apart from the licence fee paid by the company when it secured the franchise, no other payments have been received by Government from Gibraltar Nynex Communications Ltd since it commenced trading.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1994

HON LT-COL E M BRITTO:

Can I ask why no payments have been received?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, because the company has not declared a dividend and not in sufficient profit.

HON LT-COL E M BRITTO:

Does the agreement with the company not allow for royalties to be paid to Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, not royalties.

HON F VASQUEZ:

Can the Financial and Development Secretary divulge what the licence fee paid was?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, it was in fact made public at the time and if the hon Gentleman were to look at the 1991 accounts, in the accounts of that year the figure is shown.

HON LT-COL E M BRITTO:

Do the Government have any knowledge, as a government, of the profitability or otherwise of the company?

HON J C PEREZ:

Definitely since we are 50 per cent shareholders of the company and have directors on the board, we are in the knowledge of the state of the financial affairs of the company. If we would not be it would be negligence.

HON LT-COL E M BRITTO:

Are the Government then satisfied that having given the licence to this particular company that Gibraltar itself, the taxpayer, has derived no benefits in kind from the company?

HON J C PEREZ:

Taking into account that the contract is a 20 year contract and that the investments today from the company to the infrastructure amount to millions of pounds, the Government are satisfied that the initial benefit to the taxpayer and to the customer is the vast improvement in the telephone service. Whenever that capital is repaid and the company turns to profitability and dividends are paid, the taxpayer as owner of the company, will receive the benefits of that as well.

HON F VASQUEZ:

We have had the benefits of the better service. The detriment to the consumer is the fact that the Gibraltar consumer pays anything from one-third to half more than consumers in almost every other jurisdiction. Can the Minister say, from looking at the accounts, when does he expect that the capital investment of Nynex will be defrayed and when the Government can expect to start deriving some benefit from their shareholding in Gibraltar Nynex?

HON J C PEREZ:

Whenever that situation happens there will be a dividend payment and the hon Member will see the dividend payment entered into the accounts as is normal with any joint venture company. May I reply to the hon Member's comments unrelated to this question when he said that the taxpayer is suffering higher charges. The higher charges that he refers to are not two or three times as much as anywhere else. [HON F VASQUEZ: No, one-third or half.] There are countries in the European Union which are paying excessively higher charges than in Gibraltar, where the network is much greater and it services millions of customers whereas here one has to have an independent network to protect oneself politically and it has to be paid by the customers within the unit. So if what the hon Member is suggesting is that to get cheaper telecommunications we should join up with someone else let him come out clearly and say so.

HON F VASQUEZ:

I have not suggested and I do not know where the Minister has dreamed that up that we should join with somebody else, neither did I suggest that telephone charges were two or three times higher, I said only from one-third to a half higher and as the Minister well knows it is a half again as expensive to phone London from Gibraltar than it is to phone Gibraltar from London. [HON J C PEREZ: That has nothing to do with Nynex.] The question that I put which has not been answered is when, judging from the figures in the accounts with which he is conversant, as he has told this House, does the Minister think that the capital investment will have been defrayed to enable the Government or the taxpayer to enjoy some benefit from Government's shareholding in the company? In other words, when will the capital expenditure be paid off, does he estimate it is going to be three years, five years or 15 years?

HON CHIEF MINISTER:

So far all the revenue generated by the business, even at one-third higher than anywhere else as the hon Member believes it to be, has gone into improvements in pay and conditions of employees which has improved on basic wages by the order of 10 per cent in four years or improvements in the infrastructure by investing in new equipment and there has been no money left over. The money has all been used for that. It is not possible, without being able to say what level of turnover there will be in the future, when there will be a surplus over and above the cost of operating and the cost of upgrading the infrastructure so as to pay dividends. That is not

4.

possible because that can only be predicted on an assumption about the volume of business the company will get and that depends on the number of users that come into, primarily, the finance centre. Certainly if the turnover stays at the level it is at the moment, we are unlikely to see any dividends for a considerable time.

ORAL

NO. 133 OF 1994

THE HON P R CARUANA

ATTORNEY-GENERAL'S RESIGNATION

What financial consequences are there to the Gibraltar Government arising from the resignation of the previous Attorney-General?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1994

HON P R CARUANA:

Is the Financial and Development Secretary in a position therefore to deny what I think are press reports, that the previous Attorney-General is being paid off in the sense that his contractual entitlements are being paid to him as if he had finished his contract which I think had another year or something to run?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Not by the Gibraltar Government. The Gibraltar Government is not paying anything more than the Attorney-General would have been entitled to having served the period of his contract which he did serve up to the date of his resignation.

HON P R CARUANA:

In other words, I think I now get the information. The Gibraltar Government normally pays the Attorney-General's salary, has paid him up to the date of his departure but the Gibraltar Government do not pay him anything in compensation for the lost months. If somebody is paying him it is some other government.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

ORAL

NO. 134 OF 1994

THE HON P R CARUANA

FINANCIAL SERVICES COMMISSIONER'S RESOURCES

What financial and staff resources are available during the current financial year to the Financial Services Commissioner and how much money will Government have to contribute this year to that purpose?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Financial Services Commission is run independently of Government and Government will not be making any financial contribution to it. From information which has been given to me I can tell the hon and learned Member that the Commission is budgeting for income of about £0.5 million in the current financial year. The question of staff resources is under consideration by the recently appointed Financial Services Commissioner.

SUPPLEMENTARY TO QUESTION NO. 134 OF 1994

HON P R CARUANA:

Mr Speaker, whilst of course it is enshrined in the legislation that we recently passed that this body is independent, indeed, of Gibraltar and the UK Governments, there is nevertheless is there not, does the hon Member agree, a sense in which this House needs to be concerned about the income and expenditure of the Financial Services Commissioner in the sense that since the source of revenue is going to be only the income from licence fees, that the sharing out of fixed costs amongst a limited number of operators should not result in the Gibraltar finance centre becoming uncompetitive in the sense that the operating costs in terms of licence fees become disproportionate in comparison to what they are in other finance centres with which we compete?

HON CHIEF MINISTER:

Yes, Mr Speaker, I agree with the hon Member and that would arise if the Financial Services Commission said that because they were encountering new costs as a result of the changes that are being introduced since the legislation was amended, they want to charge higher fees to practitioners. If that was the case then what we told people in the industry is that we would, at that point, go back to the United Kingdom and argue that it is the United Kingdom that should meet that cost in order to ensure that we remain attractive and competitive as a jurisdiction and that we do not have fees that are so high that people will not want to come here. But that at the moment is not the case because we have not been given any indication that they need to raise anything.

NO. 135 OF 1994

THE HON P R CARUANA

RED CRESCENT AID LORRY

What were the reasons for denying entry to Gibraltar of the Red Crescent aid lorry?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, a vehicle purporting to belong to the Red Crescent arrived at the land frontier on 22nd July 1994. Entry into Gibraltar was denied on the grounds that the presence of an emergency aid vehicle could be exploited for publicity purposes to further misrepresent the situation affecting Moroccan nationals in Gibraltar and, in particular, those who are demonstrating outside No. 6 Convent Place which is the subject of a separate question in the Order Paper. The House should note that the passenger travelling in the vehicle was a Moroccan journalist who had sought a visa to enter Gibraltar some months previously for a totally different purpose as part of a Moroccan press contingent. The House should also note that the presence of that press contingent led to a large increase in the number of demonstrators outside No. 6 Convent Place presumably in an orchestrated attempt to build up publicity.

The immigration and customs authorities gave permission for the items of food being transported in the vehicle to be off loaded and imported into Gibraltar to be delivered to those concerned.

SUPPLEMENTARY TO QUESTION NO. 135 OF 1994

HON P R CARUANA:

Is the Attorney-General in a position to confirm that in taking that course of action for the reasons that he has said they were taken, we have not infringed any international treaty obligation by which we are bound? Can he also say whether this was a decision made by His Excellency the Governor on advice of the Government in Gibraltar or was it a decision made by His Excellency the Governor on advice from the Foreign and Commonwealth Office?

HON CHIEF MINISTER:

On the second part there was a coincidence of views between the two Governments.

HON P R CARUANA:

And on the first point?

HON ATTORNEY-GENERAL:

On the first point I do not believe that there is any infringement but I cannot specifically answer that without notice.

HON P CUMMING:

In the Attorney-General's answer he talks about the arrival of this van could have misrepresented the fact but is it not true that many of these Moroccans staging their demonstration have no source of income whatever except alms received from some of their fellow Moroccans and that some of those therefore may reach a stage where alms from the Red Crescent may be not a misrepresentation but in fact proper representation of the situation?

HON ATTORNEY-GENERAL:

Mr Speaker, I cannot inform the hon Member as to their source of income. I do know that there is a little red box outside because I walk past it every morning and I often get a cheery hello from some of the members who I see several times during the day. I cannot possibly answer the question about their source of income.

HON P CUMMING:

We know that there is no source of income for them in Gibraltar. They do not have any social security, they do not have any work and therefore it may be that they fall to such a level of poverty that they in fact need the administration of the Red Crescent. I agree that this whole problem is very unfortunate for Gibraltar but when we talk about misrepresentation of a human problem we have to take care that we do not cross the line and become inhuman.

HON CHIEF MINISTER:

Mr Speaker, we are not in a Rwanda situation, that is what we mean by misrepresentation and some of the placards there that make references to Somalia would indicate that that was the case. It is true that they have got a situation where having been unemployed for a long time they have no declared source of income. It is also true that in interviews on television they have admitted, in many instances, to be working as and when they can in casual areas and it is also true that the amounts owed in arrears of electricity, water and rent in the Casemates Hostel now comes to very, very substantial sums, in fact, we are talking about the place operating at a huge deficit because the numbers not paying outnumber the numbers paying. All those things do not indicate inhumanity because, in fact, in any other part of the world I imagine that if people are being told, "There is no prospect of you getting employed"; if somebody is made redundant from the MOD and finishes with £20,000 in his pocket and chooses to put a placard up in the middle of Main Street rather than go home, we are not in a situation where it can be misrepresented as starving thousands requiring the Red Crescent to fly in aid.

HON P CUMMING:

The Chief Minister, of course, is right in many things that he has said. But is it not true also that there are some Moroccans amongst those that have not got any MOD pension or any Government pension of any kind because they were employed with one private employer and then another and there may be some amongst them whose cases are genuine. Have the Government any mechanism for recognising who is in a real need and who is not?

HON CHIEF MINISTER:

No, the answer is that what the hon Member is saying is probably true but that would require a policy decision to extend means tested social assistance to Moroccan workers when, in fact, it is not even paid to Community nationals and where there is a clear distinction between social security, which is something which people have got a right to based on their contribution record and social assistance, and under Community law member States are required to give equal treatment to nationals of other member States for the purposes of social security and under the EEC Moroccan agreement of 1976, which was done without us knowing it in Gibraltar or knowing that we were in it or discovering that we were in it till 16 years later, there is a reference to equal treatment at work and in terms of social security. The Moroccans, as I have mentioned in the House, in fact, going back to my first speech immediately after the general election, the hon Member will remember that I said we were being sued on this basis and therefore if they were right since the consequences would be even more than the consequences of the pre-1969 Spanish pensioners, there would be no question of us being able to say, "You are right, you are entitled to this." There is not the money to pay it. So we would then have to look at scrapping the system for everybody, that is what I explained. The hon Member will see the difficulty that even if one is on humanitarian grounds moved by a particular individual, the problem is that as a Government once we do one thing we create a precedent which a lot of other people can then use and then we have got no protection.

NO. 136 OF 1994

THE HON L H FRANCIS

FISHING IN GIBRALTAR WATERS

What steps are Government taking to ensure that Spanish fishermen do not infringe local and European fishing regulations in Gibraltar waters and they do not hinder access to our port areas?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the infringement of fishing regulations in local waters is a matter that is constantly monitored by the Royal Gibraltar Police in liaison with the Captain of the Port, the Gibraltar Services Police and the Gibraltar Ornithological and Natural Histoy Society.

The House should note that this includes monitoring possible infringements of the Nature Protection Ordinance for which there has recently been at least one successful prosecution.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1994

HON P R CARUANA:

Mr Speaker, would the Attorney-General confirm that for the purposes of that monitoring and supervision Gibraltar waters are as they are defined by us in Gibraltar and not as others claims them to be or not to be?

HON ATTORNEY-GENERAL:

Certainly, Mr Speaker. They are defined as we define them in Gibraltar and not as others claim them to be.

NO. 137 OF 1994

THE HON P R CARUANA

ATTORNEY-GENERAL'S RESIGNATION

Do Government propose to initiate any action against the Financial Times or the Observer in connection with the reporting by those newspapers of the previous Attorney-General's resignation?

ANSWER

THE HON THE ATTORNEY-GENERAL

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 137 OF 1994

HON P R CARUANA:

Will the Attorney-General agree that the reasons why the previous Attorney-General resigned have not been made public? Indeed that explanation which has been given in public to the very limited extent that it has gone, is incompatible with the version of events reported in both those newspapers and that therefore the linkage, particularly in the case of the Financial Times, between the Baltica investigation and the resignation of the Attorney-General published as it has been again in a newspaper of the international circulation and repute of the Financial Times, if it goes specifically and properly unanswered will be accepted as truth by all those international businessmen who read it whether it is true or not and that this Government, in particular, and Gibraltar in general, will receive international business and public opinion quite unjustifiably on the basis of his predecessor's resignation?

HON CHIEF MINISTER:

I have no way of knowing whether Mr Burns invented the story or had it leaked to him and if leaked to him where it was leaked to him except to say where it was not leaked from. As far as I am concerned, Mr Speaker, and the elected Government, we cannot say, "There is no truth in that story". All we can say is that the Foreign Office, which is identified as the primary culprit in the stories to which the hon Member refers, denies being the source and denies that it is true and since I know that Opposition Members believe the British Government even more than I do, they should have no difficulty.

HON P R CARUANA:

The question is whether the Government, given that all that is not true, will defend themselves; and it is the same question as I have asked before, against the battery of allegations of impropriety that the Financial Times republished under the excuse of the Attorney-General's resignation?

HON CHIEF MINISTER:

Obviously if the Financial Times republished it under the excuse the hon Member is saying that he recognises that the excuse was an excuse because they wanted to republish it and it had nothing to do with the Attorney-General's resignation and it is unconnected. Had we wanted to take action we would have taken action the first time it was published and he knows the answer to that one because he got an answer two years ago.

HON P CUMMING:

Mr Speaker, the Chief Minister has accused the Opposition that we always believe in the British Government as though this is a failing on our part. In this particular case it would seem to me and maybe the Chief Minister agrees, that this was a case in the Foreign Office's view of the Attorney-General, as it were, going native and because of his experience as a criminal lawyer in the past for many, many years, a kind of general anti-establishment view which would have taken expression one imagines, against the Governor and against the Foreign Office and that this has been the reason. Because it seems to me, Mr Speaker, and probably the Chief Minister will agree, that to say, "He went not because of any current issue and not because of any question of the advice that he gives the Government", it does not leave much else as a course of a dispute, personal issues which presumably at that range of seniority in public service do not arise which result in resignations. In this case I would point out to the Chief Minister that I do not believe the British line.

NO. 138 OF 1994

THE HON P CUMMING

CARS ENTERING GIBRALTAR

Do Government have any procedure for monitoring the build-up of queues of cars entering Gibraltar?

ANSWER

THE HON THE ATTORNEY-GENERAL

The answer is no. We have no way of monitoring activity outside this jurisdiction. Police officers and customs officers stationed at the frontier can observe what is happening on the other side, and often it appears to be the Spanish police checking the documents of cars leaving Spain that leads to the build-up of a queue, but there is no way that we can monitor that activity in another country.

SUPPLEMENTARY TO QUESTION NO. 138 OF 1994

HON P CUMMING:

Do Government take the view that it is a good tit for tat policy to make Spaniards wait to enter Gibraltar or do Government think that long queues to enter Gibraltar are bad for our economy?

HON CHIEF MINISTER:

The second view, there is no policy of tit for tat. The political Government take a view that it is good for our economy that people should visit us and there is certainly no tit for tat and no policy to delay people coming across.

HON P CUMMING:

So this answer that we have had about not being able to observe, in fact one cannot stand at the queue and observe how long the queue is because one cannot see it, but that there is nothing that can be done it seems to me rather farfetched because all it needs is somebody in the police post to whip round and look and say, "Yes, let us hurry up because there is a queue building up and it is bad for our economy" and therefore it is in our interest to do something and that people do not think that this is good for our pride, that we have got to sacrifice our economy for the sake of making Spaniards wait.

MR SPEAKER:

Will you ask a question please. You are making long statements and I have allowed you but you must put a question.

HON P CUMMING:

Will the Chief Minister make a statement with regard to an unwillingness to sacrifice our economy for a tit for tat policy of making Spaniards wait to enter Gibraltar?

HON CHIEF MINISTER:

The question he has asked is asking me to say what I said before he asked the question. Is it that he is deaf or that he is not all that bright, which is it?

HON P CUMMING:

If it were true he would not say, "There is nothing we can do, it is outside our jurisdiction" when all one has to do is poke one's head out and look and say, "Let us hurry up because the queue is building up". It is a question of attitude, Mr Speaker.

HON CHIEF MINISTER:

I have said to the hon Member, I will say it again in case he did not understand me the first time, there is no policy decision giving instructions to the police at the frontier or the customs at the frontier that as a tit for tat if they keep us waiting 20 minutes we keep them waiting 20 minutes. The information that we have is that they have no difficulty in moving once they get over the imaginary line on the ground which separates the other country from our country. In our country they move at normal speed, before they get to that line what the Attorney-General has been trying to tell him is that our police cannot cross into Spain to chivvy them up, that is the point. There is no question at all nor has anybody ever suggested that there are deliberate delays imposed by us on incoming traffic, I have never heard that story before except from the hon Member.

HON P CUMMING:

I accept, from the Chief Minister that there is no policy to tell them to slow them down tit for tat but could not the Chief Minister make the opposite thing and say to them, "Look when there is a build-up hurry up and get the queue moving"?

HON J E PILCHER:

We have done that already. We have had various meetings at the land frontier between the Gibraltar Police, the Customs Department, the Chamber of Commerce and the Government represented by me, wherein we have made absolutely sure on three different occasions that the delays are not caused on our side of the frontier. To make sure that there is no the slightest doubt there is a change of procedure wherever there is a build-up of queue in Spain by which the police officers move down the line to the customs post thus creating a small neutral area and therefore one can, at a glance, determine that if the neutral area is empty the delay is not on our side. We have done that on three occasions. There is still one minor change

that we need to do at the frontier, Mr Speaker, which is being done at the moment, which is a change in the traffic flow for the coaches because when there are coaches coming in, because they have to be stopped and they have to be checked because of the numbers of people coming in, then we have a situation where two or three coaches coming in together and they block the frontier. This, at the moment is being looked at and the traffic for the coaches will flow behind the frontier on the other side of the road in a special area which is being dedicated to coaches and this will be seen happening over the next couple of weeks. We have, Mr Speaker, and I stress, identified that the queues are not caused by our police officers or our customs officers who try their utmost to ensure that not only do they not cause them but they are seen clearly not to cause them. The queues, Mr Speaker, are created on the way out and on the way in by the Spanish authorities.

HON P R CARUANA:

Mr Speaker, has the Minister detected a relatively new practice on the part of the Spanish customs frontier administrators which I think is of concern given the importance to Gibraltar of visitors by coach and that is that I have recently observed - I do not know how long it has been going on - that they are now making coaches join the queue as well whereas originally they used to allow coaches preferential access through a new route. I have recently had occasion to witness five or six coaches stuck in the queue as far back as Puente Felipe, at the entrance of La Linea, whether there is any representation that Government Members could urge the British Government to make through diplomatic channels to avoid this or at worse, whether there is some unofficial practice that the community in Gibraltar could be encouraged to pursue which is that we accept, given that the importance of this traffic to our economy, that buses are told to go to the front of the queue in the ordinary flow of traffic in the certain knowledge that Gibraltar registered vehicles will let them in at the front of the queue? I can seriously foresee a situation where the flow of day traffic to Gibraltar in coaches will be affected by people having to sit for one and a half hours in a queue in coaches and that is before they get to the lengthy procedures that the Minister himself has described once they get here.

HON J E PILCHER:

Mr Speaker, the hon Member is right. This has now been going on for the last, I would say, five to six months. As I think it follows necessarily, the answer that was given initially, this is outside our jurisdiction, we have made internal approaches and we have made external approaches but obviously it is outside our jurisdiction. I cannot see any mileage, Mr Speaker, in having a sort of internal regime whereby people who are in the queue voluntarily let the coaches through. I would if the case arose but obviously this is on a very individual basis and I suppose if somebody is on the queue for an hour he is not going to allow a bus to come through. In any case, we could not

regulate it, it would have to be on a voluntary basis. But, Mr Speaker, having said that I would also advise the hon Member that although this practice has been going on for the last six months, it certainly has not slowed the number of coaches that have come into Gibraltar which, in fact, this summer has been on the increase.

HON P R CARUANA:

I suspect that the statistics would only be reflected next year when people do not take up a repeat visit in next year's holiday. Obviously people who will have experienced it this year for the first time and do not come on two coach trips in the same season.

HON H CORBY:

For cars coming from Spain into Gibraltar, when there are mixed cars, Gibraltar cars and Spanish cars, most of the Spanish cars coming in for petrol and buying whatever they buy in Gibraltar, would it be an idea as Gibraltar passports are checked at the frontier, the flow from the queue being formed by Gibraltarians are let through at the police post and the ones that are going to be checked which are the Spanish or other, then the flow of traffic will flow from the queue directly into Gibraltar and only the people whose passports are checked will come into one side.

HON J E PILCHER:

I will save the hon Member time in asking. This is precisely what is happening, this is precisely the new system. Whenever there is a build-up the police move down, they leave a neutral area and then any vehicle which either the police or the customs is going to check is put into the third lane and checked independently without creating problems for the flow of traffic. But we cannot get the two lane flow at the actual line that the Chief Minister mentioned because the Spanish authorities will not allow a two line system coming in.

HON LT-COL E M BRITTO:

I think the crux of the problem is exactly what the last speaker has just said. Let me say that I fully accept the Government's statement that there is no policy to cause a queue. Let me say that I agree entirely that it is in our interests to get the flow of traffic into Gibraltar faster so what I am going to say is aimed as constructive suggestion to help that. We are told that the police move forward but I think the Minister also said that this has been done three times when there has been a massive build-up of queues.

HON J E PILCHER:

No, Mr Speaker, just to correct the hon Member, I said that the instructions to the police and customs is that whenever there is a queue build-up, whether or not it has anything to do with us, there is a shift so that we can identify clearly that the problems are not on our side. That is the instruction that the police have.

HON LT-COL E M BRITTO:

But will the Minister accept that in view of the answer given at the beginning to the original question that we do not monitor the queue and I can vouch for that from personal experience, my feeling from observation on the spot is that we are, on the Gibraltar side, partly to blame unintentionally because of the bottleneck referred to by the Minister and would it not be in Gibraltar's interests to move the police back on a permanent basis? Because the police on a daily basis when the queue goes back to the traffic lights coming into Gibraltar, despite traffic lights on the Spanish side, the traffic is flowing almost normally. Cars do not come to a grinding halt like they do when they go in the opposite direction but one still spends between 20 and 30 minutes and even up to an hour in a queue that is dribbling forwards and when one gets to the police posts, invariably the Spanish police are sitting inside their post and they are waving cars through whereas when one gets to the Gibraltar police post, because the channel allows only one car to go through and because the Gibraltar police in the perfectly correct execution of their duty examine and ask questions of non-Gibraltarian cars like checking passports and green cards and so on, that momentary 30 seconds stop is what helps to cause the queue. If we had, as the Minister is saying, the police moving forward on a permanent basis once one gets to customs there is no problem. Customs do not contribute to the queue at all but if the police were further back on a permanent basis, will the Minister accept that that stoppage that they do on non-Gibraltar cars on the occasional basis that they are aware a queue has build up, if they did it on a permanent basis the queue would flow obviously much faster.

HON M A FEETHAM:

Mr Speaker, we have concentrated basically on the manpower and the servicing of people coming across the frontier. The reality is that the way the planning of the entrance into Gibraltar and the fact that we have only got one artery road leading in and out of Gibraltar and that is constrained by its width.

HON LT-COL E M BRITTO:

Artificially because of barriers.

HON M A FEETHAM:

Well no, if the hon Member will allow me because I am looking at it very closely precisely from the point of view that what we need to do is not to constrain people coming in, what we need to is to accelerate people coming in always that the police are able to carry out these checks and customs are able to detect any possible illegal activities, particularly on the drug side. Consequently what we really need is to widen the whole aspect of entry into Gibraltar. Why that is not possible at this point in time is because most of the area immediately adjacent to that main road is actually MOD land, that is one point. Secondly, that the roads that cross from what used to be the North Front depot and now is the road for the commercial entrance of vehicles, actually is within three or four yards of wherever he wants to put that policeman that he wants to put and consequently there is a bottleneck there. What actually is required is a restructuring of the points of entry in and out, including taking in the question of the coaches coming in, perhaps what is now the commercial entrance rather than through that particular road, if we can shift and get Spanish agreement, question mark and so on and so forth, to come through the other entrance. I know that the customs are under a great deal of pressure there because let us be clear about it, there is an awful lot of flexibility on the customs side with people coming in, they are letting people in bringing in goods and half the time they are not even declaring it and that is a reality and we live in Gibraltar and we know it and therefore they are being helpful. It is only the people that declare goods that go into the red channel and whenever somebody needs to be detected on the spot check they are pushed to what is called unofficially the third channel which really obstructs the flow the moment one shifts them there because we have also got the taxi rank leading right up to the point. So it really needs a far more comprehensive look and there is an awful lot of constraints in that. But we are satisfied and under the existing arrangement that my hon Colleague has introduced, perhaps there could be some more improvement but the really problem is far more fundamental than that.

HON LT-COL E M BRITTO:

I accept the last speaker's comments that the solution in the long-term will have to take into the MOD land etc. Some years back I suggested that the queue going out of Gibraltar be tailed back along Devil's Tower Road and not into town as it used to be. The idea was not received warmly on the Government side, eventually it was implemented and since it was implemented we have seen the end of the tailbacks coming back all the way into Main Street. Will the Government accept the suggestion from the Opposition side that they implement on a trial basis moving back the police control all the time, not just when they see the build-up of the queue, to a point on the end of what is the customs control? If the police were stationed there I am very strongly of the opinion that if they were there all the time

that the queue into Gibraltar would be helped considerably and would be cut down at least by one-third waiting time. Will the Government accept that, as a constructive suggestion, and would they put it to a trial of three months and have the police permanently further away from that narrow bottleneck which is the imaginary line that the Chief Minister referred to?

HON J E PILCHER:

This is a matter that we are continuously looking at in conjunction with the Chamber of Commerce but I cannot agree because we have monitored it, that if we did anything on the Gibraltar side it would curtail the queue by a half or one-third because that would be a complete acceptance that we do create half or one-third of the queue which I assure the hon Member is not the case.

NO. 139 OF 1994

THE HON P CUMMING

PRIVATE CLAMPING COMPANIES

Are private clamping companies adequately supervised by a Government authority?

ANSWER

THE HON THE ATTORNEY-GENERAL

Private clamping companies that clamp on private property are not supervised by a Government authority but such companies are subject to the criminal and the civil law. If they breach the criminal law they may be prosecuted. If they breach the civil law they might be sued for damages.

SUPPLEMENTARY TO QUESTION NO. 139 OF 1994

HON P CUMMING:

So in other words any citizen that falls foul of a private company has to take the matter to court himself; just pay up or take the matter to court himself, he cannot have any protection via the police, is that right?

HON ATTORNEY-GENERAL:

If there is a matter of complaint that warrants an investigation by the police, obviously he can go to the police. But we are talking about private property.

HON P CUMMING:

Where a company exceeds its authority or clamps on disputed ground as to whether this is public highway or private, the police does not intervene?

HON J C PEREZ:

Mr Speaker, following the hon Member's question then the matter becomes the disputed ground, it has nothing to do with the functions of the private company. The hon Member is suggesting that if someone is clamped on disputed ground then has he got the protection of the police, well only if the dispute over the ground is settled whether it is private or public. The issue then would be the dispute over the ground and not the actual action taken by that company.

HON P CUMMING:

In a case where a private clumper clamps a car where there is no dispute, would the police not intervene there or would it be up to the individual citizen to take the matter to court at his own expense?

HON ATTORNEY-GENERAL:

It is essentially up to the individual citizen to decide what to do. If it appears that there has been a breach of the criminal law then obviously the police may have to be involved but it depends on whether or not it is a matter for the police. If it is a breach of the civil law, as I said, then the citizen has to decide whether he wishes to bring an action against the private clamping company.

NO. 140 OF 1994THE HON H CORBY

ILLEGAL EXPORTATION OF TOBACCO

How many arrests have been effected by each of customs and the Royal Gibraltar Police over the last 12 months for offences related to the illegal exportation of tobacco or the unlicensed or illegal operation of fast launches?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, customs have not arrested anyone for the use of unlicensed fast launches or for the illegal operation of fast launches.

Customs have had a total of 17 cases recorded of attempting to export tobacco without a licence. Of these, three were discontinued for lack of evidence whilst the other 14 offences were compounded and fines imposed.

The Royal Gibraltar Police have dealt with the following offences related to the unlicensed or illegal operation of fast launches -

PORT RELATED OFFENCES	ARREST	SUMMONS
Vessels not registered	-	15
Not displaying PFB numbers	1	17
Operating fast launches	2	2
Speeding in the harbour	-	9
Speeding in port waters	-	9
Permitting to operate fast launch	-	1
Operating unlicensed vessel	-	10
Dangerous navigation	4	6
Registration numbers not to specification	1	11
Navigating a vessel under age	-	2
Fishing in territorial waters	5	-
No PFB numbers	-	4
Fishing with nets	2	-

The Royal Gibraltar Police have arrested 16 people for exporting tobacco without a licence, and they have proceeded against 39 people for this offence by way of summons. Three people were arrested for exporting from a place other than the public quay at Waterport and 32 people were summonsed for this offence, 16 people were arrested for having a radio transceiver without a licence, and 136 people were summonsed for this offence.

SUPPLEMENTARY TO QUESTION NO. 140 OF 1994

HON H CORBY:

Will the Attorney-General refresh my mind, from where is the export of tobacco from Gibraltar legal?

HON ATTORNEY-GENERAL:

It is an offence to export from anywhere other than the public quay at Waterport, Mr Speaker.

HON H CORBY:

It is a laughing matter in as far as the customs are concerned. We in Gibraltar know that fast launches, and we have had the Chief Minister stating that these launches do carry drugs and tobacco, they are intermixed with the tobacco trade, the Chief Minister has said that he would stamp out any drugs which the fast launch carries, he has said this publicly in the House.

HON CHIEF MINISTER:

Can I just say, for the record, that I have not said that I am in a position to know what a fast launch or a slow launch or any other type of launch carries, I cannot see it from my office and that is where I am all the time.

HON H CORBY:

Well, Mr Speaker, if the Chief Minister does not know he should talk to Commissioner Canepa.

HON CHIEF MINISTER:

The hon Member is wrong, it is not my job to do the job of the Commissioner of Police and I do not even have the constitutional right to supervise how well he is doing it, let us be clear. What I am saying is, the position is the policy of the Government is to stamp out drugs, he knows that. That does not mean to say I know what is happening, what is not happening. I know what people say the same as he does. He may know more than I do but I cannot vouch personally for having any personal knowledge.

HON H CORBY:

Does not the Attorney-General think that 17 arrests by the customs who are the actual people who should be stamping out this in as far as the illegal trade of exporting tobacco, there have been 17 arrests when tobacco is exported from Sandy Bay, Eastern Beach, Rosia Bay Families Club, it is exported from everywhere in Gibraltar and the customs have only arrested 17 people in a year? Can the Attorney-General really explain how this can come into force, only 17, when he can come with me in a car and travel around Gibraltar and see the export of tobacco from everywhere that a fast launch can drive into dock or go into the harbour or go into the beach? One of the other sites is Catalan Bay, it is there for everybody to see, have a cup of coffee in the Caleta Palace Hotel. And only 17 arrests, that gives one an idea how monitoring of the fast launches and drug activities in Gibraltar are completely negligible.

HON ATTORNEY-GENERAL:

It is quite incorrect to say that the monitoring of drug activity in Gibraltar is completely negligible, to take up the expression used by the hon Member. The hon Member knows perfectly well that the customs and the Royal Gibraltar Police are totally dedicated to exterminating drugs in Gibraltar, that has been said time and time again. As for the question of 17 cases by customs, that is not a matter that arises from the question and if the hon Member wishes more information on that I will need to seek some further information.

HON H CORBY:

What does he mean more information? I am asking the Attorney-General how can 17 arrests for illegal exportation of tobacco in one year have been effected when he has just told me that the only place where exportation of tobacco is legal is from Waterport. Everybody knows that the export of tobacco is everywhere in Gibraltar. How can he explain that? How can I give him more information if I am telling him here today that he has told me that Waterport is the place where export of tobacco takes place and the whole of Gibraltar sea area is used for the exportation of tobacco? How can that be?

HON CHIEF MINISTER:

The hon Member knows the answer because he has been told the answer when he has raised it before. The position of the Government is that there used to be a limitation on licensing duty free tobacco exports and therefore the idea that one can only export from a particular place under customs supervision is a relic of the day when the export was from bond. All that has been explained previously to him or if not to him in the House before he was here. The fact is that the primary role of the customs in Gibraltar, like the primary role of the customs everywhere in the world, and certainly everywhere in Europe, is to stop people introducing into the jurisdictions goods which have not paid duty. That is what their primary function is. Their primary function is not to

prevent somebody removing from the territory duty paid goods, which is what the hon Member is referring to and therefore the importance that is attached to whether somebody is taking tobacco which has paid duty which can be bought freely in Main Street like any other goods can be bought in Main Street, is not of the same seriousness as the suspicion that somebody is engaged in drug running and consequently the primary objective in terms of the resources that they devote and where they concentrate is in the area of drugs which is where we think they should be devoting. That is the answer. It may well be, and the hon Member may have a point, that we ought to say that there should not be any restriction because it is out-of-date. We will certainly bear that in mind.

HON H CORBY:

No, this is not the case, the hon Member does not want that to happen at all because it brings into this area other things that if he is taking a blind eye it can turn into whatever one can think of. I do not want the export of tobacco to be handled from everywhere in Gibraltar, no there must be a place where they should export the tobacco from and not from beaches, etc.

HON F VASQUEZ:

Mr Speaker, we have heard the Attorney-General explain that it is a criminal offence to export tobacco in Gibraltar anywhere other than the area that he has designated. We have now heard the Chief Minister say that that in fact is an outdated law because the practice has changed in relation to the licensing of the exportation of tobacco. Can the Chief Minister then explain to this House whether his administration has given instructions to the police that, in fact, certain technical offences because whether he likes it or not it is still a technical offence to export from anywhere other than the area that the Attorney-General has explained, that his administration has given instructions that certain technical offences are not to be investigated or pursued? Is that the case or is he saying that, in fact, the police have taken the same view that he has and have taken the view that because this law is outdated they are simply not going to enforce the law because clearly they are not enforcing the law as it stands today?

HON CHIEF MINISTER:

What I am saying is that in 1988, Mr Speaker, the position was that people were licensed to export duty free tobacco from a particular point. The hon Member may wave his arms about but what I am saying is factually correct and can be verified. In 1988 that was the position which was changed. It was done under customs supervision and we were being accused of actually organising tobacco exports duty free in the knowledge that they were finishing up at a destination other than the destination shown on the manifest. In dealing with that accusation we said, "We will not allow duty free exports of tobacco under customs supervision and therefore no more licences to export tobacco". What happened subsequently was that having removed the duty free sales people then started taking duty paid tobacco, there is no precedent anywhere else, to

my knowledge, where people duty paid are told they cannot take their goods once they have bought them and therefore the answer may be that having said there is no more duty free special facility provided, we should have then gone on to do away with the licence required for the duty free because we took away the duty free but we left the provision in the regulations as it was. Since 1988 the fact that the people who have to enforce the law know what the law was there to do and know what was the change, in terms of the time and resources that they devote to this. It is the same, I imagine, that if they see somebody committing a parking offence and they see somebody robbing a bank and they decide there is more importance to stop a bank being robbed than to stop a parking offence. I imagine that is what is happening.

HON P R CARUANA:

Mr Speaker, if I could just add something, possibly by way of correction, to what the Chief Minister has said. Certainly from a revenue point of view, the offence becomes less grave when the public purse has not been deprived of revenue, which I think is the point that he is making. It is nevertheless still an offence under the Import and Export (Duties) Ordinance to export goods in commercial quantities without a licence regardless of whether they are duty paid or duty not paid. Is the Attorney-General satisfied that the police and customs are sufficiently monitoring whether people who are exporting duty paid tobacco in commercial quantities have a licence to do so under the Import and Export Ordinance which has nothing to do with import duty in that section?

HON CHIEF MINISTER:

The answer is that clearly what we require to do because this is a matter which is a political decision, whether we want to say to people when they buy duty paid goods, "You need to have an export licence". [*HON P R CARUANA: In commercial quantities.*] In commercial quantities or in whatever quantities. It is a matter of judgement how much constitutes a commercial quantity. What I am telling the hon Member is that I imagine that the French in Calais do not say to the people who are going to get on the ferry, "We do not allow you to take from France commercial quantities of wine", it is the British on the other side who say, "We do not allow you to bring in commercial quantities" and it is our customs who stop people bringing things in and it is other people's customs who do the same exercise somewhere else. Therefore we may need to consider whether, in fact, we ought to remove the restriction that one needs a licence in order to export duty paid goods and limit the licences exclusively to the export of duty free goods because the whole purpose of licensing exports of goods that have not paid duty when it was initially done many, many years ago was to make sure that it was not being brought back surreptitiously and sold in the domestic market not having paid duty. That is how it started.

NO. 141 OF 1994

THE HON H CORBY

LOSS OF LIVES AT SEA

How many Gibraltarian lives have been lost at sea for reasons attributable to fast launch activity over the last two years?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the answer is three.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1994

HON H CORBY:

The Attorney-General has said that three during the last two years but there have also been disappearances at sea of people who have gone on fast launches and who have never been seen again or the body has not been found. I would like to state here that there are very young boys in the fast launches, I know one who is 16. At the moment in Gibraltar a 16 year old cannot travel around Gibraltar in a 50 cc motorcycle yet without any licence whatsoever youth carry 200 hp or 250 hp or 300 hp engines at the back of the boat without any experience. Might these be causing as well accidents in the Straits of Gibraltar because if a 16 year old cannot drive a 50 cc motorcycle in Gibraltar how can he drive a 200 hp or 300 hp boat without a licence?

MR SPEAKER:

What is your question?

HON H CORBY:

My question is how that should be allowed.

HON ATTORNEY-GENERAL:

Mr Speaker, I can say that the question of age is a matter which is being looked at but I do not think it is appropriate I should say anymore than that.

HON F VASQUEZ:

Mr Speaker, if I can just ask a supplementary. We have heard the Attorney-General say the answer is three. Is he satisfied that that is a totally accurate figure? Does it, for example, include young men who have drowned at sea in this period for reasons which may have been connected to the fast launch activity? It does seem, Mr Speaker, although it is a low figure, for the reports that one gets of the injuries and deaths that occur in this activity.

HON ATTORNEY-GENERAL:

I am satisfied, Mr Speaker, that the figure is accurate because I went back to the Commissioner of Police after the figures were provided to me and I have double checked that figure myself so I am satisfied that it is accurate.

NO. 142 OF 1994

THE HON P CUMMING

CONTROL OF FAST LAUNCHES

Are the police satisfied with the practical resources and the legal measures at their disposal to control the fast launch activity?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the role of the police is to ensure compliance with the law and in that context they are reasonably satisfied with the practical resources and legal measures at their disposal to control the fast launch activity.

They are about to obtain another patrol vessel and hope in the near future to obtain some additional equipment

SUPPLEMENTARY TO QUESTION NO. 142 OF 1994

HON P CUMMING:

Mr Speaker, about 18 months ago at a public meeting at the Mackintosh Hall the Commissioner asked for a package of measures that to my knowledge none have yet been met. Presumably when the Commissioner when public on the series of measures that he needed and those measures still have not been met presumably this means that they would not be satisfied unless there has been some change.

MR SPEAKER:

You have got to put a question not just make a statement.

HON P CUMMING:

Are the changes that makes the police reasonably satisfied now 18 months ago they were asking for a package of measures, presumably that they needed and showed dissatisfaction at the state of affairs, no measures have been changed and yet the police now, the Attorney-General claims, are satisfied? How can that be?

HON ATTORNEY-GENERAL:

I am not aware of that, Mr Speaker. As I have said, I have been advised that the police are about to obtain another patrol vessel and that there is certain other additional equipment that they hope to obtain in the near future. It is not appropriate that I should reveal precisely what that additional equipment is at this stage.

HON P CUMMING:

Mr Speaker, we were told in the House about expensive machinery brought to test the power of the fast launch engines and the problems the police were having. I would like to know, is that machine now functioning and producing results?

HON CHIEF MINISTER:

Mr Speaker, I can tell the hon Member that in my last meeting in the United Kingdom the question of the use of the machinery was raised by the UK side and, in fact, when I got back here and I investigated we were able to establish that it was no fault of anybody here but that the machinery, expensive as it was, was not performing as was expected in accordance with the manufacturer's brochures and specifications when it had been ordered and there had been innumerable correspondence going back to 15 months, of which we had not been aware, I only investigated it because the UK said, "What is happening with the machinery?" like the hon Member is and as a result of that we have now been told that the Foreign Office paid for it, have now gone back to the UK manufacturer who is now sending somebody out here to see what needs to be done to make it work or else remove it and produce a new one. I can tell the hon Member certainly that any deficiency in its operation for which to some extent it appeared we were getting blamed, on investigation has been found to be no fault in Gibraltar at all. The people who have been trying to do what they were told by the manufacturer had to be done and the results that were supposed to be produced were not being produced.

HON P CUMMING:

Mr Speaker, how does the Government explain the frequent finds of large amounts of drugs around our coast?

MR SPEAKER:

Order, order. That is a totally different question.

HON P CUMMING:

Mr Speaker, these are related to the fast launch activity.

MR SPEAKER:

Put another question. I am afraid I cannot accept that.

HON P CUMMING:

The law was changed in 1988 about duty free exports and so on as the Chief Minister has been explaining. Does that mean that in 1988 it was the GSLP that established a Government cut from the tobacco smuggling and therefore made Gibraltar dependent on the smuggling activity of the fast launches?

HON CHIEF MINISTER:

The only people that I know who argue that we are a nest of drug traffickers are the Spanish politicians and the Opposition Member who is disgraceful in his performance, he seems to be as much a spokesperson for the Spanish propaganda machine as anything the Spaniards were able to produce during the bad old days of fascism. Therefore I have told him that the response that we took in 1988 was to counteract an accusation that we were deliberately creating a facility specifically for people to buy duty free cigarettes, put them on the back of a boat and take them across the water. That is the accusation that was made against us. When this was raised with us when we came in rather than say, "We are going to stop people taking duty free cigarettes out of Gibraltar", we will say, "We will do away with duty free at all and then nobody can say that this is being organised as an activity by the Government". It may happen that the fact that it is now duty paid may make it less lucrative and people then do not think it is worth their while. It so happened that notwithstanding the fact that we made it duty paid they made the duty even more. Mr Speaker, if tomorrow Spain decides that they are going to put a duty on some merchandise which makes it extremely profitable for people to buy here and take it there, I remember the days when they used to take razor blades, then what are we supposed to do? Decide that either we prohibit the sale of razor blades in Gibraltar or we bring our duties into line with theirs? From that to suggest that effectively our economy since 1988 has depended on tobacco exports is the kind of insane remarks the hon Member is constantly making which will be his ruin.

HON P CUMMING:

Is the Chief Minister suggesting then that when the police find in our coast a catch of cannabis worth nearly £1 million we should shut our eyes to that and not question ourselves as to how come this has been found, has it got anything to do with the fast launches, are we justifying this trade? Is it that the Chief Minister is suggesting that out of patriotism we must pretend that the police are not frequently finding catches of drugs around our coast and that this is related to the fast launch activity? Furthermore has the Chief Minister admitted that consequent to his action in 1988 to do with tax free exports of tobacco he, in fact, did ensure that the Government had a share and an interest in this tobacco smuggling and therefore now it is more and more difficult to control it and to stop it?

HON CHIEF MINISTER:

Mr Speaker, I do not know what the question is but since most of it has been a statement I can only say, as a statement in replying to his statement because it does not seem to be a question, that I refute the conclusions that he chooses to make which are conclusions which will sound like manna from heaven to all our detractors on the other side for which they will no doubt be eternally grateful to him.

ORAL

NO. 143 OF 1994

THE HON H CORBY

FAST LAUNCH OPERATIONS

Do Government agree that they need to take steps to ensure that Gibraltarians and others in Gibraltar can go about their waterborne leisure activities safe from the activities of fast launch operators?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, the Government have taken steps to ensure that people can go about their waterborne leisure activities safe from any vessel. At the present time the Royal Gibraltar Police have two vessels on the east side to ensure that vessels do not enter demarcated areas and put people in or on the sea at peril. The Gibraltar Services Police perform a similar function on the western side.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1994

HON H CORBY:

Can the Attorney-General then explain why bathers are always at risk of fast launches being chased by the Spanish gunboat, being chased and not being able to cover the Europa Point area do go to the beaches for security and also how can the Attorney-General explain that inside the harbour a fast launch rammed a fishing boat where one of the occupants was transferred to the ITU Unit at St Bernard's Hospital? Where is the protection that he is saying in his answer to my question?

HON ATTORNEY-GENERAL:

I have told the Opposition Member the activities that the Government and in particular the Royal Gibraltar Police have taken to deal with this activity. As I have said, there are two vessels stationed on the east side and the Services Police have vessels operating on the western side. I do not think it is proper that I should refer to the particular incident that the hon Member has just referred to but, as I have said, the activity is being monitored with those resources at the present time.

HON H CORBY:

It is not unfair to say that because I might be in a fishing boat tomorrow and be rammed by one of the fast launches or one's son or one's wife, what I am saying is that the measures taken in this free for all which is like China Beach in Gibraltar where everybody goes about their business without care and attention for anybody else, that the measures put on do not safeguard the leisure sports of the community because accidents are happening continuously. There was a man in La Atunara whose foot was

amputated, imagine if that had happened to a child in the beach swimming away from the shore, he would have been cut in half. If that happens protection must be afforded to the people who go fishing in the harbour or anywhere else and I do not think the measures taken with.....

MR SPEAKER:

That is what you think. What is the question?

HON H CORBY:

The question is are Government happy about the security arrangements for bathers and leisure sport activities?

HON M A FEETHAM:

In Spanish beaches or in Gibraltar beaches?

HON H CORBY:

In Gibraltar beaches. What I have said is it might have happened in a Gibraltar beach and can happen in a Gibraltar beach.

MR SPEAKER:

Order, order. Hypothetical questions cannot be put.

HON H CORBY:

Mr Speaker, the Minister has accused me.....

MR SPEAKER:

No, that is out of order.

HON H CORBY:

Let me say to the Government that I think that whoever, whether it is Spanish, Portuguese, French or Gibraltarian should have the protection.

MR SPEAKER:

That is a statement. What is the question?

3.

HON H CORBY:

The question is, is there adequate protection for the bathers which I think there are not?

HON ATTORNEY-GENERAL:

Mr Speaker, in part this goes back to the answer to an earlier question. There is protection offered through the vessels that the police have on both sides of the Rock. As I said earlier, Mr Speaker, the police are about to take delivery of another vessel.

ORAL

NO. 144 OF 1994

THE HON F VASQUEZ

UNEMPLOYMENT LEVELS

What was the level of unemployment in Gibraltar of:

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

as at 30th June 1994, divided into under and over 25 years old age groups?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT, EDUCATION
AND YOUTH AFFAIRS

Mr Speaker, the unemployment figures as at 30th June 1994 were as follows:

<u>Gibraltarians</u>		<u>Non-Gibraltarians</u>	
<u>Under 25</u>	<u>Over 25</u>	<u>Under 25</u>	<u>Over 25</u>
272	355	6	443

ORAL

NO. 145 OF 1994

THE HON F VASQUEZ

CREATION OF NEW JOBS

How many new jobs were created in Gibraltar in each of the 12 months ending on the 30th June 1994?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT, EDUCATION
AND YOUTH AFFAIRS

Mr Speaker, vacancies notified to the Employment and Training Board in each of the 12 months ending on 30th June 1994 are as follows:-

July 1993	502
August 1993	340
September 1993	305
October 1993	262
November 1993	252
December 1993	141
January 1994	269
February 1994	361
March 1994	234
April 1994	160
May 1994	309
June 1994	510

SUPPLEMENTARY TO QUESTION NO. 145 OF 1994

HON F VASQUEZ:

Mr Speaker, are these vacancies that are advertised at the Employment and Training Board or are they posts that are actually filled through the Employment and Training Board?

HON J L MOSS:

These are vacancies which are registered at the Employment and Training Board. It may not necessarily be that all the vacancies have been filled.

HON F VASQUEZ:

Would these include, for example, and I think the answer should be yes but just by way of confirmation, all those vacancies created in companies such as SOS 24 and Ramall Ltd, all these various companies which have been created by the Government as it were to soak up the virtually unemployable elements of the unemployed in Gibraltar.

HON J L MOSS:

It would include absolutely anything which can be considered as a new vacancy. It would not include obviously vacancies which arise within a company and they are not advertised for the general public.

HON P R CARUANA:

Can the Minister confirm obviously that the figure given as being the one for June would not yet include the outtake - or whatever the opposite of intake is in the jargon of school leavers - at the end of the last academic year and, if so, how many of those does he think that there are now looking for work which may not be included in those figures?

HON J L MOSS:

No, this relates to vacancies but in any case I should point out what I already did mention in the previous House meeting and that is that there is no longer the kind of dramatic scenario at the end of the school year where a lot of students leave school at the same time. The trend over the last couple of years has been that certainly school leavers tend to leave as and when they see that there are employment opportunities rather than at the end of the year and the figure that that leaves at the end of the year is actually very small.

ORAL

NO. 146 OF 1994

THE HON H CORBY

DR GIRALDI HOME

What respite facilities are presently available at the Dr Giraldi Home to parents or guardians of disabled persons?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, since the Dr Giraldi Home opened, arrangements were made for the Home to provide facilities for two respite cases. These facilities have and are being used by some parents when necessary. Reservations were however expressed by some other parents as regards the adequacy of these arrangements in their own particular cases. Attempts were therefore made to set up a consultative machinery to advise on how this service could be improved to meet, as much as possible, all respite needs. As the hon Member is aware, all efforts to bring all sides together to set up this consultative machinery proved unsuccessful. The Government, in consultation with the management of Dr Giraldi Home, have however set up an advisory body mainly composed of Government professionals in the field, to advise on how best to improve the respite service at the Home.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1994

HON H CORBY:

From what the Minister is saying, respite is undertaken at the moment for people who have no parents and are there on a permanent basis. It is the problem of the respite which parents who want to take a holiday break from their chores in the house in as far as the disabled person is concerned, are finding great difficulty in having that facility available to them. Is it that there is no expertise or is it because of the rift between the Home and the Society for the Handicapped who could undertake the respite, is that the reason why respite is not being undertaken?

HON R MOR:

No, Mr Speaker, I think the hon Member has it wrong. The respite facilities are precisely for disabled cases where their parents live. The other disabled persons who are in the Home are those who have no parents. Apart from that we have provided for two respite facilities for disabled persons with parents so that parents could use some respite facility. The problem was that some parents did not consider that these facilities were adequate so they have not been using the service. So we therefore tried to get all sides together to arrive at some conclusions on how best to improve the

2.

service to meet all the respite needs. As the hon Member is aware, we got involved in a consultation process which lasted for several months as we could not get all sides to work together to agree in providing this service. So what we have now done is we have set up a consultative machinery; they are looking at all the respite needs and will be introducing facilities to provide as much as possible for all the needs of the disabled and their parents who need respite care.

HON H CORBY:

Is this in conjunction with the Society for the Handicapped? Are they being brought into the package as such?

HON R MOR:

The Society has been offered previously to come in and join us and give their advice. At the moment the arrangements we have introduced are that the consultative board is mainly composed of professionals in the field, of Government, civil servants..... Obviously the Society, if they wish at any time to form part of this would be quite welcome but, as I say, they have rejected previous offers to join in this consultative board.

HON P R CARUANA:

Is the Minister saying that those parents who have recently stated publicly that respite facilities are not available are actually mistaken? What they are really saying is that they are not available as they would them to be. Is he saying that there are in fact respite facilities available and those that say that there are not are really only saying that they do not like them?

HON R MOR:

That is precisely what I am saying.

HON P R CARUANA:

Is the Minister in a position to enlighten the House as to what the alleged inadequacies are? Do they relate to such things as inadequate supervision or medical facilities, without going into too much detail obviously?

3.

HON R MOR:

To illustrate what I am saying perhaps if one considers that there might be some disabled children who might require extra attention, who might require a staff ratio of, say, one to one. The management of the Dr Giraldi Home introduced that. They were not sure themselves whether they might be able to provide a one to one ratio in some particular cases or have the necessary knowledge about the case to be able to safely take it into the Home. That is the sort of thing that has been in controversy all along.

HON P CUMMING:

Is the Government's failure to offer adequate respite care related to the general failure of the GSLP's economic policy.....

MR SPEAKER:

Order, order, order. That is going wide off the mark and I cannot allow it. I must draw attention to the hon Member that if that is the attitude he is going to take I am afraid I shall have to be stricter with him.

HON H CORBY:

I know for a fact that the Chief Minister has been approached by the parents to look into the matter. How is this progressing and will he meet with the parents concerned in order to find out what their worries and aspirations are?

HON CHIEF MINISTER:

I was originally approached about the summer use of the St Bernadette's Occupational Therapy Centre. Since then what I have had is a letter from the Handicapped Society which has been made public and which has been copied to everybody and, frankly, it does not ask me to do anything other than make myself aware of it, as far as I am concerned, because it is addressed to me but it is copied to everybody else and therefore obviously I personally would like to see the matter resolved to everybody's satisfaction but I am not sure that that can be achieved, to be honest.

HON H CORBY:

If approached by the parents of the handicapped will the Chief Minister be agreeable to seeing them and talking to them?

4.

HON CHIEF MINISTER:

If I feel that there is something that I can do which is worthwhile. The last time we had a demonstration because I said I could not see them and, frankly, I think it is important that people have to realise that the fact that they come to see me does not necessarily mean that anything is going to change and I have met them many, many times and we have gone over the same ground many, many times and if I need to see them again and go over the ground again then eventually I will. But I do not want to give the impression that in a situation where there is a problem where there are positions that are fixed by a number of people, coming to see me is the magic wand that unlocks it because it is not.

ORAL

NO. 147 OF 1994

THE HON P CUMMING

AUXILIARY NURSES RESIGNATIONS

How many auxiliary nurses have resigned and been replaced over the last three years?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, only three auxiliary nurses have resigned over the last three years. The number of full-time equivalent auxiliary nurses that have been taken on over the last three years are 19.

SUPPLEMENTARY TO QUESTION NO. 147 OF 1994

HON P CUMMING:

Mr Speaker, does it not seem to the Minister that this is a rather large number in view of the serious unemployment situation and that the cause is the underpaying of these auxiliaries; their overworking, their lack of professional training and status?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I do not think he has heard the numbers I have given him. I have actually stated that three have resigned and over the last three years we have taken on 19.

HON P CUMMING:

I am sorry, I thought the Minister had said 19 had gone.

HON MISS M I MONTEGRIFFO:

No, three resigned and 19 have been taken on, Mr Speaker.

HON P CUMMING:

So the staff has increased then by 16?

HON MISS M I MONTEGRIFFO:

Yes, that is right, Mr Speaker.

ORAL

NO. 148 OF 1994

THE HON M RAMAGGE

RECRUITMENT OF CONSULTANTS

What steps do Government take to ensure that a newly recruited consultant in the health service takes up his post immediately after the outgoing consultant leaves?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, when it is expect that a consultant post is to become vacant, the Personnel Manager is advised and the recruitment procedure is set in motion. This is normally done in time for the new appointee to commence duties immediately after the outgoing consultant leaves. However, this is not always possible for a variety of reasons.

SUPPLEMENTARY TO QUESTION NO. 148 OF 1994

HON P CUMMING:

Can I ask the Minister to give an example of the type of reason?

HON MISS M I MONTEGRIFFO:

Sometimes it is preferable to wait for the right applicant of the right calibre to be available to take up the post. We also have to take into consideration the experience and the qualifications of the applicants.

HON P CUMMING:

The Minister has assured us in this House before that every time she has put out a vacancy for a consultant they have hundreds of applications of the highest quality. This is a different picture that she is presenting a few months later over the issue of the ophthalmologist.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, if he wants to know about the ophthalmologist there is another question on the ophthalmologist which I will answer in due course.

ORAL

NO. 149 OF 1994

THE HON M RAMAGGE

OPHTHALMOLOGIST

When do Government expect to have a full-time ophthalmologist at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the new ophthalmologist is expected to commence duties at St Bernard's Hospital on 23 September 1994.

SUPPLEMENTARY TO QUESTION NO. 149 OF 1994

HON P R CARUANA:

Mr Speaker, will the Minister say whether there is a large backlog of patients awaiting surgical interventions to their eyes as a result of the length of time it has taken to replace the consultant ophthalmologist?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, there is no backlog.

HON P R CARUANA:

Is she saying that there is nobody waiting for an operation that has not been able to have it?

HON MISS M I MONTEGRIFFO:

But it is not because there is not a permanent ophthalmologist, Mr Speaker, it is for medical reasons.

HON P R CARUANA:

The Minister means there are medical reasons why patients cannot have operations of their own, they are medical reasons peculiar to the patient or medical reasons connected with St Bernard's Hospital?

HON MISS M I MONTEGRIFFO:

Medical conditions according to the ophthalmologist, Mr Speaker.

ORAL

NO. 150 OF 1994

THE HON M RAMAGGE

MOD USE OF ST BERNARD'S HOSPITAL

What are the obstacles in the way of an agreement between Government and MOD for service families to receive certain forms of medical treatment at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, since my answer to Question no. 34 of 1994, the position remains the same. The negotiations with the MOD are still not completed. The Government's position therefore remains unchanged. That is, that no information will be divulged until these negotiations have been finalised.

ORAL

NO. 151 OF 1994

THE HON H CORBY

CALPE HOUSE BOOKINGS

How are bookings at Calpe House made by patients in need of accommodation in the United Kingdom?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, patients in need of accommodation at Calpe House request it at the sponsored patient's department at St Bernard's Hospital. They in turn contact the charity who make the necessary arrangements in London.

SUPPLEMENTARY TO QUESTION NO. 151 OF 1994

HON H CORBY:

Mr Speaker, my question was to follow up with this supplementary which I would like the Minister to look into. When a patient is in need of treatment he goes up to the hospital and applies to be housed at the Calpe House which is very well taken care of and everybody wants to go there. Having said that, there is this delay which I have found out personally and I have found out through other people and that is that when one requests to be housed at Calpe House one is told to go back the following week for confirmation that accommodation is available. At times the person is told on the Thursday and with the family that he is taking over, which can be a very serious illness and therefore the worry, he is told that there are no vacancies. Then the period for that person to find alternative accommodation for himself and the patient is very limited. Can at least something be done to widen the gap if there are no vacancies at Calpe House so that the person has the necessary days to find alternative accommodation because some people are not versed with what they have to do. I know there is a list at St Bernard's Hospital where they find certain hotels but it is a very worrying time for people and will the Minister please look into the time lapse so that people have enough time to do their bookings without the added worry of accommodation?

HON MISS M I MONTEGRIFFO:

Invariably most people when they find problems as far as accommodation is concerned in the UK they always ask to see the Minister and I can assure the hon Member that, as he has said, Calpe House is doing a very good job and obviously there are limitations because of the numbers but I can assure the hon Member that if there are no flats available in Calpe House the sponsored patients' department at St Bernard's always supply the patients with alternative accommodation. This happens constantly. If there is a case in particular that the hon Member has in mind then I would ask him to relate it

to me so that I can look into it but I can assure the hon Member that the sponsored patients' department at St Bernard's whenever there is no accommodation available at Calpe House they always have available for the patients a list that they can look into for alternative accommodation.

HON J C PEREZ:

May I add something to that, Mr Speaker, so that the hon Member gets the full picture. Over and above that, the Calpe House Trust itself assists people in looking for alternative accommodation. They are then put in a short list in the United Kingdom and they are rang up immediately there is a vacancy so that they can take up the accommodation in Calpe House and leave the alternative accommodation. The problem that the Trust has is that invariably patients are not told that they can come back to Gibraltar until they go to see the specialist. They might say, "There might be three vacancies next week because there are three people waiting to see the specialist who might well tell them they can leave and go back home" but sometimes that does not happen and the doctor tells them they have to stay for further treatment and those vacancies do not occur. That is why they cannot possibly inform the patient waiting for accommodation for sure that a vacancy is going to occur. But as my hon Colleague has already said, here in the hospital they given them alternative places where they can stay, those going to the Royal Marsden have now a new facility within the Marsden itself which costs something like £5 a night which is not as good but is definitely for the person who has someone in hospital is quite a good facility and a lot of people from Gibraltar have already made use of it and they are placed in a short list in the United Kingdom and are contacted immediately that there is a vacancy and brought into Calpe House or given the choice to come. Some are comfortable where they are and they prefer to stay there and leave the vacancy for someone else.

ORAL

NO. 152 OF 1994

THE HON LT-COL E M BRITTO

ISLAND GAMES

Do Government expect the Island Games to be financially self-sufficient or have they made any commitment to underwrite possible losses?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 153, 154, 155, 156 and 157 of 1994.

ORAL

NO. 153 OF 1994

THE HON LT-COL E M BRITTO

ISLAND GAMES BUDGET

What is the projected budget of the Island Games and how will this be funded?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 152, 154, 155, 156 and 157 of 1994.

ORAL

NO. 154 OF 1994

THE HON LT-COL E M BRITTO

ISLAND GAMES PARTICIPANTS

Will Government say how many participants are expected to come to Gibraltar for the Island Games and where will they be accommodated?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 152, 153, 155, 156 and 157 of 1994.

ORAL

NO. 155 OF 1994

THE HON LT-COL E M BRITTO

ISLAND GAMES

How many different sports will comprise the Gibraltar Island Games, and what will be the actual venues for each sport and which of these venues still need substantial renovation or modernisation and at what cost and how will these costs be met?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 152, 153, 154, 156 and 157 of 1994.

ORAL

NO. 156 OF 1994

THE HON LT-COL E M BRITTO

ISLAND GAMES

Will revenue collected from commercial advertising at the Island Games venues be entirely for financing the Games or will Government or any other organisation or corporate body be receiving any part of this revenue?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question Nos. 152, 153, 154, 155 and 157 of 1994.

NO. 157 OF 1994

THE HON LT-COL E M BRITTO

ISLAND GAMES PATRON

Can Government confirm media reports that the Princess Royal has agreed to be patron of the Gibraltar Island Games and will it say whether she will visit Gibraltar during the Games?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

As I have already stated in this House on various occasions, the Government are not organising the Island Games. Based on the information that has been afforded to me by the organisers, my understanding of the position generally is as follows:

The Island Games Committee expects that they will be able to make the Games financially self-sufficient. Budget expenses will be met by the participants who will pay for their travelling fares, accommodation and food. The Island Games Committee Ltd are satisfied that together with the Government resources and funds being made available, and sponsorship, they will be in a position to meet the estimated expenses.

The Gibraltar Island Games Committee Ltd have stated that they expect approximately 2,000 participants. However, final figures are not available because of closing dates for some competitions are still pending.

The question of accommodation is being actively pursued by the Gibraltar Island Games Committee Ltd together with several Government departments.

As far as the Government are concerned, all public venues have been and are in the process of being upgraded. Also land is being released for clay pigeon and target shooting. Both associations have agreed to fund the costs of refurbishment in return for the use of the land.

The Gibraltar Island Games Committee Ltd have informed the Sports Department that the following sports will be played and they are suggesting the following venues:

Volleyball	- RAF Hangar
Badminton	- Victoria Stadium Sports Hall
Football	- Victoria Stadium and RAF Pitch
Athletics	- Victoria Stadium and Europa Sports Ground - throwing events
Archery	- Naval Ground No. 1
Cycling	- Gibraltar roads
Sailing and Windsurfing	- Bay of Gibraltar

2.

Tennis - Options	- South Barracks, Westside School and Sandpits
Gymnastics	- Westside School Sports Hall
Swimming	- New pool
Judo/Table Tennis - Options	- College of Further Education, Garrison Gymnasium, Central Hall, RAF Gym

The question of the advertising rights within certain complexes is a matter for the Gibraltar Island Games Committee Ltd to negotiate with the respective organisations and I am not involved in them.

The invitation sent to the Princess Royal was sent by the Gibraltar Information Bureau on behalf of the organisers. They have already been informed that the Princess Royal has accepted being patron of the Games. At this present moment in time they have not received confirmation of a visit to Gibraltar during the Games from the Royal Palace.

SUPPLEMENTARY TO QUESTION NOS. 152, 153, 154, 155, 156
AND 157 OF 1994

HON LT-COL E M BRITTO:

Will the Minister accept that even if the Government are not organising the Games the Government have an overall responsibility and she, as Minister, has an overall responsibility for ensuring and monitoring progress in ensuring the success of the Games?

HON MISS M I MONTEGRIFFO:

I have said already that the Government are not organising the Games but I cannot give a commitment to the House that if the Games are not a success he is going to blame the Government for the failure of the Games. What I have said to the hon Member is that the Government are availing all the resources and providing funds for the success of the Island Games.

HON LT-COL E M BRITTO:

Does the Minister accept or not accept that Government have a responsibility?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, like we did not have a responsibility for the hockey events that occurred in Gibraltar. We were there to help them with the necessary resources that we had but it did not mean that if the hockey events were a failure that the Government would be blamed for it. I do not accept that.

HON LT-COL E M BRITTO:

With respect to the accommodation, can the Minister expand a bit on the answer, no actual locations were specified as far as I can see from my notes? We have heard her say publicly that Lathbury Barracks were going to be available, can she confirm this at this stage? Obviously 2,000 people cannot be accommodated at Lathbury Barracks which has a capacity, I would estimate, in the region of under 1,000, probably more like 800 or 850. Would she indicate where the remainder are going to be accommodated?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I think that I would want to inform the House and repeat what I had said originally, that it is the Island Games Committee that are responsible for the accommodation of the athletes. As far as the Government are concerned, we are assisting the Island Games in looking for accommodation and as far as Lathbury Barracks is concerned, we are telling them that this could be an option but then again, Mr Speaker, it is something that the Island Games Committee are responsible for but the Government of Gibraltar are trying to assist the Island Games in every manner that we are able to in the resources that we have available to us.

HON LT-COL E M BRITTO:

If and when Lathbury Barracks is made available and presumably schools and classrooms and other similar locations, is it the intention of Government to charge the Island Games Committee Ltd for the use of these facilities for accommodation or will they provide it free?

HON MISS M I MONTEGRIFFO:

It is not the intention of the Government to charge, Mr Speaker.

HON LT-COL E M BRITTO:

Coming on to the actual venues, I thank the Minister for the detailed list of where the sports will be practised but she rather glossed over the part of the question which asked which venues needed renovation or modernisation, what the estimated costs were and how these costs were going to be met. I know she answered that the two shooting ranges are going to be financed by the associations but what about other locations that she has mentioned. Is there any substantial work envisaged?

HON MISS M I MONTEGRIFFO:

On the contrary, I said in my original answer that as far as the public venues were concerned they were in the process of being refurbished and a lot of them had already been refurbished looking ahead towards the Island Games.

HON LT-COL E M BRITTO:

With respect to advertising, I take the point that on those venues that are directly controlled by the Island Games Committee it is up to them to come to whatever arrangements but speaking specifically about the Victoria Stadium and possibly the RAF hangar and even Westside School possibly, what is the situation on advertising at specifically the Victoria Stadium? Will the Island Games Committee be able to put up hoardings or boardings or advertise freely and collect the full amount of revenue for that advertising for themselves or will some of that revenue go to Government or to any other organisation or corporate body?

HON MISS M I MONTEGRIFFO:

As far as the advertising in venues - the hon Member has mentioned the Victoria Stadium - this is something which is completely out of my ambit because I am Minister for Sport and therefore the advertising rights have nothing to do with me and therefore it is the Island Games Committee that have to negotiate with the actual organisation involved.

HON LT-COL E M BRITTO:

I find that answer surprising and unacceptable. The question specifically asks about advertising in the sporting venues. I am bringing up in a supplementary a specific venue. If the Minister declines responsibility through the answer she has just given then can someone else from the Government side answer?

HON MISS M I MONTEGRIFFO:

It has nothing to do with me. The advertising at the Stadium, as far as the Government are concerned, has nothing to do with the Government, Mr Speaker. That is why I mentioned it in my original answer.

HON LT-COL E M BRITTO:

Who is it to do with, Mr Speaker?

HON MISS M I MONTEGRIFFO:

It is to do with a private enterprise of which I am not responsible for and therefore that is why I said that it is up to the Island Games Committee Ltd to negotiate with them, nothing to do with me, Mr Speaker.

HON LT-COL E M BRITTO:

If rights for advertising at the Stadium have been given to a private company obviously they have been given by the Gibraltar Government who are the owners of the Stadium so the Gibraltar Government must know what restrictions, or otherwise, there are on advertising. What the Island Games Committee does within the private company is something else altogether. But my question is, who has the advertising rights for the Stadium and on what conditions?

HON MISS M I MONTEGRIFFO:

✱

Again we are talking about an entity which has nothing to do with the Government of Gibraltar. What I am saying is that we are talking about the question of advertising rights at the Stadium, it has nothing to do, as far as I am concerned as Minister for Sport and the Government of Gibraltar, it has to do with a private enterprise and the Gibraltar Island Games Committee Ltd.

HON LT-COL E M BRITTO:

Either the Minister misunderstands the question or is doing so deliberately, let me spell it out. The Government owns the Stadium, apparently it has given rights to advertising to a private company. Who is the private company and, secondly, what rights does that private company have on advertising? Can they say, "All the advertising that is done in the Stadium is ours and the Island Games Committee gets nothing"? She must know what the conditions are. If she does not want to tell us she should say so but she should not say that she does not know.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, this is something that has to do with Land Sports Promotion which is a private company and the Government gave the rights to this company to negotiate advertising rights within the Stadium. This is something that I am telling the hon Member that I cannot intervene because it is a private concern and therefore it is the Gibraltar Island Games Committee Ltd that has to negotiate with the private company and not with me as Minister for Sport or the Government.

HON LT-COL E M BRITTO:

Is it not the case that the answer that the Minister does not want to give me is that the company she is referring to has exclusive rights for advertising at the Stadium and that any advertising that is done at the Stadium by anybody, the revenue goes to the company and in this case not to the Island Games Committee? Can she say whether that is the case or not the case?

HON MISS M I MONTEGRIFFO:

No, I cannot say that, Mr Speaker, because what I am telling the hon Member is it depends on the type of negotiations that are carried out between the company and the Gibraltar Island Games Committee Ltd, it has nothing to do with the Government so I cannot say that.

HON LT-COL E M BRITTO:

But the Government must have given a contract to the company which spells out what the rights for advertising are. Does that contract that the Government have given the company entitle the company to a monopoly on the advertising revenue and they will decide what proportion they keep and are they, under the terms of the contract, able to keep the whole of it or a very high proportion of it?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what I am saying is that it might depend on what they decide to negotiate with the Gibraltar Island Games Committee. For all intends and purposes they might decide to waive, they might decide to go 50/50 but it has nothing to do with the Government of Gibraltar.

MR SPEAKER:

We are repeating the questions and you must go on to another item. You cannot keep on harping on the same thing. You have got the answer. It may not be agreeable to you but that is the answer.

HON LT-COL E M BRITTO:

That is not an answer, Mr Speaker. The Minister is saying that she is answering the question but in fact she is saying that it has nothing to do with the Government. The point being made is that it has everything to do with the Government because they gave the company the contract so they must know whether the company has a monopoly or not and that is the question which has not been answered. Mr Speaker, was the Government consulted before the Princess Royal as approached and did the Government approve of the invitation being made?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, as far as the Government was concerned the Gibraltar Island Games Committee Ltd approached the GIB to be in a position to invite the Princess Royal.

HON LT-COL E M BRITTO:

Do the Government approve of the invitation having been made?

HON MISS M I MONTEGRIFFO:

It is not for us, it is between the organisers and the GIB Office. Mr Speaker, is he displeased about the fact that the Princess Royal is coming to Gibraltar?

HON LT-COL E M BRITTO:

I have no hesitation in shouting from the rooftops that I am delighted that the Princess Royal, the Queen or any member of the Royal family coming to Gibraltar. It seems to me that it is the Government who are hesitating in saying so. I have asked them whether they approved before and they said they did not know. I am asking them whether they approve now and they say they do not want to say it, fair enough but let them not say that I do not approve.

HON MISS M I MONTEGRIFFO:

It is not a question of the Government trying to disapprove that a member of the Royal Family should come to Gibraltar, on the contrary he has asked me an explicit question and I have answered him. As far as the Government were concerned, because we are not organising the Island Games, it is as a result of the Island Games Committee who approached the Gibraltar Information Bureau to see whether the Princess Royal was willing to accept coming to Gibraltar like she accepted going to the Isle of Wight. At this moment in time we do not know because I have said in my original answer that she has accepted being patron of the Games but the GIB have informed us that she has not accepted the visit to Gibraltar at this point in time because she has got a busy schedule.

HON P R CARUANA:

Does the Minister seriously expect this House to believe that the Gibraltar Island Games Committee Ltd has, through a Government sponsored body, the GIB office extended an official invitation for a member of the Royal Family to come to Gibraltar and she would seriously have this House believe, couch it in whatever language she likes, that they have not consulted with the Government in advance of extending that invitation? I would find that position, first of all unbelievable and, secondly grossly negligent on the part of the Government.

HON MISS M I MONTEGRIFFO:

Why, Mr Speaker, because on the other hand I take his position as being grossly offensive to me because he is calling me a liar?

HON P R CARUANA:

No, it is not grossly offensive because it is just not believable.

HON MISS M I MONTEGRIFFO:

He is calling me a liar and I take offence to that.

HON P R CARUANA:

It is not believable that they would not have consulted the Government in advance, they may have not consulted the Minister but that the Government's blessing was not sought I think is wrong.

HON MISS M I MONTEGRIFFO:

Why?

HON P R CARUANA:

Well, because somebody, presumably, has got to consider the consequences of the invitation being turned down.

HON MISS M I MONTEGRIFFO:

I have already said to this House that the Government are not organising the Island Games, it is as a result if the Island Games Committee Ltd and I have already said it and I will repeat it, that they actually requested the GIB to ask the Royal Palace to see whether Her Royal Highness Princess Anne would come to Gibraltar as she did when the Games were held in the Isle of Wight.

HON LT-COL E M BRITTO:

The Minister has an inimitable style of saying, "I have already answered the question" and say what she said before which is totally different to what the question is and therefore not answer the question despite saying, "I am answering the question".

MR SPEAKER:

The point is if she keeps repeating the same answer that is the answer you are going to get, it is not use carrying on asking the same question.

HON LT-COL E M BRITTO:

Given that the Government are not prepared to say whether they approve of the visit of the Princess Royal or not, will they say whether they have, will or intend to use their influence or contacts in UK through the Foreign Office or otherwise, to encourage the Princess Royal to visit Gibraltar during the Games?

9.

HON CHIEF MINISTER:

Nobody has asked us to do it and since we are a democratic government and we believe in open government and we do not approve of the dictatorial approach of Opposition Members, we have not interfered.

HON P R CARUANA:

He has a great sense of humour.

ORAL

NO. 158 OF 1994

THE HON LT-COL E M BRITTO

SWIMMING POOL

Will the construction of the new swimming pool to be used for the Island Games be finished completely before the end of 1994?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

The developers have already publicly stated that barring any unforeseen circumstances, the pool should be completed before the end of 1994.

SUPPLEMENTARY TO QUESTION NO. 158 OF 1994

HON LT-COL E M BRITTO:

Is the Minister aware of the comments made by the chairman of the Island Games Executive Mr Dick Ekstrom during his recent visit to Gibraltar about how essential it is that the pool is finished and does she intend to ensure that it is finished or is she going to disclaim all responsibility saying it has nothing to do with her?

HON MISS M I MONTEGRIFFO:

I will ensure that the pool is built because I am actually going to construct it myself. I have had a meeting already with the International Committee that have come to Gibraltar and we have contingency plans because we know that if there are any problems at all that we do not have the pool in place by the Island Games that we will be able to use an alternative. But I can tell the hon Member that I have had meetings with the representatives that have come over for the Island Games as far as the Technical Committee and as far as the international members of the committee and they have expressed satisfaction with the progress that has been carried out and is being carried out.

HON LT-COL E M BRITTO:

Going back to the answer to the previous question where the Minister told us that she had nothing to do with the organisation of the Island Games or otherwise and it was entirely up to the Island Games Committee, can she now tell us in what capacity she has taken such a great interest in the actual pool itself and why she has had all these meetings and in what capacity with all these people that she has mentioned?

HON MISS M I MONTEGRIFFO:

Because I happen to be Minister for Sport. But on the question of the construction of the pool I am not constructing the pool, the Government are not constructing the pool and in various meetings of this House I have given this House the reply already that I have given to the hon Member which is that the developers foresee that the pool will be built before 1994.

HON LT-COL E M BRITTO:

Is not the real answer to the question again, Mr Speaker, is that because the Minister is looking forward to cutting the ribbon or opening the tap to fill the pool in the glare of the media spotlight that she is taking such a great interest in that aspect of the Island Games whereas when it comes to the Princess Royal turning down the invitation to come or possible venues being renovated or not renovated, she does not want to know because there is going to be a comeback and flak from the sports people who are going to use those venues and she does not want the unpopularity. Is that not the real answer that she should have given?

HON MISS M I MONTEGRIFFO:

No, not only the hon Member but I assume that Opposition Members would want to see that the Island Games are a success. It appears that after all the meetings that I have had with everybody as far as the Island Games are concerned, everybody seems to be quite optimistic except the Opposition. What I can assure the hon Member is that if we do not have the pool which is being built we have contingency plans for another pool to be put in place and I have given this commitment to this House and I have given it to the Island Games organisation.

HON P R CARUANA:

Is that the Government's commitment or the Gibraltar Island Games Committee's commitment?

HON MISS M I MONTEGRIFFO:

The alternative happens to be the Government's.

HON LT-COL E M BRITTO:

On a point of order, I need to clarify something that she has just said. The Opposition, contrary to what the Minister has just said, is not pessimistic about the future of the Island Games. She has made a direct accusation that it is the Opposition who are pessimistic. I had to clarify that.

ORAL

NO. 159 OF 1994

THE HON LT-COL E M BRITTO

SWIMMING POOL

Will the new swimming pool be available for use by members of the public and by school children and, if so, under what conditions?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 160 of 1994.

ORAL

NO. 160 OF 1994

THE HON LT-COL E M BRITTO

SWIMMING POOL

In general terms, what arrangements are being made for the funding, administration, repairs and maintenance of the new swimming pool?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Although the terms of the agreement between GASA and the Government are still under negotiation, it is the intention to make provision therein for all members of the public to have access to the facilities.

SUPPLEMENTARY TO QUESTION NOS. 159 AND 160 OF 1994

HON LT-COL E M BRITTO:

Coming back to chairman Dick Ekstrom, he also made a point which is obviously plain for anyone who thinks about it to see that he was right, is, "That, whoever is to run the pool," (I am quoting from the Gibraltar Chronicle of July) "a breaking-in process will be needed to iron out any snags. Six months is the minimum period including some sort of major championship." GASA in that same article say, "There is another problem yet to be resolved - who will run it and how?" It seems inconceivable that plans are not yet in hand on the specifics of the running, funding, maintenance and repairs and so on. This does not augur well for the future of the pool. Are we likely to see a repetition, on a different scale, of the Varyl Begg pool which despite assurances from Government Members at the beginning of the summer that it would be available to Varyl Begg Estate this summer, is still lying derelict and empty; if there are no different plans is it possible that the same thing could happen to the new pool?

HON MISS M I MONTEGRIFFO:

No, what I am saying is that in line with repeated Government policy I am not in a position, at this stage, to say anything in relation to the agreement. There is an agreement in hand but until that agreement is signed and sealed with GASA the Government are not in a position to give out any information but there are plans already well in hand and negotiations are being carried out actively with GASA.

HON LT-COL E M BRITTO:

In general terms, can the Minister say whether those negotiations, plans or whatever she wants to call them, envisage that GASA, which is a sports organisation run by volunteers who most, if not all members of the committee have full-time jobs in other walks of life, is going to be expected to run the pool? Are they going to wash their

2.

hands as a Government, of a pool which on the Minister's own admission is going to be made available to all members of the public? Are Government intending to hand over the pool to GASA or to anybody else and wash their hands completely?

HON MISS M I MONTEGRIFFO:

I have already said that we will not be in a position to say anything on the matter until we have reached an agreement with GASA but I have gone to the extent of telling the hon Member that there will be provision, in the agreement with GASA, that all members of the public will have access to the facilities.

HON LT-COL E M BRITTO:

What is Government's policy with regard to sports facilities in general including the pool? Is it for the sports facility as is going to happen apparently in the new shooting range that the Minister referred to, is it the Government's policy to provide the land, get the association to build the facility as has happened in her own sport, squash, fairly recently and then expect each association to run the sports facility on its own without any support from Government? Is that Government policy?

HON MISS M I MONTEGRIFFO:

Generally yes, Mr Speaker.

HON LT-COL E M BRITTO:

Is that policy likely to be extended to the Victoria Stadium?

HON MISS M I MONTEGRIFFO:

Not as far as the Government is concerned.

HON LT-COL E M BRITTO:

Then is it Government policy or is it that in some sports sportsmen are being asked to put their hands into their pockets and pay for the facilities and the running of it and in other sports Government are funding the facilities? Where is the consistency?

MR SPEAKER:

We are talking about the swimming pool, we are not talking about general policy of the Government therefore I will not allow any more questions. Next question.

ORAL

NO. 161 OF 1994

THE HON LT-COL E M BRITTO

NATIONAL ANTHEM

Given that Government recently supported a motion in this House to the effect that the national anthem of Gibraltar is and will continue to be "God Save The Queen", will they explain why the entry form for the competition to select another anthem for use on sporting and similar occasions calls this a "National Anthem for Gibraltar"?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

We have been informed by the organisers of the competition that similar to England, Wales, Scotland and Northern Ireland, God Save The Queen continues to be used for official occasions. However, when occasions arise where each country is being represented, their anthems are referred to as their national anthem.

SUPPLEMENTARY TO QUESTION NO. 161 OF 1994

HON P R CARUANA:

From very recent experience and that is watching the BBC broadcast the Commonwealth Games in Canada, such stirring pieces of music as Land of Hope and Glory were being carefully referred to as victory anthems and not as national anthems for perfectly obvious reasons it seems to me. One can only have one national anthem and not two. Does the Minister not agree that given the explanations that she has given as to the use to which it is intended to put this piece of music, it would more accurately be called a victory anthem and not a national anthem as has been done by all other Commonwealth countries at the Commonwealth Games.

HON MISS M I MONTEGRIFFO:

On the contrary, whenever we have had Wales, and I have been there with sporting associations and their anthem has been played it has been called the Welsh national anthem and the Scottish national anthem and England's national anthem and I have been there and I can tell the hon Member this is the information we have been given.

HON P R CARUANA:

As I say, we are not unduly concerned with words here, all we want is an assurance from Government that their vote in favour of the motion recently passed in the House was not a convenient ploy to get rid of the problem and that this little document which, of course, the Government will not have seen either, am I right, because it is not issued by them it is only the Gibraltar Information Bureau for which I do not

suppose the Minister wants to take responsibility either, which gives a most moving précis of Gibraltar's history and goes on most impressively about the voice that will herald the long-awaited official anthem for Gibraltar which will embody the thoughts and convictions of Gibraltar's people; that that is somewhat over-enthusiastic specification for what she still recognises will be nothing more than a sporting anthem?

HON MISS M I MONTEGRIFFO:

The commitment is given to the House that as far as the Government are concerned the official national anthem for Gibraltar is and will continue to be God Save The Queen.

HON LT-COL E M BRITTO:

Is it the intention of the Government to ask the organisers to modify the competition in any form from its original form?

HON MISS M I MONTEGRIFFO:

That is a new question, but no, Mr Speaker.

HON LT-COL E M BRITTO:

In view of opinions that have been expressed publicly by Gibraltar musicians, is it the Government's intention to ask the organisers to contact participants in the competition, before the judging, to ensure that there is no ambiguity and that they are aware that it is not going to be a replacement national anthem in order to avoid fruition of the fears expressed by, for example, Mr Hector Cortes in the Chronicle of 5 August about possible claims for damages from winners?

HON MISS M I MONTEGRIFFO:

I think that this is the subject matter of the following question that I am being asked.

ORAL

NO. 162 OF 1994

THE HON P CUMMING

NATIONAL ANTHEM

Does the competition for a Gibraltar national anthem expose the taxpayer to the risk of having to pay damages to the winner?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 162 OF 1994

HON P CUMMING:

Will we have to pay the composer of the anthem every time we use it?

HON MISS M I MONTEGRIFFO:

I have said no.

HON P CUMMING:

The Minister has misunderstood the question.

MR SPEAKER:

Put the question again.

HON P CUMMING:

The original question asked about damages, that is to say that they are sued by the one who wins because he was led by false pretences. The other thing is that every time we use it we have to pay an ongoing royalty.

MR SPEAKER:

That is another question.

HON P CUMMING:

That is my supplementary question.

MR SPEAKER:

It has nothing to do with damages.

HON MISS M I MONTEGRIFFO:

The answer is still no, Mr Speaker.

HON P CUMMING:

Would it not have been better, Mr Speaker, in view of the row that has erupted following the choice of BASCA to have, first of all, in view of the quality and quantity of musicians that we have to have consulted them first.....

MR SPEAKER:

Order, order. That has nothing to do with the question. Your questions is about damages and the answer is no.

HON P R CARUANA:

Intellectual property law is not one of my specialities but it clearly says in the application form and I wonder if the Minister has had the opportunity to read it that copyright can remain vested in the composer, the composer being the person who writes it and not the Government. And that whilst there is a licence granted it is granted to Gibraltar Information Bureau that itself raises interesting questions with which we are not now concerned but what that clearly means to me and I would seriously recommend to the Minister that she looks into this, that the only person who can play this music without having to pay copyright to the composer in whose favour the copyright is specifically reserved, is the Gibraltar Information Bureau. So that if any other organisation wishes to play the anthem they will be subject to the ordinary laws of copyright. Government Members can take this issue lightly if they please or they can do a little bit more thorough research than they appear to have done. I would seriously recommend the latter of the two courses.

HON MISS M I MONTEGRIFFO:

I am in a position to tell the hon Member that as far as damages or having to pay royalties to the composer, I am told by the organisers that the matter has been duly taken care of legally.

HON LT-COL E M BRITTO:

I asked a supplementary before which the Minister said she would answer.

3.

MR SPEAKER:

We cannot find a legal solution to a legal problem which is an abstract and therefore we cannot go into that question. I should not even have allowed the previous question.

HON LT-COL E M BRITTO:

It is not a legal problem. The question was whether the Government would ask the organisers to contact participants or entrants in the competition to clarify that it is not a replacement national anthem to avoid misunderstanding?

HON MISS M I MONTEGRIFFO:

In my last answer to the question from the Leader of the Opposition I have given that commitment. It has been done already by the organisers.

ORAL

NO. 163 OF 1994

THE HON LT-COL E M BRITTO

RESURFACING OF ROADS

What plans do Government have to resurface roads during this financial year and will they once again be engaging a specialist Spanish contractor and Spanish labour to do so?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 164 and 165 of 1994

ORAL

NO. 164 OF 1994

THE HON H CORBY

STATE OF STREETS

What steps do Government propose to take to ensure that the state of the surfaces of Gibraltar's streets and pavements are safe for pedestrians?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question Nos. 163 and 165 of 1994.

ORAL

NO. 165 OF 1994

THE HON LT-COL E M BRITTO

RESURFACING OF ROADS

Will Government give an undertaking that the roads over which the Island Games events such as cycling and marathon will be staged will be resurfaced in time for these events to be safely held?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Much of the resurfacing programme this year is dedicated to roads that are to be used in connection with the Island Games. The programme has been discussed with representatives of the Island Games Committee who are satisfied with the plans. Other areas of priority such as Engineer Lane and lower Prince Edward's Road are included in this year's programme.

A small part of the work involved is slurry sealing, which is the surface treatment of roads which are structurally sound. This is done most efficiently and cost effectively by machinery which is unavailable in Gibraltar. The department hired such machinery together with the labour involved in operating it from Spain for a period of five days during which time the roundabout at Winston Churchill Avenue, Scud Hill, South Pavilion Road and Queensway from the junction with Regal House to King's Bastion, underwent surface treatment. The department considers it might be opportune to repeat the exercise given the very good result achieved.

The department continuously monitors surfaces which are public highway to ensure that they continue in a reasonably good state. Areas where the matter of safety arises and is reported by either the public or the police are normally dealt with within 48 hours.

SUPPLEMENTARY TO QUESTION NOS. 163, 164 AND 165 OF 1994

HON H CORBY:

In all the resurfacing that is going to be done by Government there is no mention at all of Main Street which is the thoroughfare most used by tourists and people of Gibraltar. Would the Minister not agree with me that there is danger to the general public by protruding drain covers which have given rise to serious accidents of which I was personally at the scene at the time when a woman stepped on one of these covers. It is all along Main Street with potholes, and she was taken to hospital with a broken nose and a severely damaged arm. I ask the Minister to look into this because they will have claims from people suffering accidents; elderly people especially.

HON J C PEREZ:

If the police or the hon Member had reported it we would have look at it immediately. I am not aware that all the drains in Main Street are in a dangerous condition and the highways engineer certainly is not aware of that either. But if he has inspected all the drains and he feels that they are in a bad condition we will check them out for the benefit of the hon Member. If the hon Member has seen that there is one drain where an accident occurred he could have rang and within 48 hours we would have sorted out the problem. He does not need to wait to come to this House to sort it out. If safety is involved he knows that my office is open and my telephone is open to him at any time, he can give me a ring and I would have looked into it. What I certainly do not accept is that all the drains in Main Street are in an unsafe condition.

HON H CORBY:

I look for the safety of elderly people and I put it to the Government that they just look at the area which I have said. Maybe all of them are not in that stage but a good majority of them are.

HON P R CARUANA:

Can the Minister say in how many legal actions the Government is involved as defendant arising from injuries suffered by pedestrians and motorists arising from the state of the roads?

HON J C PEREZ:

I would need notice of that question or the Attorney-General would need notice of that question. Perhaps he can give me the details of the cases his office is representing or of his clients. Arising from this question I cannot have the information available. That question would normally be answered by the Attorney-General who is the legal representative of the Government and I am sure he would need notice of that question.

HON P R CARUANA:

He knows.

HON J C PEREZ:

He knows how many?

HON P R CARUANA:

Roughly.

3.

HON ATTORNEY-GENERAL:

That really is the sort of question I would need notice of. There are not that many.

HON P R CARUANA:

So it is more than one.

HON ATTORNEY-GENERAL:

No, it is not necessarily more than one. It is simply that I certainly do not have the conduct of any myself. It may be that other people who have been in the chambers recently did have.

HON P R CARUANA:

I accept that this particular acting Attorney-General may not have personal knowledge of this.

HON LT-COL E M BRITTO:

Do Government not have any road resurfacing capability or do they have some?

HON J C PEREZ:

We have some road resurfacing capability.

HON LT-COL E M BRITTO:

Will this capability be used in tandem with whatever is contracted from Spain or instead of?

HON J C PEREZ:

This capability will be used in tandem with whatever is contracted from Spain which is only for a period of five or six days a year. It is six men with very sophisticated machinery worth £200,000 for five or six days a year. Obviously Government and the department cannot spend £200,000 to have the machinery idle for the whole year to use for six days. It makes sense to hire it for the five or six days, do the work and get the machinery and the men going back with it. It is five or six days and not fully occupied for the whole of the days but for periods of time. We will probably repeat this exercise but that does not affect in any way the people employed in the area, indeed with the withdrawal of the Moroccan workforce there might be need to do some other major work with some other people as well.

4.

HON LT-COL E M BRITTO:

I think in all fairness the Minister must have misunderstood my question. When I said in tandem I did not mean on the same five days. My question really is, accepting that they bring in people from outside for five days to do a specific job but during the other 360 days of the year if we do have some road resurfacing capability why are roads like, for example, outside William's Way Tunnel, George's Lane and Engineer Lane which have had massive potholes for months, not repaired by the small capacity?

HON J C PEREZ:

Because there have been two problems. One is that there are other works that they are doing. They are not sitting idle whilst the roads are full of holes. They are doing alternative work. Secondly, because there has been a great decrease in the labour force as a result of the withdrawal of the Moroccan workforce and the people concerned are talking to the Government on how best to carry out the works programme given the great decline in manpower in that area. It is not that people are sitting down doing nothing whilst there are roads with holes. When there are more roads with holes and we have got people to fill them in and therefore they are doing other work elsewhere.

HON LT-COL E M BRITTO:

Is that other work road resurfacing because with respect to the Minister I do not see any road resurfacing taking place?

HON J C PEREZ:

Well, he should change his spectacles then. Yes, road resurfacing.

HON LT-COL E M BRITTO:

Can he tell us where it is happening?

HON J C PEREZ:

If the hon Member wants to know the daily programme of the works so that he can act as the chargeman of the people and go and have a look at them I would be delighted to give him a weekly programme of works and he can go and supervise them.

HON LT-COL E M BRITTO:

Yes, I would like a daily programme of works dating back to the 1st January this year.

HON J C PEREZ:

I will give him a daily programme of works from this day forward. Let me tell him that a lot of the work that has been done has been done in Safeway, in the reclamation programme, in the North Mole. All those new roads that are there have been done by the same people that he is stating do not work.

HON LT-COL E M BRITTO:

No, I am not saying that they do not work. I want to know where they are working.

HON J C PEREZ:

If he is questioning where they are working..... *[Various interventions]*

MR SPEAKER:

Order, order, order. I think you have had the answer.

HON J C PEREZ:

He is suggesting that they are not working. Let the hon Member not hide and say that he is not suggesting that because he is. He is questioning whether they are working at all, he is questioning whether there are people getting paid and not working, that is what he is doing.

HON LT-COL E M BRITTO:

I cannot accept that accusation. I would ask that the record show that what I have asked is where they are working, not saying that they are not working. That was the question and I have asked, as offered, a detailed day-by-day programme.....

HON J C PEREZ:

I have not offered that. I have offered a programme from now on so that he can go and have a look at it.

HON P R CARUANA:

The Minister has referred to road resurfacing and then he also used the phrase surface treatment. I suppose that there is a difference between the two. Can he explain that what the Spanish company were doing which seemed to be dropping a very thin layer of sticky dust on the top of the road is surface treatment which is not particularly durable?

6.

HON J C PEREZ:

Yes, I have already explained it for the benefit of hon Members and I have said that this slurry sealing is surface treatment of roads which are structurally sound whilst for road resurfacing one needs to dig up the roads, one needs to take out the old gravel, put in new gravel, even up the sewers and the other facilities.

HON P R CARUANA:

Even up the sewers?

HON J C PEREZ:

Yes, in most cases one needs to elevate sewers from their present level. Is the hon Member an expert in sewage and road resurfacing as well? *[Interruption]*

MR SPEAKER:

Order, order. If the hon Member is asking for an answer he must listen to the answer. If he does not want to listen to the answer we will go on to the next question.

HON P R CARUANA:

I am quite happy to listen to the answers as I always do but there is nothing in Standing Orders that requires me to do so.

MR SPEAKER:

Give him the answer.

HON J C PEREZ:

I have already given him the answer.

ORAL

NO. 166 OF 1994

THE HON P CUMMING

PARKING AREA - CATALAN BAY

Will Government take steps to improve the surface of the parking area on reclaimed ground at Catalan Bay to prevent cars getting stuck in the gravel?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

The Government was recently made aware that there existed a problem at the temporary parking facility at Catalan Bay. The Road Section is investigating the situation to see what the extent of the problem is and whether any measures need to be taken before the next summer season.

ORAL

NO. 167 OF 1994

THE HON L H FRANCIS

RAW SEWAGE AT ROSIA BAY

Can Government confirm whether raw sewage is being discharged into Rosia Bay below Rosia Plaza?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, sewage is not purposely discharged into Rosia Bay at any time. Recently, there was a blockage in the system which resulted in raw sewage overflowing into Rosia Bay. This has subsequently been identified and repaired and there is therefore no sewage overflow in the area.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1994

HON L H FRANCIS:

Could the Minister say how long it takes to identify when a situation like this occurs?

HON J C PEREZ:

It depends on where the blockage is and whether it is an easy one or not. Some times it bursts and it is visible, when the blockage is not visible because it does not burst one has to go with soundings at night to see where the blockage is. It can sometimes take weeks to identify where the blockage is.

HON H CORBY:

Can I ask the Minister if the sewage is running down towards the sea area or was it above the sea level?

HON J C PEREZ:

Sewage is pumped north to south and disposed of at Europa Point. All of the sewage system, including the pumping, is above sea level.

HON H CORBY:

What I am asking is in the area of Rosia Plaza where sewage went into the area what used to be the Families

Club, how did that happen? Did it seep through the club or is it that there is piping?

HON J C PEREZ:

No, there is no particular pipe acting as an overflow in the area. It seeped through.

HON P R CARUANA:

When these incidents occur, and one understands that they are accidents, are the swimming areas immediately adjacent to the overflow immediately checked to ensure that the areas are safe for sea bathing and other waterborne leisure activities?

HON J C PEREZ:

They are checked regardless of whether the overflow takes place by the Environmental Health Department during the summer period continuously. I believe that it was made public last year that we have got some of the cleanest sea water in Europe in this respect.

HON F VASQUEZ:

On the subject of sewage, we have heard the Minister explain I think what is common knowledge in Gibraltar is the sewage system basically channels the sewage in a southerly direction which flushes at Europa Point, as a matter of general interest, is there any suggestion anywhere that EEC directives relating to the disposal of sewage are going to be applied to Gibraltar? Is this something that we need to worry about in the future?

HON J C PEREZ:

That is the subject of another question and I would be glad to answer it at the next meeting of the House if the hon Member gives the right time.

ORAL

NO. 168 OF 1994

THE HON H CORBY

ZEBRA CROSSINGS - HARBOUR VIEWS

Will Government explain why no traffic markings or zebra crossings have been placed on the road separating Harbour Views and Varyl Begg?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

This whole area is presently the subject of a study to see whether its better utilisation may help to improve the general traffic flow. Plans with markings are to be put to the Traffic Commission shortly. I do agree with the hon Member that there is a need for one or perhaps two zebra crossings in the area.

SUPPLEMENTARY TO QUESTION NO. 168 OF 1994

THE HON H CORBY:

I thank the Minister for his explanation. This is a wide road and they are criss-crossed by pedestrians and motorists alike; the area has no speed limit, there has been an increase in traffic due to the opening of the new supermarket; New Harbours houses a lot of young families with young children; there have been two accidents already on that road and it is urgent that it be looked at and it is urgent that something is done very, very quickly to avoid a serious accident.

HON J C PEREZ:

I have already told the hon Member that plans are imminent now to go to the Traffic Commission and that I agree with him. What else does he want me to do?

HON H CORBY:

What I would like to know is how long is that going to take after it goes to the Traffic Commission?

HON J C PEREZ:

As long as the process takes but it should not be very long because plans are nearly completed to go to the Traffic Commission. I cannot commit myself because I do not do the plans, I do not paint the roads and I do not put the traffic signs up. I cannot commit myself that the roads engineer will do everything the Hon Col Britto, the Hon Mr Caruana and the Hon Mr Corby want within the space of time they want. I can only tell the hon Member that we are committed to do it, that plans are in the system to be able to complete them and that they will be done as quickly as possible.

2.

HON P R CARUANA:

That is not enough.

HON J C PEREZ:

Well, if that is not enough then we have to wait for the hon Member to, at some stage in the very distant future come into Government and do it himself manually.

HON H CORBY:

On a point of order. The traffic markings are not there but certainly the clamping signs were there from day one.

ORAL

NO. 169 OF 1994

THE HON P CUMMING

COMMUNITY NURSE MANAGER

What union objections were put to the Government concerning the recent appointment of a Community Nurse Manager and what was the Government's position?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the selection of a successful candidate for promotion in the civil service is not and has never been a matter for negotiations with any union.

In this case the union indicated to the Personnel Manager that there was discontent amongst the unsuccessful candidates and they were asked to put forward their complaint in writing.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1994

HON P CUMMING:

Mr Speaker, it so happens that in fact it always was a matter of negotiation and I can tell from personal experience involving members from the Government that during the AACR Government there were negotiations between ACTSS and the Government over how promotions would take place in which it was agreed that seniority in service would be given a very high priority. They almost agreed to always promote the senior and why is it they did not, because for some reason it may be good to go to the next senior but never to take somebody junior or amongst the most junior in order to prevent favouritism. So it is no good telling me, when I have been personally involved in those negotiations with Government Members on the same side during the AACR Government that that is the answer. Now the union is complaining that favouritism has taken place because of blatant disregard of the rule of seniority. And I would like to ask the Government what importance they give to the question of seniority in order to make fair promotions in the civil service.

HON CHIEF MINISTER:

Mr Speaker, I do not know whether in the guise of the question the hon Member was actually insinuating that there has been favouritism and some irregularity. If that is the case then he ought to say it without the privilege of the protection of the House. The Leader of the Opposition may think that it is contempt of the House to come to the House and say things in the House which affect the integrity of people in the public service. To suggest that the Public Service Commission somehow acts irregularly, which is a criminal offence, and all that if one questions whether it is the right thing to do is contempt of the House. Well it is contempt of the House which I, since I have been here since 1972, have never thought was the privilege that I enjoyed as a Member of the House. It is quite obvious that the privileges that Opposition Members think they enjoy in the House are not the ones that previous members had thought they had. Therefore I am saying to the hon Member, because I am not addressing him, if he wants to make the same insinuations then he can stand up when I have finished dealing with the question from the Hon Mr Cumming and say whatever he likes and then I will deal with him. Having kicked the Hon Mr Cumming out of his party he no longer has to rush to his defence.

HON P R CARUANA:

On a point of order, Mr Speaker. It seems to me that all members of this House ought to be concerned by assaults on its privileges. The Chief Minister may not be concerned because of course he is the one doing the assaulting but I am as concerned when any member of this House has his privileges abused as they are when it is a member of my party because at the end of the day it affects us all as parliamentarians.

HON CHIEF MINISTER:

On a point of order, Mr Speaker. I think the hon Member has the view of the privileges of this House which I do not think are being assaulted by anything I have said, I think they are being abused by him and that is a view that I have held since I joined in 1972 and the privileges of the House are in the Constitution in 1968 and have not been invented for his benefit since he got elected in 1991. What I am saying is if in the guise of a question, because it is a question to elicit information, that is what the Standing Orders say hon Members have got a privilege and a right to do, to put questions here seeking information, not questions that cast aspersions on individuals. So when I said to the hon Member that he is casting an aspersion on an individual, the Leader of the Opposition jumps up and says, "This is affecting the privileges of the House". He does not have the privilege in question.

HON P R CARUANA:

Will the Chief Minister let me clarify exactly what I think is a breach? The Chief Minister wishes to say of anybody in this House that he is abusing his privilege which is very easily done, I tend to agree with some of what the Chief Minister has said. It is possible for a parliamentarian to abuse his privilege. It is then a matter for the House to decide whether that privilege has been abused and there are mechanisms for that. What I say is an assault on the privileges of this House is for a member to challenge another to repeat what he has just said outside the House where he is stripped of his privilege. That assertion by itself is an abuse of the privileges.....

MR SPEAKER:

Order, order. The person who decides what is an abuse of the rule is the Speaker and then of course the test of it is he can put it to the vote and it is up to the House to decide. It is clearly stated that a question must not reflect on the conduct or the character of a member of the House. That is very clearly set out in the rules. So therefore I tell Members to be very careful when they put questions of the nature that the hon member has done now, not to cast aspersions in any way. What I am assuming now is that the hon Member - and this is why I have stopped you - is trying to find out whether the selection is being done in a fair way and to that extent I allow it. But if the hon Member transgresses into the conduct of the person carrying out then I am afraid that I will have to stop him.

HON P CUMMING:

Mr Speaker, it just so happens that in this particular case when Government Members together with me approached the AACR Government to give a very heavy weighting to the question of seniority in promotions, now when they themselves are in the position to influence promotions what do we find?

HON CHIEF MINISTER:

No.

MR SPEAKER:

Order, order. That is what is not allowed. You are suggesting at the moment that the Government is influencing the decision of the authority which actually gives the promotion and that obviously is offensive. You are reflecting on the character of the Minister who is, in the end, accepting the promotion and what you are suggesting now is that he has influenced and that is now allowed. If you want to do that the proper thing to do is you bring a motion with notice.

HON P CUMMING:

Mr Speaker, I am simply asking the Government what is their policy about promotions.

MR SPEAKER:

No, you are saying that they are influencing.

HON P CUMMING:

No, Mr Speaker, I am asking what is their policy about promotion since previously it was to weight seniority strongly. Now somebody is promoted without seniority, without experience in the field and what are we to think, Mr Speaker? Mr Speaker, I would like to point out to you that I myself have been in a selection board in which I have received written instructions about the criteria to be used in making a selection.

MR SPEAKER:

That is the way it is and that is the way it is done.

HON CHIEF MINISTER:

Mr Speaker, a job has come out in a management position in the Health Authority. In accordance with the rules for promotion everybody eligible was invited to apply. A promotion board was held without any political influence at all. The law says that it is wrong to seek to influence the Public Service Commission in the decision that they take on making an appointment. The hon Member has chosen to pass judgement in this House, in my view most unfairly, on the successful candidate. There was nothing that said in advertising the vacancy in the hospital, "Only people with so many years experience or so many years service can apply". I do not know whether what the hon Member is saying is true or not. I do not know whether the person was the best qualified or the least qualified. What I know is that the recommendation of the interview was based on their judgement of who would make the best Community Nurse Manager or whatever the job is. The fact that other unsuccessful candidates were not happy with the result, well I imagine that like when he got the job that he got which he finished not having, but at the time that he got it, they thought he was the best candidate in the hospital. Certainly, there is no agreement which permits the union to determine who should be selected as senior management anywhere in the public service. There is no such agreement and this is a senior management post. This is why in fact in the question that he put about the union objections the union did not, in fact, put their objections as a union, they said that individuals were unhappy about the decision and those individuals wrote to the Public Service Commission. They did not

write to the Government or to the Personnel Manager although the Personnel Manager when the union raised it said, "If there is a specific matter that you want investigated then make your representations and it will be investigated". Not, let me say, by any of us but by people within the civil service.

HON P CUMMING:

Mr Speaker, when the Chief Minister was Branch Officer of the union he went with me to make representations to the AACR about the question of seniority. That was not a ghastly crime and it was not illegal, in fact, the AACR said, "Yes, we do give a lot of importance to seniority and from now on if we have somebody who is senior will normally get the promotion" and that was perfectly all right and it was perfectly acceptable and now suddenly because he is in Government it has all changed and he has said good-bye to socialism and he has said good-bye to the trade union.

MR SPEAKER:

I must stop you now. Now you are going into a debate and the question is not a debate. If you wish to bring this up in a proper motion you do that giving notice.

HON CHIEF MINISTER:

For the sake of the record, Mr Speaker, let me say that the hon Member has got a very selective memory. Certainly we did not go to the AACR, we went to the Personnel Manager to talk as trade union representatives to professionals within the system not to the Chief Minister, not to any politician, not to the Minister for Health or is he saying that in the days of the AACR the Minister for Health in the Health Authority or the Medical Department, as it was then, decided who got promoted? Because if that is what he is saying then it is news to me and it is certainly not a view that we had or anybody else in the hospital had, as far as my memory of it is. The union can make any representations that it wants, as is perfectly entitled to do, as to the importance of weighting that should be given to one factor or another. What has never happened, in all the years that I was with him in the union, is that the union has actually attempted to get somebody selected, de-selected and somebody else taking the job. That I have no recollection of ever having been attempted, never mind achieved.

ORAL

NO. 170 OF 1994

THE HON P CUMMING

WATERGARDENS' PAVEMENT

Why is the pavement in front of Watergardens not public highway?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Because it forms part of the leased area and it is therefore private property.

SUPPLEMENTARY TO QUESTION NO. 170 OF 1994

HON P CUMMING:

In places where the public has completely free access and it seems that it is public highway, would it not be, one would have thought, mandatory to have signs up saying, "This is private property" so that one can expect, for example, private clamping or somebody saying, "Move along, you cannot stand there, you cannot do this there" so that one knows what is private property and what is public? One would have thought that that would be a requirement of the law and if it is, it is being flouted.

HON J C PEREZ:

The law does not cater for that. The hon Member can possibly suggest it to the management company at Watergardens if he wants.

ORAL

NO. 171 OF 1994

THE HON P CUMMING

NYNEX DISPUTE

Will Government make a statement on the industrial dispute at Nynex?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 172 of 1994.

ORAL

NO. 172 OF 1994

THE HON LT-COL E M BRITTO

INDUSTRIAL UNREST AT NYNEX

In view of the state of industrial unrest within Gibraltar Nynex Communications Ltd, what steps have Government taken to ensure that the telephone service is not interrupted?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Government are satisfied that the company took every step possible to maintain interruptions to the minimum and achieved a high degree of success.

Government have not been a party directly involved in the dispute and do therefore not consider it proper to make any sort of statement.

SUPPLEMENTARY TO QUESTION NO. 171 AND 172 OF 1994

HON P CUMMING:

Is the Minister aware that there is a widespread belief amongst Nynex employees that the Minister was actually holding back an agreement being reached in an attempt to discredit union leaders?

HON J C PEREZ:

What Government are aware of is that the Branch Officer of the Union who could easily have called me over the phone before taking people out on industrial action and asking for a meeting if he genuinely wanted to see me on any particular issue, brought people out on strike, took them to Convent Place, had them three and a half hours hurling abuse at me and after three and a half hours hurling abuse at me requested a meeting with me to try and put political pressure on me so that I would put pressure on the managers to get their way. My position has been that I am on the board of Nynex representing the shareholders, I am not involved in the day-to-day running of the company, that is a management issue and the management and the employees have to get together to sort out their problems and their differences because they have to live together and run that company. As a matter of fact, the policy that I adopted has paid dividends given that the matter was solved as I envisaged it would be solved by my non-intervention.

HON P CUMMING:

So the Union did to the Minister what the Minister used to do to the AACR all the time?

HON J C PEREZ:

I never did that to the AACR or to anyone and I would not do it even to the hon Member notwithstanding how vehemently I disagree with his views. If the Union or anybody else would have tried to contact before the dispute and before taking people out on strike then I might have thought that they wanted genuinely to inform me of any matter. But they go to the management and when they are unsuccessful with the management they take people out on strike, they get them round Convent Place to shout abuse at me and after they have had three hours of shouting abuse they ask for the meeting. Anybody coming to see me on those terms will not see me; the Union, the hon Member or anybody else. I will not see people who come and ask for a meeting on those terms.

HON LT-COL E M BRITTO:

Is the Minister telling us that during the period of the strike as chairman of the company he was totally out of contact with the company?

HON J C PEREZ:

I was totally informed of everything that was happening as was my responsibility as Minister for telephone communications and I knew the steps that the management were taking to make sure that interruptions in the service were kept to a minimum. So I was totally informed of the situation. I was not directly involved in the decision making process but informed to the very detail.

HON LT-COL E M BRITTO:

Will the Minister agree that his position was untenable in that as Minister for telecommunications his obligations and his priorities lie with the general public and in getting the strike sorted out as quickly as possible for the benefit of the public whereas as chairman of the company, as he was in contact and being informed, he should have been in contact with the managers and advising and agreeing or disagreeing with their decision?

HON J C PEREZ:

No, there is less of a conflict of interest than there was when the Telephone Department was a Government department because when it was a Government department there was total responsibility on the Minister. Now responsibility is shared and there is less of a conflict of interest because the Minister is able better and more clearly to look after the interest of the population and the taxpayer because he is not directly involved in employing the people and in taking decisions that affect the people that are employed.

3.

HON LT-COL E M BRITTO:

During the course of the strike when he was in contact with the company, can the Minister tell us whether he was, firstly advising the managers on what decisions to make and, secondly if he was not advising them, can he say whether he was agreeing with the decisions that we taken?

HON J C PEREZ:

I have already answered the hon Member. I have been kept informed of every detail, I have not intervened in the decision and to take a side at this stage when people are already talking, back at work and the dispute has finished would be to exacerbate the situation and is the hon Member attempting to do what Mr Netto wanted me to do, to come to the centre stage and to come directly involved in the negotiations? I have not fallen for it for Mr Netto's sake, I did not fall for it after his interview on television and I am not going to fall for it today. The answer is that the dispute is over, it has finished up how I suggested it would finish up which is for the better of the company and for the better of Gibraltar, by the people who need to work side by side getting together and understanding each other and working together for the future of the company. The interruptions were kept to a minimum notwithstanding attempts to cut off the electricity so that it would affect large areas of the population and the dispute is over and has been sorted out and there are parameters under which people are working together and building their relationship again. I think we ought to leave it at that.

ORAL

NO. 173 OF 1994

THE HON LT-COL E M BRITTO

WESTERN BEACH

Is Western Beach available for use by Gibraltarians as a public beach?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Western Beach is not a public beach. It has no direct land access other than through the MOD estate at North Front. Civilians can gain access to this beach from the sea.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1994

HON LT-COL E M BRITTO:

Is the Minister aware that notwithstanding that the Government do not consider it to be a public beach that it is used by large numbers of Gibraltarians as a beach?

HON M A FEETHAM:

What I am aware is that generally the boat owners that are berthed there, some of their families have access from the sea on to the beach and use it. I am aware of that, yes.

HON LT-COL E M BRITTO:

As recently as the 15 July there was a letter in the Chronicle signed by a Mr Hanglin which said, amongst other things, "Every day and more intense at weekends, this short stretch of unprotected beach is full of activities all happening at the same time and in a cupful of sea water; superfast boats, speedboats, windsurfers, water scooters, water skiers, all coming and going to and from this beach and even beaching on the sands, all this is happening with people bathing, swimming and young children paddling around all these boating activities". The correspondent was referring particularly to the safety of people on the beach but in general terms that is the thrust of the question. Given that access to the beach by sea is commonly made by Gibraltarians, not just boat owners who are berthed in the area but others who go to the area to use the beach, and given the apparent dangers because of the large amount of motor activity, should not the Government be more concerned about the safety of people using the beach and should they not be, for example, asking the police to take greater interest in patrolling that area during summer?

HON M A FEETHAM:

The Government have not made any policy at this point in time to declare that beach a public beach and until such time as the area becomes Crown Land extensively a decision will not be made.

HON LT-COL E M BRITTO:

Given that answer from the Minister, am I to take it that when the waters round Gibraltar are tested, as we were told this morning earlier on that the waters round Western Beach are not tested to see whether they are polluted and what the level of safety of swimming in that area is, is that the case?

HON J E PILCHER:

All the waters around the whole of Gibraltar are tested and reports are duly submitted by the Environmental Health Department to the relevant departments in the UK and obviously nowadays for onward transmission to the EC. The question is not I would take it, whether the waters are healthy. All the waters around Gibraltar are safe from a health point of view for swimming. The fact that it is not a public beach means that there is not the safety standard or other standards which are required under the Ordinance that covers the beaches and therefore my answer to Mr Hanglin is if he wants to swim safely and his children want to swim safely then he should go to a public beach because I think the extension of that is that if people then decide tomorrow to go and swim outside Westside do we then declare it a public area? We have public beaches in Gibraltar, well controlled, well cleaned, well checked from an environmental health point of view, controlled by the police, with marker buoys, no speed boats or any other craft contrary to things that have been said within the waters, very well regulated and safe beaches and therefore members of the public who want to have a safe afternoon with their children in the beach should choose one of the public beaches and not go to a beach that is not public and then complain that there are things that are happening and then the answer is we convert it public. Well we cannot.

ORAL

NO. 174 OF 1994

THE HON F VASQUEZ

BERTHING AT WESTERN BEACH

What plans do Government have for the re-siting of the boats currently berthed at Western Beach?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

There are no Government plans to re-site the boats currently berthed at Western Beach.

Representations have been made to Government by the Boat Owners Association to have the boats re-sited to the area known as the basin to the north of Coaling Island, at the Association's expense. The Government have no in principle objections to this move as it is not considered to be in conflict with future plans for the area.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1994

HON P R CARUANA:

Can the Minister confirm that the Ministry of Defence has offered and/or suggested something on the other side of the breakwater, adjacent to what used to be the Queensway Swimming Club?

HON M A FEETHAM:

Like everything else, in terms of what is available for any specific activity it must take into account Government's policy of creating economic activity and what the areas we are talking about are worth to the wider community and not just to one sector. Therefore in my opinion the area which has been suggested to the MOD, I now understand apparently that the hon Member must have had that information, is not Government policy to turn it into an area for the small boats because it is a prime site, it has got very useful quayside facilities for ships and, frankly, it would be totally incompatible with economic development to put the small boats there. It is not, and I want to make it public here so that the MOD get my message, incompatible with the policies of this Government to have the small boats within the vicinity of the basin because we know very well that the area now known as the Rooke is unlikely to be handed over to the Government of Gibraltar over the next 20 or 25 years. Since that area will not be of any economic benefit to the Government of Gibraltar, the sea front of it which is used very little by the MOD and therefore there is no case, in my view, that it is of military importance quite safely ought to house the boats and resolve this problem that the Government of Gibraltar has.

HON P R CARUANA:

Is the Minister saying, and it is of interest, that the Ministry of Defence have made representations to Government? The Minister sounds as if he is answering an argument that has been put to him.

HON M A FEETHAM:

What I am saying to the hon Member is that we told the Ministry of Defence as tenants on Crown Lands in Gibraltar because that is the relationship between the MOD and its use of Crown Lands for military requirements; when we came into office on 23 April 1988 that in keeping with its rundown of its commitments in Gibraltar, the MOD had to fit in with the requirements of the people of Gibraltar to generate economic development in order to safeguard the welfare of the people of Gibraltar and that the onus is on the MOD to prove to the Government of Gibraltar and the people of Gibraltar that whatever they want to keep is in the military interest, not in the adventure or leisure interests of the MOD, defence purposes. Therefore it is not a question of us going to the MOD. It is a question of the MOD justifying to us. They have told us this last week, that they have a continuous requirement for that basin and what we are saying to them is that we are not convinced by the poor arguments that they have put to us and neither are we convinced that they can resolve the problem by creating another problem for us by suggesting to the boat owners and, incidentally, to the hon Member's friends in the Yacht Club which is why he is really putting the question, that we ought to put the boat owners in a prime site somewhere else that can be used in the best interests of the people of Gibraltar which is on the other side of Coaling Island.

HON P R CARUANA:

On a point of order. I have no difficulty with putting questions on behalf of particular aggrieved citizens, indeed, I see that as one of my roles as an Opposition Member in this House. But I really wish that the Government Members would not continually harp on attributing me some vested interest in asking questions. When the Chief Minister sat in this chair for four years as Leader of the Opposition and as Branch Officer of the TGWU and the Minister was a representative of the Taxi Drivers Association, they were repeatedly and continuously asking questions and making parliamentary activity on their basis of their vested and paid interests. So I have no need to hide who I ask questions on behalf of, but just for the benefit of the listeners, I think it lies ill on the mouths of those particular two hon Members of this House to try to cast aspersions on others for asking questions on behalf of parties outside this House. That is how I see my job in this House anyway, and secondly if he thinks it is wrong then he is a hypocrite.

MR SPEAKER:

Order, order, I will tell you the position clearly what it is. You cannot impute improper motive on another Member of the House.

HON P R CARUANA:

I think you ought to say that to them rather than to us.

MR SPEAKER:

I am saying it to every Member of the House. [*Interruption*] Order, order. The Leader of the Opposition must not tell me what I have to say. I will say what I think is proper and right and I am saying it for all the Members to hear. It is improper, it is wrong and against the rules to give the impression that the other Member is acting improperly. At the same time there is really no harm whatsoever, and this is why I have not stopped him, that if a friend of yours tells you a situation that needs clarifying in this House, not because he happens to be a friend of yours you are not supposed to bring it up. There is no improper motive in suggesting that it has been done by a friend who has really prompted you to ask a question because there is nothing wrong.

HON P R CARUANA:

But he seems to think that there is. I agree with you, Mr Speaker, that there is not but the Minister clearly believes that there is something wrong with it because he has said so dictatorily on more than one occasion.

MR SPEAKER:

What the hon Member thinks is neither here nor there, it is what you think and what the House thinks.

HON M A FEETHAM:

As a point of clarification, in my four years in the Opposition never once did I raise any issue concerning the Gibraltar Taxi Association or any matters connected with taxis or transport; not once. If the hon Member were to find anything in Hansard where I asked questions or attacked the Government on the matter please say, because never once did I do it. In fact, in my first meeting I declared an interest and said I would never talk about this matter in the House.

HON P R CARUANA:

I will have to check.

4.

HON M A FEETHAM:

No, it is true.

MR SPEAKER:

We have cleared the point of order. Now let us carry on with the question.

HON LT-COL E M BRITTO:

Are the Government aware that Spain has announced, within the last 24 hours I think, that the beach at La Linea on the western side, is considered the second most dangerously polluted beach - I am uncertain whether it is Andalucia or the whole of Spain but it is immaterial - in Andalucia followed very closely in the lower ranks of the classifications by the ones across the way in Guadarranque and Palmones and in view of that, will they take on board because of the proximity of the boats berthed at Western Beach and the tendency by people to go swimming from those boats in the area of Western Beach, that the waters of Western Beach ought to be tested a little bit more carefully.....

HON J E PILCHER:

We have got people who do that.

HON LT-COL E M BRITTO:

It seems inconceivable to me that if out of 50 odd beaches the La Linea one is so dangerously polluted as to be the second last from the bottom that 100 metres or 200 metres to the left of it our waters can be purely clean.

MR SPEAKER:

We cannot go on asking the same question again and again. The Minister has already said that that water is tested regularly and it has been found to be good. So that is it.

ORAL

NO. 175 OF 1994

THE HON P R CARUANA

GIBCOMPONENTS FACTORY SITE

What plans do Government have for the Gibcomponents factory site?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No decision has been made as to the future use of the site.

SUPPLEMENTARY TO QUESTION NO. 175 OF 1994

HON P R CARUANA:

Will the Minister confirm that Government have recently turned down an application for change of use in relation to that site?

HON M A FEETHAM:

We have not turned down a recent proposal for a change of use.

HON P R CARUANA:

Will the Minister agree that a proposal was submitted in connection with the very recent owner of that site, the bank, and that that was turned down?

HON M A FEETHAM:

In order to obtain a change of use of a lease which was originally granted for a specific purpose, the Government have to assure themselves that in granting that change of use whatever is going to develop out of there is in the interest of Gibraltar and that the conditions which are being requested in pursuance of that change of use is in keeping with Government policy and accepted. Therefore the answer is no.

HON P R CARUANA:

It seems to me that what the Minister is saying is that there was a proposal which in accordance with those very sensible criteria the Government turned down

2.

HON CHIEF MINISTER:

The position is that the possibility of a formal application for a change of use being made has been floating for the last 18 months with different individuals I can tell the hon Member that in March this year the people who wanted the change of use came to see me, not to get the change of use from me but because they said that they had the idea but they did not have the money and would the Government give them the money with which to proceed with the application for the change of use. The answer was no to giving them money, it was not no to the change of use. The recent position with my colleague was that when somebody who after the auction claimed to be able to put a package together was asked to put proposals, the proposals were not again for the use of the site - which is what a proposal for change of use is - but for the list of things that they wanted the Government to give like duty free shopping, and a whole range of shopping list. Therefore the answer is that the Government have not turned down the change of use, the Government are open to any proposals for developing that area but until now the proposals have not been from people who want to put money in but from people who want to get the Government to finance them.

HON P R CARUANA:

Am I right then that the Government of Gibraltar have now taken the surrender of the lease from Gibcomponents Factory's receiver, put in on behalf of the bank, and that that transaction has recently closed and that the site is now freely available in the hands of the Government without a tenant?

HON CHIEF MINISTER:

Well, not quite because, in fact, the land originally was sold to Gibraltar Land Holdings but, of course, Gibraltar Land Holdings is 100 per cent Government-owned so for the sake of accuracy, technically it is Gibraltar Land Holdings as the head leaseholder that repossessed it from the bank and the bank agreed to surrender it to the leaseholder. At the time that the land was sold to Gibraltar Land Holdings, of course, it was a transaction where the money came into the Improvement and Development Fund. But the original lease from the Government to Gibraltar Land Holdings did not have the same restrictions as a sub-lease anyway.

HON P R CARUANA:

Are there no proposals for the site to be used for the parking of four-wheel drive vehicles?

HON CHIEF MINISTER:

None.

ORAL

NO. 176 OF 1994

THE HON L H FRANCIS

HARBOUR VIEWS PROMENADE

What proposals are there to improve the area known as Harbour Views Promenade?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, if by Harbour Views Promenade the hon Member means that area of land immediately fronting the harbour at the edge of the Westside reclamation, there are no immediate plans to turn it into a promenade. The future of the area will be determined by its economic potential.

SUPPLEMENTARY TO QUESTION NO. 176 OF 1994

HON L H FRANCIS:

Is there any intention to at least tidy up the area which has been left full of rubble etc, considering that now a large number of people are living there?

HON M A FEETHAM:

There are plans to continue to tidy up that area along with other parts of Westside.

ORAL

NO. 177 OF 1994

THE HON LT-COL E M BRITTO

CENTRAL HALL

Has Central Hall been handed over to Gibraltar Government and, if so, what is its proposed future use?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Central Hall has not been handed over to Gibraltar Government.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1994

HON LT-COL E M BRITTO:

Has it been offered and turned down by Gibraltar Government?

HON M A FEETHAM:

No.

ORAL

NO. 178 OF 1994

THE HON LT-COL E M BRITTO

BLEAK HOUSE

Has Bleak House been handed over to Gibraltar Government and, if so, what is its proposed future use?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Bleak House has not been handed over to Gibraltar Government.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1994

HON LT-COL E M BRITTO:

Has it been offered?

HON M A FEETHAM:

We understand that it is in the process of being offered.

HON LT-COL E M BRITTO:

Will it be accepted?

HON M A FEETHAM:

Again I want to make it quite clear because in time we shall hear all sorts of spectacular statements in the House of Commons about the enormous assets which have been handed over to the people of Gibraltar which will sustain us in the good standard of living forever more. What I have said to the MOD is that when there are properties that are going to be handed over, we feel that there ought to be a survey of the building to know exactly what it is handing over to us for the record. Subject to that happening we would have to obviously accept that it is being handed over. But there is this sort of transitional stage of tit for tat, as it were.

ORAL

NO. 179 OF 1994

THE HON M RAMAGGE

ROYAL NAVAL HOSPITAL

What is the current position in relation to the transfer of Royal Naval Hospital to the Gibraltar Government?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government of Gibraltar have to date not been officially advised that the Royal Naval Hospital is to be transferred to the Government.

SUPPLEMENTARY TO QUESTION NO. 179 OF 1994

HON P R CARUANA:

Am I right in thinking that if it were transferred, considerations similar to the ones that the Minister has just eluded to in answer to the previous question would arise?

HON M A FEETHAM:

Yes, of course.

HON P R CARUANA:

And on that assumption, Mr Speaker, can I ask Government Members whether in their opinion those considerations apply to all parts of the sprawl that comprises Royal Naval Hospital or whether some parts of it are in an unacceptable condition?

HON M A FEETHAM:

In my opinion 75 per cent of what represents the Royal Naval Hospital is in a state of collapse. Have hon Members ever bothered to think about what that scaffolding is doing there, which has been there for about 14 years? When I actually asked, "When are you going to start painting it because with all the tourists going by and we always tell them the Royal Naval Hospital is part of the historical aspect" I was told confidentially that what the scaffolding is doing is holding the place together. It is not doing anything else. And the last thing we want is to have it handed over to us and then for us to have to spend money in demolishing it and some of the conservationists elements in Gibraltar saying, "Here is Feetham again destroying our historical heritage".

2.

HON P R CARUANA:

The Minister should be careful what significance he attributes to scaffolding that is erected adjacent to buildings for too long or people will begin to think that Victoria House in Alameda Estate is in danger of collapse.

HON M A FEETHAM:

I take that particular point but we are talking about MOD properties here.

ORAL

NO. 180 OF 1994

THE HON H CORBY

PLEASURE FISHING BOATS

How many vessels have been registered in Gibraltar as pleasure fishing boats and how many are of the type commonly called "fast launches"?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Pleasure boats are registered under Port Rule 81 which state that no person shall keep or use any vessel or hulk within the port save and in accordance with the conditions of a licence issued by the Captain of the Port.

Under the Fast Launches (Control) Ordinance 1987, a fast launch is a vessel which does not exceed 60 feet in length overall and is fitted with an engine or engines of an aggregate of 200 or more break horsepower and having a speed/length ratio of or greater than 1.6 (there is a formula to calculate this ratio).

There are currently 760 vessels which have been issued with a licence in accordance with Rule 81. Of these, 39 are harbour crafts and 721 are pleasure boats.

Only one fast launch licence is currently in force and this has been issued with the approval of the Governor to a boat owner whose boat falls within this category.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1994

HON P R CARUANA:

Does that mean then that the threshold for registration under fast launches is too high because it seems to me there are many boats in Gibraltar that are commonly and obviously mistakenly referred to as fast boats and, in fact, they are not registrable as fast boats. I am not into the names of boats but one hears phantoms and other trade names bandied about. There are dozens and dozens of what the Minister and I would call fast launches used for the exportation of tobacco in Gibraltar and they appear to escape the need to be licensed as part of this. Is it therefore not apparent to Government Members that the threshold needs to be lowered because these fast launch licences were presumably designed or intended to capture such boats?

HON M A FEETHAM:

No, what we are talking about is a distinction between what is a fast launch under the legislation that was introduced in 1987 for the purpose of counteracting what was in those days described as very active drug activities from Gibraltar - which incidentally carries on from Ceuta and Melilla and the Spaniards have done nothing about it - and the question of pleasure boats. The speedboats - I would not describe them as fast launches, because otherwise one starts getting into the other area - are down in normal UK rules as pleasure boats. Unless he wants us to go to every individual and say, "You have got a speedboat and it is a pleasure boat, are you using it for tobacco?" and one starts drawing distinctions and one gets into an area of where is one going to draw the fine line basically? There are many, many people with speedboats who are not indulging in the activity that the hon Member is describing.

HON P R CARUANA:

Yes, absolutely but the exception does not make the rule. Can the Minister say therefore what use he considers that the category of fast launch serves then of which there is only one?

HON M A FEETHAM:

What it has served and I think everybody present today is totally in agreement with, under the Fast Launch Ordinance is that every launch that could have had aspersions or were indeed involved in the drug running from Morocco to Spain which were over 300 horse power, are all berthed along marinas in Gibraltar and they have not been used ever since. That has been a very positive step in the anti-drug movement of Gibraltar. Incidentally even though it went to the court and the court upheld it, constitutionally there is still a big question mark whether what we have done in Gibraltar is constitutionally right on the point of civil liberties and he knows that persons very close to him have constantly written to me at the beginning of my term of office saying that since the introduction of the Fast Launch Ordinance they had lost business in Gibraltar. People like Capurro, I have got letters from them saying, "This is doing harm to Gibraltar" but because the AACR at the time - and which we have not changed the laws - weighed up the positive with the negative and they decided to go down that road. What the hon Member is saying is that now every pleasure boat in Gibraltar must have the same kind of draconian legislation, well we might as well pack up and forget it. That is not the way one can combat the problem.

HON P R CARUANA:

The Minister goes off at a tangent and on a rhetoric. Nothing that I have said could possibly justify him believing that I think that all pleasure boats ought to be licensed. It must be evident, even to the Minister, unenthusiastic as he plainly is to take any action that might impinge on the activities of the fast launch operators, it must be self evident even to him that there are dozens of fast boats in Gibraltar which cannot be said to be used for leisure activities. Therefore, there is a large number of boats that are masquerading for registry purposes as leisure boats and being used for other purposes. One does not have to have 300 horse power to carry drugs, surely he does not believe that?

HON M A FEETHAM:

No.

HON P R CARUANA:

Well, I am glad we are making progress then. All I am saying is if it is said that the original ill still exists notwithstanding his alleged success and if the original rules were designed to capture boats that were engaged in that sort of thing, would it not be logical to lower the thresholds to capture in the thinking of the original classification boats which are clearly being used for exporting tobacco and some people say other things as well and which are escaping the need to register as fast boats?

HON M A FEETHAM:

What is he trying to say, that we should lower the speed limit of boats in terms of horse power; that we should have a particular mark on a boat that may or may not be used? They are all registered. They have all got numbers. Every speedboat has got a number according to the size required under the law. I am not talking about the fast launches, there are no fast launches. That was done away with.

HON P R CARUANA:

As presently defined.

HON M A FEETHAM:

What is the hon Member's answer to the pleasure boats and to the speedboats?

HON P R CARUANA:

What I am saying must be clear to everybody in this room except to the Minister. What I am saying is that the general public will be surprised to hear, as indeed I have just done, that there is only one fast launch registered in Gibraltar as the term "fast launch" is presently defined in the laws of Gibraltar. And it seems to be a nonsense, does it not, that there should only be one boat captured by the present definition when common-sense says that there are many things which ordinary people applying their common-sense think of as fast launch. Is the Minister following me so far?

HON M A FEETHAM:

Absolutely.

HON P R CARUANA:

Therefore when I talk of lowering the threshold - I am sorry if I use language that he has difficulty in comprehending - what I meant was instead defining a fast launch as opposed, for example, of 300 horse power.....

HON M A FEETHAM:

No, it is 200 or over break horse power.

HON P R CARUANA:

Fine. Should that not be redefined so that more boats are known to be and are registered as fast launches? If the Minister disagrees with me he could just say so but I hate to think that he does not understand what I am suggesting?

HON M A FEETHAM:

I understand fully what the hon Member is saying and the answer is no.

HON P R CARUANA:

That is an improvement of what I was asking.

ORAL

NO. 181 OF 1994

THE HON P R CARUANA

JOINT ECONOMIC FORUM

Can the Government report on the work to date of the Joint Economic Forum set up with the British Government?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As it was made known publicly at the time the Anglo-Gibraltar Joint Economic Forum was set up on the 15 March 1994.

The terms of reference of the Forum is to examine the current and potential capacity of the Gibraltar economy to become self-sustaining, and to co-ordinate planning and deployment of various sources of advice and funding, especially from the private sector. Such planning to take place on the basis of:

- (a) minimal MOD presence
- (b) the existing relationship with the EC and with Spain.

Other matters discussed were:

- (a) to consider an impact assessment study of the MOD rundown, notably the effect on employment, land use, Government revenues and demand for utilities
- (b) to consider ways of co-ordinating the work of the Forum with that already in hand to ensure the effective deployment of EC funds
- (c)
 - (i) the need to protect and expand employment
 - (ii) to identify possible new area of economic activity and the expansion of current activities
 - (iii) to attract new forms of investment
 - (iv) to identify ways in which UK expertise (official and private) can be enlisted in support of these objectives
 - (v) to confirm current training requirements and - in the light of identified new opportunities - future requirements and to consider how these can be provided.

2.

(d) to examine the parallel with Ceuta, and to consider questions of market access to the community for Gibraltar goods.

A sub-committee, chaired by my Colleague the Hon J L Moss to respond to manpower requirements and to look at training and retraining needs has since been set up and various meetings have been held.

A second sub-committee, under my chairmanship to look at capacity utilisation and inward investment opportunities has also been set up.

The second meeting of the Joint Economic Forum was held on the 30 June 1994 and the third meeting is planned for late October 1994.

A number of initiatives were tabled at the second meeting of the Forum and these are currently being developed in consultation with the UK Department of Trade and Industry.

In addition, the Forum has been focusing more closely on obtaining EU funds for Gibraltar, this will continue to be an ongoing process.

Some progress has already been made in accessing EU funds over and above the Objective 2 funds.

On the 15 June 1994 the European Commission formally decided to make Gibraltar eligible for INTERREG and invited the member State to propose a Gibraltar-Morocco programme.

The programme for INTERREG is currently being discussed and developed between Gibraltar and UK officials.

A further development arising from the Joint Economic Forum has been that the Invest in Britain Bureau (IBB) has agreed to assist Gibraltar.

Local officials have already met with IBB officials to discuss how Gibraltar could benefit from enquiries generated by the IBB's promotional activities and that of the British Embassies. In turn the IBB is to be briefed on what Gibraltar has to offer. This will allow the IBB to select sensible enquiries which could be referred to Gibraltar for them to make a 'bid' in competition with UK locations.

The Joint Economic Forum provides an opportunity for Gibraltar to obtain support from additional sources which previously were not available, including UK expertise (official and private) which could now be enlisted in support of the Government's objectives. These are the protection and expansion of employment; identifying new areas of economic activities; and the expansion of current activities as well as attracting new forms of investments.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1994

HON P R CARUANA:

It was not that long ago that the Government stated in this House that they thought that committees and reports as such were simply a waste of time and a smokescreen and an excuse for inactivity. I therefore sincerely hope that Government Members are not placing all their faith, newly found, incidentally in committees and reports, for the solution of Gibraltar's serious economic problems on the work of this committee which seems to me to be a rather long-winded and slow progressing affair. Will the Minister say what policies the Government presently has in operation to attract new job creating economic activity to Gibraltar to employ some 700 odd Gibraltarians that the Minister for Employment has told us this morning there are unemployed, and whether he thinks his policies are meeting with any degree of success in that field?

HON M A FEETHAM:

One thing for sure, I am not going to depend on the Joint Economic Forum to do the job for me. I shall continue with my efforts as the representative of the Government of Gibraltar in trying to attract investment to Gibraltar which will hopefully lead to new jobs. The Joint Economic Forum is not going to replace my department or my responsibilities or in any way influence the decisions that we will be making as a Government. It is welcoming because in some ways it is means of some of the officials who deal with Gibraltar to understand the day-to-day problems that we have and for them to assist us and in that way I think this is very, very welcome and, quite frankly, I have to thank and in some ways give open recognition to the efforts and the support that we are getting from the Department of Trade and Industry in the UK. I am very pleased that at this point in time we have officials there working with my department that really show a great deal of interest and support in what we are trying to do on behalf of Gibraltar. I just wanted to make clear the grey areas or the misunderstanding that could be in somebody's mind. This is independent from what I am trying to do but in some ways it begins to fit in. As far as whether we are going to be successful by my marketing policies and by my visits abroad to try to bring in new economic activity, I have told him time and time again, I shall continue to do in my ministry the best I can to achieve the objectives and let us hope, for the sake of everybody, that we are successful. If we are not successful then I suppose that people will judge and in the ultimate they may even support and elect him into power. But he can rest assured that this particular Minister and I am sure every one of us are 24 hour Ministers, that is why we are full-time.

HON P R CARUANA:

I can think of several ways in which I could spend 24 hours, some more successful than others. But will the Minister say whether he feels that his efforts are meeting with success? At the last budget meeting and at the previous budget meeting he held tantalisingly in front of us the prospect of imminent inward investment of manufacturing or semi-manufacturing or light industrial activity capable of employing some of the unemployed who will not be employable in the finance centre however many banks and however many international firms of chartered accountants he may attract to Gibraltar although he has not yet done so. What measure of success does he feel that he is having, measured in terms of activities which are either in the pipeline or about to enter the pipeline and that we will see and so that when I next question him six months from now he will say, "You see you doubting Thomas there it is there".

HON M A FEETHAM:

I am cautiously optimistic.

HON P R CARUANA:

Of what? Of the fact that he is working very hard? That is no consolation.

HON M A FEETHAM:

Of achieving everything that I want to achieve during my term of office which runs out in 1996.

HON P R CARUANA:

What is his objective? Is that a commitment to eradicate unemployment from Gibraltar?

MR SPEAKER:

Next question.

ORAL

NO. 182 OF 1994

THE HON P CUMMING

IMPORTATION BY LOCAL GROCERS

Why do Government not allow local grocers to import their own fruit, vegetables and eggs in small quantities directly from Spain, thus enabling prices to come down?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Under the provisions of Part II, Schedule 2 of the Imports and Exports (Control) Regulations 1987, importers of fruit, vegetables and eggs require an import permit.

In order to allow for continuity of supply thereby ensuring that Gibraltar would not be at any time wanting of this commodity there is a restriction as to the minimum quantities that can be imported at any given time.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1994

HON P CUMMING:

Am I to understand then that the ideas behind laws restricting small quantities from entering is to ensure continuity of supply, we are talking about here then being afraid of the frontier suddenly shutting and leaving us without fruit and vegetables, is that it?

HON M A FEETHAM:

Well, one of a number of reasons.

HON P CUMMING:

It just seems to me that in favouring large companies we are keeping the price of fruit and vegetables extraordinarily high. In the old days before the frontier was shut we had fruit and vegetable very cheaply and it may have been a penny or two more expensive than in the market in La Linea for the expense of ferrying it over. It is now at least double the price. This obviously favours large companies against the man in the street who wants to buy his shopping as cheaply as possible. Once again we are in the position where a socialist government is protecting large companies against the small trader and small shop. It was made public by some political enemies that I have a small allotment in Spain where I have some trees and I grow some vegetables. There is a plot of land behind where I observe....

MR SPEAKER:

Order, order. You can only make a statement if it is absolutely necessary to make it intelligible but you are going into a debate and I cannot allow it.

HON P CUMMING:

I have personally observed the growing of a lettuce with enormous expense in fertiliser, man hours and insecticide, it costs 10 pesetas and it is sold for 100 pesetas in Spain and here for 200 pesetas; one cannot find it for less than £1, it is double. I have been looking round comparing prices, it is double. And this extra money is going to big companies.

MR SPEAKER:

That is all right, we know that. Try and get the question you want to ask.

HON P CUMMING:

I am asking the Minister how he justifies this situation especially being a socialist Minister?

HON M A FEETHAM:

As I understand it, fruit and vegetables enter Gibraltar not just from Spain but from a number of countries. Secondly, large numbers of Gibraltarians do go into Spain to buy fruit and vegetables where they are likely to get very competitive prices. It is incorrect as well, whilst I have made the statement that an import permit is required, to say that small traders are not allowed. People in the public market are able to import fruit and vegetables, not in large quantities as stated under the law. In fact, the prices at which fruit and vegetables are selling in the public market is the same as it is being sold in Spain. I am talking about Spanish fruit and vegetables. I am not talking about what comes from Holland, etc which may be sold at Safeway because the quality is higher. People want that kind of fruit. What the hon Member is saying is incorrect, there are exceptions and people are bringing in and we have made the exceptions in the public market and the fruit and vegetables sold there are the same price as the ones sold in Spain, so I am told by my department. I have not checked myself.

HON P CUMMING:

This is exactly the situation that has brought complaints where constituents have come to me over this exact issue, over a Spaniard now installing himself in the public market and being allowed to import - may be not in enormous quantities but enough to put the others out of business and the others say, "I buy a little van, I pop across to La Linea at 4 o'clock in the morning and I buy wholesale just in my little van to sell in my little shop and I give a service to the customer" and he cannot do that because there are laws artificially keeping the prices up. What shall I tell these constituents who come with this problem to me?

HON M A FEETHAM:

Sometimes what happens is that for historical reasons until somebody actually checks and finds out; in the Public Market I have in fact given the directive myself in case that it was not public policy decision I said, "In the Public Market historically people have been able to come, when the frontier was opened". I want that situation to continue so that everybody that is in the Public Market - not the Spanish guy from the Fruit House in Devil's Tower Road who has happened to have got that on tender procedures - who sell fruit and vegetables will compete on the basis. They can bring whatever they want in and whatever quantities, they do not have to have a store. However, what we have also got to remember is that because of historical reasons - the frontier only opened a few years ago - there has been an enormous investment by the people who created the infrastructure in order to ensure that Gibraltar has got fruit and vegetables and if they are bringing fruit and vegetables from Holland good luck to them, they have to bring them in in quantities. If they are selling them to Safeway good luck to them, people do not have to go and buy in Safeway but today prices in Gibraltar for fruit and vegetables in the public market is the same as it is in Spain. I have been told by the customs by the way.

HON P CUMMING:

The Government are accusing me of selective memory. It seems to me that the Hon Mr Feetham is remembering a different Gibraltar when the frontier was shut and how the companies that he says put infrastructure, in fact, exploited the monopoly situation so that the price of fruit and vegetables in Gibraltar was absolutely scandalous. Fruit from Morocco was selling in London half the price that it was selling here. Now are we going to protect those companies when the Government by a flick of the wrist can ensure that tomorrow the prices of fruit and vegetable come down to half of what they are today to the benefit of the consumer?

HON M A FEETHAM:

The hon Member is trying to turn this into a political argument now that the Government are protecting the three importers who have got import licences, Garbass, the Fruit House which is a Spanish company and, of course, Gibmaroc. This is what we are talking about, that we are protecting them. What he does not really know is that, in fact, to export from Spain in quantities one needs an export permit. It is not possible for a Gibraltarian to go into Spain to bring in quantities without going through the Spanish customs with a proper imports and exports permit. So even if one wanted to one would still have to get clearance from the Spanish side. So what we are saying on our side is yes, those people in the market place will be able to do so, they will need certainly also which I cannot give them a guarantee, they need to clear their position as far as the Spanish side. So it is not like in the old days. Spain herself has changed in bringing in legislation.

HON P CUMMING:

If we could say to these constituents, Mr Speaker, "There is no trouble on our end, if you fix it with Spain you can bring it in" then that is fine, they will love that answer. It seems that it is the new importers and it is the reason given that has caused the resentment locally, that has made people complain and say, "Why are you letting a new Spaniard do it?" If they say, "We owe Gibmaroc because they kept us in supply all the years the frontier was shut" but a new Spanish importer, why is he being given preference over a small man who would like to go with his van and bring it back?

HON M A FEETHAM:

I am not saying we owe anything to Gibmaroc or anybody. I do not care about Gibmaroc, neither did I care about Blands when the frontier was closed and they were putting exorbitant prices on and a lot of other monopolies that were created and we, the working people, suffered as a consequence of that or do we have short memories? I am not saying that. What I am saying is that as far as the fruit and vegetables which is specifically what he is asking for, people in the market can bring in quantities that they require without having to bring the minimum requirements under the Import and Export Ordinance for them to be able to have an import licence which was required before. Why before? The hon Member talks about London selling at a price and in Gibraltar selling at a higher price. Fruit and vegetables are highly perishable goods and they have to have the necessary infrastructure to maintain those apples and everything else in refrigeration to be able to continue to feed the Gibraltarians. It may be that they are awfully outdated but the position as it is today is that the fruit and vegetables which are coming from other than Spain is there because there is a requirement for them which according to some people is better quality than the ones from Spain. People in Gibraltar today can buy in the market - it is good advertising, I hope for

5.

the market - fruit and vegetables at the same price virtually as in Spain so I am told and there is no inhibition. But I am telling him at the same time that even if we wanted to say across the board, "Open doors to every Tom, Dick and Harry in Spain to come with their trolleys here" and then put the Gibraltarians out of work because he wants the Spaniards to come. What I am saying is very simple, today prices are the same and that is the position of the Government of Gibraltar.

MR SPEAKER:

Order, order. No more questions, you keep on asking the same question. The point has been ventilated now, the Minister has told you the Government's point of view. You may not agree with it, this is what they want and that is how it is going to stay.

ORAL

NO. 183 OF 1994

THE HON F VASQUEZ

MTI'S VISIT TO RUSSIA

Will the Minister for Trade and Industry report on his recent visit to Russia, and state whether any and what jobs are likely to be created in Gibraltar as a result?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The visit to Moscow took place between the 4th and 6th July 1994 and was organised by Alfa Bank and assisted by Connexions Ltd, both being Moscow based businesses.

The purpose of the visit was in keeping with the Government's policy of promoting business, commercial and cultural ties with countries targeted for that purpose. Even though it was a short first visit, nevertheless a substantial number of meetings took place.

At every opportunity available I explained the economic changes that have taken place in Gibraltar since 1985 with the opening of the frontier and closure of the dockyard, the economic situation currently in place and our relationship with the European Community.

I explained that it was Government policy to attract new investments and opportunities from outside Gibraltar.

Details of the investments that have taken place during the last four years were discussed and how these could service new international markets.

Because of the present changing economic climate of the Russian Federation, I was very pleased to have held meetings with two institutions, in particular, in the presence of their main leaders.

The Russian Union of Industrialists and Entrepreneurs was organised on 19th December 1991, registered by the Ministry of Justice of the Russian Federation on 3rd January 1992. Enterprises of different forms of property, regional organisations, commercial structures and public associations form part of this union. Enterprises vary in sizes and the form of activities that the memberships take.

By 1993 the Russian Union of Industrialists and Entrepreneurs united 2830 collective members in the areas of industrial, scientific, financial, economic, commercial and business associations, enterprises and organisations. Among the individual members of the union are the economic leaders, public figures and ministers of the Russian Federation, scientists, competent leaders of the co-operative sector of economy, businessmen and private business representatives. Collective or individual members of the RUIB are present in all 88 administrative-territorial formations in Russia and in 56 republics, territories and regions.

Mr Arkady Volsky, its President, was indeed very interested in Gibraltar's possibilities and a number of areas were explored and discussed which must, at this stage, remain confidential. The level of interest attained is such that his Vice-President and Head of the Economic Department are due to visit Gibraltar very soon.

The other very important meeting was, of course, with the Central Bank of the Russian Federation, in what was to be a half hour meeting extended to well over two hours.

The banking and financial services legislation were explained in some detail. Our relationship with the EC in these areas as well as the wider economic considerations were also discussed.

The Vice-Chairman of the Central Bank and his team explained to us the steps being taken by Russia in regulating and supervising banks in keeping with the new economic order.

We were informed that there were over 114 representative offices of international banks already in Russia.

Some were 100 per cent funded by foreign capital. These banks were regulated in Russia and they advised the overseas parent regulatory body. The Central Bank were now working on the modernising the bank's infrastructure. They were being assisted by four advisors from the World Bank. New laws on banking were in the process of being introduced.

The Central Bank representatives said that the International Credit Organisations acknowledged in a positive manner the development of the banking industry in Russia. They acknowledged the need to ensure that appropriate high qualifications be a requirement for key positions in the management structure. It was a priority to develop highly skilled qualified bank officials. The banking industry were now investing huge sums in modern technology in terms of accounting systems, data, inter bank communications and electronic systems for payment clearance. The setting up of clearing houses in accordance with EC standards is also being pursued.

The Central Bank of Russia is also developing revised regulations in respect of auditing, accountancy, bank control and currency regulations.

Some 2000 banks had been established in a very short period of time to service 300 million people. Mortgages were now in the process of being introduced. The central banks were dealing with many problems in the Russian banking industry which needed addressing. I am explaining this, incidentally, outside the context of the statement so that Opposition Members begin, if they are not already aware, to understand the vast changes that are taking place in a particular area which could be of great interest to us in the future. In case they do not know at least they have first hand information.

The next part, of course, is the important one and why it was necessary for us to be there at the right time and establish a good rapport with the right officials. The Central Bank's approach in internationalising their bank was firstly to address deficiencies and develop healthy banks of repute. This process had already started. The World Bank had in fact provided a loan for the development of the system. Twenty Russian banks had been chosen and these are currently being audited by international reputable auditors such as Price Waterhouse, Ernst Young, Anderson and so on.

A number of Russian banks are eager to establish themselves outside Russia. The Central Bank officials advised that it was important not only for the appropriate structure to be in place but they were also concerned about the image and reputation of Russian banks abroad.

Mr Khandruev, Deputy Chairman of the Central Bank who led the discussions with me, suggested that as a follow-up to this initial contact a working group comprising Gibraltar officials and officials from the Central Bank be set up. This would enable Gibraltar officials to know and understand how the Russian banking industry operated and vice versa. The officials would enter into intensive and detailed discussions on all aspects of banking. He suggested that the first meeting be held in Moscow which, in effect, off the record, would open the way for Russian banks, if they so wished, to apply and set up in Gibraltar.

I have agreed that the working party meeting take place subject, of course, to the overlapping responsibilities that the Financial Services Commissioner wishes to taking up the initiative that I have brought about. I have discussed this matter with the new Financial Services Commissioner and, indeed, a letter has just been received on the 16 August 1994 from the Vice-Chairman of the Central Bank awaiting our response.

As the result of the meeting with the Central Bank I met the Vice-President of the Association of Russian Bankers and, of course, people who have a great deal of say in the policy-making process of the Russian Federation and again outlined the details given to the Central Bank.

The Association, for the benefit of Opposition Members, is a non-State, non-profit organisation with some 842 members representing 743 banks as well as auditing firms such as Anderson, Deloitte Touche, Price Waterhouse and two foreign banks.

About one-third of all the banks in Russia are represented by the Association. In 1994, as a matter of information, there were not just 2300 banks but indeed 5100 subsidiaries and 31,182 departments of saving banks.

The Association plays an important part and role in the development of the banking legislation and the State seeks their advice on these matters, as experts in the banking industry.

The Association publishes a weekly journal in Russian and English which keeps members abreast of developments in the industry. This journal will now publish an article on Gibraltar as a result of the visit and, indeed, will continue to give us space as required in order to keep the banks in Russian aware of what is happening in Gibraltar and is putting us into their data bank machinery and circulation.

All in all, I believe, the visit was very useful and I hope one of many to come in both directions. Incidentally, there has been since a number of Russian visits to Gibraltar since my visit to Russia and, indeed, a number of business activities entered into which is not for me to say but obviously for the people who are actually involved.

As with any other promotional activity, Gibraltar is competing with other jurisdictions for business and therefore I have no way of predicting to what extent there will be new business and jobs created or when this is likely to happen. I can only say that if we do not do something, if we do not try we certainly will never succeed in creating jobs.

SUPPLEMENTARY TO QUESTION NO. 183 OF 1994

HON F VASQUEZ:

Does the Minister think his visit to Russia will in any way deviate the Russian practice which seems to be the going to Cyprus. I do not know if the Minister is aware that dozens of Russian banks have established in Cyprus and certainly thousands of Russian companies have been formed in Cyprus. Is there any possibility that from his visit the Minister feels that some of that work might be channelled in this direction, certainly we see no indication of it yet?

HON M A FEETHAM:

What I have done in this statement, obviously is to outline the two main areas where I felt the meetings were extremely important but, of course, I had about another 12 or 14 other meetings with businesses themselves and lawyers and legal firms, etc and clearly when they opened up, as the hon Member quite rightly says, they made Cyprus their base. The message I was getting clearly right through everybody that I spoke to was that perhaps they had made hasty decisions in having gone there in the first place and I believe, subject to being reminded every other month by one Opposition Member in particular, that there will be moves towards Gibraltar not just from Russia but

from businesses that have set in Cyprus because the key to this is that we do have the EC dimension which is so important in passporting and licensing, and the geographical position of the markets which historically they have had relationship with in North Africa, Spain and Portugal is very important, apart from the fact that we have got the Floks ship here as well.

HON P R CARUANA:

I am grateful, of course, to the Minister for the trouble that somebody in his department has taken in writing all of that and certainly the speech is not unfamiliar to us given that he has given similarly detailed and comparable reports when he visited South Africa and everywhere else that he has been before that. Is he more confident that this visit will be more productive than his visits to South Africa and elsewhere or is this just the same speech as has been previously given which of course sounds great in theory but has not actually produced too much by way of concrete results?

HON M A FEETHAM:

Thirty-one high network worth individuals have been produced in Gibraltar when Opposition Members were saying that it was a waste of time having brought them in, that it was not possible and I can say, just for the record, out of the 31 because I have not told him how many section 19(c)'s under the Immigration Ordinance have come, I could safely say that about 23 has been as a consequence of my effort apart from everything else.

HON F VASQUEZ:

One aspect of the Minister's visit to Russia that we on this side of the House are interested to learn is whether the expenses possibly were paid out of the GDP Foundation Travel Fund, might that be the case?

HON CHIEF MINISTER:

I think Opposition Members have had all the information they are going to get because it is quite obvious that they are not interested in whether the jobs are being created or not, they are interested in whether they can take the mickey out of the Minister or anybody else in the Government and I think we have had enough of that.

HON P R CARUANA:

With the greatest of respect, that is not what we are interested in. What we are entitled to do is to test their efforts against success, that is what we are entitled to do and that is what we are doing because we have had speeches of this kind after every visit and it sounds no less impressive whether it is delivered after he has been to Russia, as to whether he delivers it after he has been to Finland or Vietnam or Estonia or Lithuania or the Falkland Islands. It always sounds just as impressive. We are entitled to question whether those efforts are translating into results and that is what we are doing.

HON CHIEF MINISTER:

The answer to the original question and the original question asked the Minister to produce a report which obviously he has made the mistake of giving more detail than Opposition Members are interested in, and finish with the caveat that the effort does not guarantee the result.

HON P R CARUANA:

I think one can say that about everything.

HON CHIEF MINISTER:

Yes, of course, one can say that about everything and the answer to the question if the hon Member wants information "Is there a guaranteed number of jobs that will materialise by a guaranteed specific date?" then I can tell him now that that is not the case and that it will not be the case from any future promotion that takes place everywhere else and therefore he does not need to ask that question again because that information that I am giving him now applies to all previous promotions, to current promotions, to all future promotions and I am not aware of any efforts or any formula that any other country, other than ours has, which guarantees the result by measuring the effort. The answer is I am not aware of any formula that does it, we do not have it and we are not saying that we have.

HON F VASQUEZ:

I would just like, for the sake of the record.....

MR SPEAKER:

No, I am sorry, you have had the answer now, you know what to expect and that is it. Next question.

ORAL

NO. 184 OF 1994

THE HON P CUMMING

MAINTENANCE OF GOVERNMENT HOUSING

What levels of maintenance are Government responsible for on the inside of houses of which Government are landlord?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

Responsibility for repairs is laid down in the second schedule of the tenancy agreement which has remained unchanged since 1959.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1994

HON P CUMMING:

Is it the case that since the early retirement of Moroccan workers in the housing maintenance section the shortfall in labour has been made up for by simply making the waiting list longer for non-urgent maintenance jobs?

HON J L BALDACHINO:

No, Sir.

HON P CUMMING:

Is the Minister saying then that there is no backlog for jobs of a non-urgent nature, for example, if a bath is worn out; if a door jam is sticking out and coming unloose and all these sort of things, that there is a backlog?

HON J L BALDACHINO:

Does the hon Member know what the second schedule of the tenancy agreement says?

HON P CUMMING:

No.

HON J L BALDACHINO:

Well, I have got his here which he signed in 1975, he should read it. The answer is that there is no more delay than it used to be before the Moroccan workforce left the service.

2.

HON P CUMMING:

So it was there before then?

HON J L BALDACHINO:

I am saying that there is no more delay now than there was before when the Moroccan workforce was in employment. Therefore the delays that exist today are not due to having less workforce.

HON P CUMMING:

Could the Minister give us an idea of the kind of backlog that there is? For example, a carpentry job, how long it may take to get it done?

HON J L BALDACHINO:

It depends on the job that needs to be done; whether it is major refurbishment, whether it is day-to-day maintenance which is reports that come in, it depends on the urgency of the job. The urgent jobs are the ones we do quicker.

HON P CUMMING:

Yes, the urgent jobs do get done but the non-urgent ones do not get done.

HON J L BALDACHINO:

No, it depends how many urgent jobs we have to do, sometimes we have to leave other jobs to carry out the urgent ones.

ORAL

NO. 185 OF 1994

THE HON P CUMMING

SAFETY QUEENSWAY PRE-FABS

Are the Queensway pre-fabs safe, in spite of the recent incident in which a resident fell through the floor?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

The position remains as stated in my answer to Question No. 82 of 1994. With regard to the specific incident referred to by the hon Questioner, there is no report of any such incident received in my department. The only report which might coincide with what the hon Member is referring to is a report regarding a damaged floor. This report has been dealt with.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1994

HON P CUMMING:

A report of a damaged floor! A dramatic incident in a house, obviously if somebody comes to repair it is only interested in the extent of the damage and not the incident. I wonder whether the Minister has read in the Chronicle of the 8th August a photograph of the broken floor and it says, "Pre-fabs at Queensway a slum: Disgusting situation, broken floors, ceilings condensation, rats, cockroaches" and then the story of the man who suddenly falls through the floor and is only saved of actually going into the house underneath by clinging onto the bed where his baby daughter is screaming hysterically. And I ask the Minister is he not ashamed to preside over a situation like this?

HON J L BALDACHINO:

I cannot be ashamed because one of the things is that I am not responsible for what the press reports and it does not necessarily follow that what is reported in the press is correct. The other thing is that the hon Member is senile if he thinks that anybody can go through a floor at home by the bed, that is totally impossible; in a report in the Chronicle of which I am not responsible for the journalist. What I am telling him is fact and I will go further than that. The urgency of that report is that when it was reported and my workers went, because it was after hours and they worked on a Friday afternoon after working hours, the family concerned was at the beach and therefore they could not carry out the job at that precise time. The other thing is that I investigating whether the hole was made bigger than what it was and not by the fact that it is rotten or anything else. Sometimes holes are made bigger because then they go to my hon Colleague's unit and they say that they do not want to be moved to another pre-fab and they want to have a new house.

ORAL

NO. 186 OF 1994

THE HON P CUMMING

VARYL BEGG ESTATE SWIMMING POOL

Are there any alternative plans for the use of the area of the dilapidated Varyl Begg Estate swimming pool?

ANSWER

THE HON THE MINISTER FOR BUILDINGS AND WORKS

Since my answer to Question No. 84 of 1994, the licence holder has decided not to proceed with the concession to run the Varyl Begg swimming pool. In the meantime the Varyl Begg Tenants Association have informed the Government that they would prefer that the swimming pool be done away with and the area cleaned up.

The future use of the area will be discussed with the Varyl Begg Tenants Association.

ORAL

NO. 187 OF 1994

THE HON H CORBY

ALLOCATION OF EMPTY FLATS

Will Government ensure that empty flats are allocated as soon as possible to those on the housing waiting list?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir, this is in fact the current practice.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1994

HON H CORBY:

As the Minister is aware and he probably has read as well of squatting at Lime Kiln Steps at the flats there. The message that came out was that the flats were ready to be allocated, there was not any maintenance or anything to be done with them but they could have been allocated to anyone because they were in perfect state for people to move in.

HON J E PILCHER:

The hon Member should not believe everything he reads in the press or hears outside in the street.

HON H CORBY:

Actually I went to see the flats myself.

HON J E PILCHER:

It is still not correct to say that the flats were ready for allocation, nor does he know in any specific instance whether the flat has in fact already been allocated to a specific person which is the case of one of the flats in question where we have squatters. That flat had already been allocated but before the person could move in somebody came in and squatted. The question was, "Do the Government give out the houses as soon as possible?" and the answer is, "Yes, Sir".

ORAL

NO. 188 OF 1994

THE HON H CORBY

GIB 5/HARBOUR VIEWS - PRICES

Will Government explain the discrepancy in prices between flats at Gib 5 and Harbour Views?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The information requested by the Hon Mr Corby has been given by me publicly on various occasions to the purchasers of Sir William Jackson Grove and carried by the local media. However, for the benefit of the Hon Mr Corby the two basic reasons are difference in date of construction and method of construction.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1994

HON H CORBY:

Again I will have to quote policy in as far as the GSLP Government are concerned in which they stated in the 1992 manifesto, "We will build however many units are required to meet the needs of the low income who cannot afford to buy". And I ask the Minister why people who were going to be allocated flats at Gib 5 were not told that on the other side of the road, which were for people who could afford to buy, the prices of the flats of the same sort of area were £10,000 cheaper than in Gib 5? If that had been explained to them before they would probably have opted out to buy at Harbour Views at a less expensive price.

HON J E PILCHER:

The hon Member has asked a question and I have given him the answer. What he is now saying is a repetition of the matters that were raised by specific individuals initially when we had the problem of Gib 5. These were all explained to them and publicly and I do not intend to go over the same ground again for the benefit of the Hon Mr Corby, when particularly all the flats at Sir William Jackson Grove have now been sold and we have a waiting list.

HON H CORBY:

I asked at one time how many had been rejected and I am still waiting for the answer from the Minister.

MR SPEAKER:

That is it. You have got the answer and that is the answer the Minister has given you.

ORAL

NO. 189 OF 1994

THE HON L H FRANCIS

NEW LAYOUT, JOHN MACKINTOSH SQUARE

Why has access for the disabled and elderly not been taken into consideration in the new layout of John Mackintosh Square?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the first phase in the beautification of John Mackintosh Square was clearly spelt out during the work period and did not contain changes in access. These were looked at in the initial stages and were found to be in conflict with the phase one works. The question is now being looked at independently from the Main Street side via the lobby of the House of Assembly.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1994

HON P R CARUANA:

The Minister will be aware that in the Disabled Persons Ordinance that they brought to this House at a recent meeting the only substantive provision in that Ordinance, in section 1, all the rest was simply enabling powers, was requiring new buildings to make adequate access for the disabled person. Does the Minister not agree that it is a great pity that the Government have failed to set an appropriate example in the very first public works that they have commissioned and effected since they brought that piece of legislation to this House?

HON J E PILCHER:

First of all the Government are aware. In fact, as the chairman of the Development and Planning Commission, we have taken that on board as part of the general policy of the Development and Planning Commission and if the hon Member had taken cognizance of the answer he would have understood that this is precisely what we are doing at the moment.

ORAL

NO. 190 OF 1994

THE HON H CORBY

JOHN MACKINTOSH STATUE

Do Government plan to place the statue of John Mackintosh in a more appropriate site at the Piazza?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir, it is the intention of Government to re-site the statue on a pedestal at the east end of the John Mackintosh Square.

SUPPLEMENTARY TO QUESTION NO. 190 OF 1994

HON H CORBY:

Will the Minister state when this is going to be done because at one time people in Gibraltar thought that it was the statue of the Speaker that was up there?

HON J E PILCHER:

I am not going to say that I would prefer either the statue of the Speaker or the statue of John Mackintosh. It will be done as soon as possible. The pedestal, I believe, has now been ordered and it will be done the moment the pedestal is ready and the plinth that needs to be done is done.

ORAL

NO. 191 OF 1994

THE HON F VASQUEZ

RAMALL LTD MOTOR VEHICLES

What consideration did the Government of Gibraltar receive for the transfer to Ramall Ltd of motor vehicles previously the property of the Government of Gibraltar?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The motor vehicles required to carry out the work were provided by the Government to the successful contractor for the purpose of fulfilling the contract.

The contractor retains full responsibility for these vehicles whilst they are in use for the course of the contract.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1994

HON F VASQUEZ:

Does that mean that at the end of whatever contract the Minister is referring to, the vehicles will be transferred back to the Government of Gibraltar?

HON J E PILCHER:

That is correct. The vehicles are part and parcel of the contract and if for any reason the contract is terminated the vehicles are taken back and then obviously they are used for another contract or used internally by the Government or relate to the residual value that they might have at that time.

HON F VASQUEZ:

If Mr Speaker will bear with me, there are a couple of questions that arise from that. The first, could the Minister please explain what contract he is referring to?

HON J E PILCHER:

I am talking about the contracts, in the case of the question, was Ramall Ltd so obviously it is the contract that Ramall Ltd has for the cleaning of district nos. 3, 4 and 7 and therefore that is the contract that I am referring to, in that particular case, obviously that is also the case of the other contractors who are contracted for different aspects of the cleaning contracts.

2.

HON P R CARUANA:

Does this not mean that public assets are made available to private enterprises for them to use in order to enhance their profit when these are public vehicles, public machinery and public equipment? [*HON J E PILCHER: No, Sir.*] They are made available to Ramall Ltd, which is a privately owned company, which presumably then do not have to incur the expense of buying their vehicles like any other company.

HON J E PILCHER:

No, there are three elements to that. One is that the remuneration or the element of that profit margin is taken into account when the contract price is negotiated. Secondly, they take on board all the expenses of running the vehicles including licences, insurance, etc. And thirdly, as I said initially, any failure in the contract means that the vehicles, which continue to be the property of the Government under the terms of the contract, if there is a default in the contract come back to the Government.

HON P R CARUANA:

So what the Minister is saying is that the commercial value of the use of the asset is in effect discounted from the price that the taxpayer pays for the service that he has contracted?

HON J E PILCHER:

That is correct and, obviously, if the asset that was passed terminated its useful life, the contractor would then have to buy his own asset to further his contract.

ORAL

NO. 192 OF 1994

THE HON LT-COL E M BRITTO

SCAFFOLDING

What steps are taken by Government to ensure the safety of the public when scaffolding on the outside of buildings is erected or dismantled?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

It is the responsibility of every private contractor to ensure that it operates within the law in every sphere of the construction industry including when erecting and dismantling scaffolding.

SUPPLEMENTARY TO QUESTION NO. 192 OF 1994

THE HON LT-COL E M BRITTO:

Is it within the law referred to by the Minister for the public to be allowed to pass immediately below the scaffolding as it is being erected and dismantled?

HON J E PILCHER:

No, Sir.

HON LT-COL E M BRITTO:

I can think of three examples in the immediate past where I have personally seen this happening.

HON J E PILCHER:

The hon Member should have reported a break of the law to the relevant authorities.

HON LT-COL E M BRITTO:

I did. I saw it happening in Main Street outside the Shell building when girders were being lifted up to the top floor and the public was moving unimpeded immediately below; I have seen it happening in Tuckey's Lane on the outside of Barclays Bank; and I have seen it happening in Bell Lane; all within the last 12 months. That is why I am saying what steps are taken to make sure that private firms act within the law as referred to by the Minister.

HON J E PILCHER:

I am not sure that it is my role in this House to question the questioner but if he did report it what action was taken?

HON P R CARUANA:

Is the Minister satisfied of this, that he is responsible for, and that is to ensure the Factory Inspectorate or those officials within the Department of the Environment who act as Factory Inspectors, that they have available to them enough resources in the form of officers to supervise - not on a building by building basis - but to adequately monitor the building regulations and the like are being complied with so that we do not all say, when an accident happens, that it is an accident. It is not an accident if bad practice is allowed to continue to happen because Government does not make available enough resources for monitoring to be done.

HON J E PILCHER:

There were various points raised there. One is, yes I am happy that the department in question, which in this particular case is the Building Control Section of the Ministry of the Environment, has got the adequate number of monitors to monitor these activities. The question I asked the hon Member was because there are strict guidelines as to how scaffolding and hoarding have to be erected. [*HON P R CARUANA: Absolutely, but the Minister should....*] We have, in fact, already regulated specifically for scaffolding and hoarding to ensure that there is, not only an overall law, but there are specific regulations to cater for hoarding and scaffolding, particularly scaffolding that requires a series of steps leading to the certificate of fitness that is issued. Therefore the private entity, in the mounting of the scaffolding, has to ensure that the area round it is blocked off so that there is not any flow of pedestrians in that area. This is why I said to the hon Member, if they are breaking the law then obviously one has to report it to the department and I assure the House, because it has happened to me, the department will immediately go down and, if necessary, issue the necessary stoppage orders until the place is made safe. This is a matter of practice.

HON LT-COL E M BRITTO:

I thank the Minister for that. He asked me a rhetorical question before and I will answer it. I did take steps, I informed the police and the police came along and temporarily stopped the erecting of the scaffolding. The next morning the same two workers were back on the spot and were carrying on doing what had been stopped the day before. So that is why I am querying what the practice is.

HON J E PILCHER:

I can relate that to the department but I assure hon Members that from the Government side our responsibility is to ensure that the structures are there, ensure that the number of people who have to perform the duties are there and that the enforcement is an enforcement which is a policy matter. At the end of the day I cannot go - I think it is what my hon Colleague Mr Perez said, we cannot actually go and do the job physically ourselves but everything else I am quite happy; the policy, the structure and the number of people employed are adequate so that these things should not happen and if they do, there is a mechanism to actually stop it happening.

HON LT-COL E M BRITTO:

Will the Minister undertake to take on board the comments that I have made and to tell the people in the department concerned so that when scaffolding is erected and dismantled they make sure that it is supervised?

HON J E PILCHER:

I will advise the Building Control Officer the first thing on Tuesday morning.

ORAL

NO. 193 OF 1994

THE HON LT-COL E M BRITTO

UPKEEP OF THE CEMETERY

Will Government make a statement on the state of upkeep of the cemetery and will they say what numbers of staff are employed in maintenance and repairs?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The industrial staff employed at the cemetery are seven gravediggers who are responsible for all burials, transfers, etc. They also carry out minor repairs and other works when not engaged in providing the essential services.

The general maintenance, cleaning, weeding, emptying of litter bins etc is carried out by a private contractor.

Major repairs and maintenance works such as the patching up and resurfacing of footpaths, repairs to boundary walls etc are done by other departments or contractors as and when these are required.

The Government are quite happy about the state and upkeep of the cemetery.

SUPPLEMENTARY TO QUESTION NO. 193 OF 1994

THE HON LT-COL E M BRITTO:

Can I ask the Minister when was the last time he walked around the cemetery, not just the main avenues in the middle but he walked round the perimeter and round the sides of the cemetery?

HON J E PILCHER:

Fortunately I do not have to do it very often.

HON LT-COL E M BRITTO:

That is why I was careful with the question, Mr Speaker, because I did not want it to become funny because it was not meant to be. Will the Minister accept my recommendation to do exactly that which is what I did this morning before this meeting started? I am not going to ask him who the private contractor is because it is irrelevant but let me say that it is quite clear that if weeding is taking place,

it is taking place on a very, very small case and in very many areas of the cemetery it has taken place totally ineffective because the weeds are high and there is a considerable amount of weeds everywhere. Let me say that it is almost tall grass round the outskirts..... Let me finish.

HON P R CARUANA:

Let him crack his joke.

HON J E PILCHER:

It is not a joke, Mr Speaker. The problem is that we have been through this particular problem - and it is not a joke. What I am going to say is factual, we have a problem with the weeds in the cemetery which are of a particular type that are protected by the laws of Gibraltar. *[Interruption]* This is a fact which Opposition Members can check with the Gibraltar Ornithological and Natural History Society. We have a problem in weeding and when we weed in the cemetery we have to have, at least we have an agreement to have a member of the Gibraltar Ornithological and Natural History Society present.

HON LT-COL E M BRITTO:

It would be pathetic if it was not so funny. But accepting that as undoubted fact there are very many areas where the opposite is the case, where the grass is dry and barren and dusty and dirty which is not just a question of weeding. It is a question of cleaning and it is not just the weeds. There are areas of the cemetery where the remains of flower wreaths and so on are just flying around and lying around. There is litter in areas of the cemetery; the path surfaces, apart from the main part down the middle, is in a terrible state.

HON J E PILCHER:

I do not want the hon Member to think that I was trying to detract from anything he is saying. I will take on board his suggestion and I will take the head of department who is responsible for the cemetery down there because we have, as I say, a contract in place and a system and obviously we need to be absolutely sure that that is being kept properly. So I will take that on board.

ORAL

NO. 194 OF 1994

THE HON P CUMMING

DOG FOULING

Do Government intend to carry out any educational or social awareness campaign to prevent dog fouling?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government embarked on an environmental awareness campaign some two years ago which included the social and medical effects of dog fouling.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1994

HON P CUMMING:

This might have taken place two years ago but certainly..... [*HON J E PILCHER: two years ago, Mr Speaker.*] I do not see any adverts on television or hear any on the radio, I do not see posters up so I do not know where this campaign may be going on. I would like to ask the Minister whether he is aware that in UK at the moment there is a poster campaign which made the headlines of the national press because of its controversial nature, in which there is a man squatting with his pants down defecating in the street and underneath it says, "You do not allow him to do it so why do you allow the dog to do it?" and because of its controversial nature it made headlines. It seems to me, Mr Speaker, because of the irregularity in the situation of pooper-scooping we need a major campaign because what the Government has done so far is, in my view, a failure and I would ask the Minister to agree with me that the levels of pooper-scooping that are going on could be roughly averaged at, say, 5 per cent so 5 per cent of dog pooper-scoop, the rest of it is left there and until people believe that that is a wrong and dirty thing to do and unless one is afraid that the next person passing by is going to tell you, "Look, do not leave your dog poop there, do something about it". That is the attitude, they will not generally be an effective control.

HON J E PILCHER:

The hon Member must be joking obviously if he thinks that we need to have an outright campaign with all the things that have happened in Gibraltar over the last five or six years related to dog fouling; the laws that we have had to pass; the campaign that we have done which, by the way, we have done in the schools, we have done in conjunction with the environmental health authorities, we have done in the Gibraltar Chronicle, we have done by sending literature to people's homes on various aspects

of the environment. But if the hon Member feels that to educate our citizens of Gibraltar who do not know that it is wrong to put their dog to do its business in the middle of the road, we need posters to do that, Mr Speaker, then I honestly think he must be joking.

HON P CUMMING:

What does the Minister make then of the current UK health education authorities poster campaign and I would ask him to estimate a guess from the top of his head, what figure does he think of dog poop is actually scooped?

HON J E PILCHER:

I do not even think about things like that.

HON P CUMMING:

That is the problem, the Minister has hit the nail on the head, he does not even think about it.

HON J E PILCHER:

I would put the nail somewhere else, Mr Speaker.

HON P CUMMING:

Because of the Minister's attitude to pooper-scooping, the fact remains that there is dog poop all over the place, all over the housing estates, this is disgraceful. What the Government have done so far has only been marginally successful. There has to be, not just a punitive campaign but an educational one so that people's attitudes begin to change.

HON J E PILCHER:

Apart from many other things I think the hon Member must be hard of hearing. I have said to the hon Member, we have had an environmental awareness campaign. It has targetted specifically the problems related with dog fouling. We have got the message to people and those people who do not use a pooper-scooper or some other type - it could be plastic bags or whatever - do it not because they do not know that it should be done but do it because they are not responsible citizens who leave their dog's business behind with all the medical and social consequences that that has, Mr Speaker.

ORAL

NO. 195 OF 1994

THE HON P CUMMING

DOG FOULING FINE

The £150 "on the spot" fine for dog fouling is random, sporadic, and punitive rather than educational and how many times has the £150 fine been used?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

I do not know how he relates this question to his previous one but still, Mr Speaker.

The £150 fine is not conducted by the enforcement bodies on a random or sporadic basis. Offenders are reported when caught breaking the law and as such, it is bound to be punitive.

SUPPLEMENTARY TO QUESTION NO. 195 OF 1994

HON P CUMMING:

May I offer my experience as a dog owner and pooper-scooper at Varyl Begg to the Minister and hope that it may be of some value. All the people who have dogs at Varyl Begg more or less meet each other on an almost daily basis and compare notes. On one day, about four months ago I met an elderly gentleman in shock who said, "Behind the bush right out there on the sand somebody jumped out with plain clothes and has fined me £150". Then I met a middle-aged lady in tears, on one day, and since then one sees children with dogs. Children do not have the money or dexterity to do the job and they will not do it. Teenagers have their ego much too fragile to do this. I have experience as a parent, as a teacher and as a youth worker with young kids. They will not do it. The Minister has not done me the favour, just for a laugh, of putting what figure he thinks, he just whales against those irresponsible people who do not scoop their poop. But he will not put a figure to it. I would ask him to put a figure to what he thinks are the number of people co-operating with his so-called campaign?

HON J E PILCHER:

I will not waste my time or this House's time in answering any more questions on this issue.

ORAL

NO. 196 OF 1994

THE HON LT-COL E M BRITTO

ACCUMULATIONS OF RUBBISH

What steps are Government taking to prevent the accumulation of uncollected rubbish at central collection points becoming an eyesore and health hazard?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government directly and through their contractors are taking every possible step to ensure that there is no accumulation of rubbish anywhere in Gibraltar and this obviously includes central collection points.

SUPPLEMENTARY TO QUESTION NO. 196 OF 1994

HON LT-COL E M BRITTO:

I will give the Minister the benefit of the doubt in his answer. He has taken the word "accumulation" literally, I think to mean long-term accumulation and maybe it is my fault in the drafting of the question. By accumulation I mean the accumulation on a daily basis between one collection and another. We discussed this during the previous Question Time and at that time, Mr Speaker, I was given to understand that steps were under way to either improve the sites for central collection to wall them off or to provide more bins or to improve the situation which existed then. As far as I can see this has not happened and my question is will the Minister give me an indication whether it is still intended to try and improve the situation because whether he likes it or not, over the weekend especially, and also on a daily basis because people sometimes indiscriminately put unbroken boxes into the large bins and so on, in many areas the bins overflow and there is rubbish on the street outside the bins with the consequent health hazard and the consequent eyesore to passing visitors.

HON J E PILCHER:

It is still the intention of the Government to look particularly at those areas and although the hon Member has not mentioned specific areas because we do monitor we know that we have specific problems in one or two areas. This, however, does not detract from the major success of central areas in and around Gibraltar. There are one or two areas, Mr Speaker, it is still the intention of the Government to do what precisely I said either during the last House or at Budget time, that we are doing and the hon Member will see that certainly over the next couple of months there will be major moves particularly in the area of City Mill Lane, Cornwall's Lane, Castle Street, Engineer Lane and we still have a particular problem with Irish Town which we are still working on.

ORAL

NO. 197 OF 1994

THE HON LT-COL E M BRITTO

KEYS PROMENADE

Taking into account the large number of people who use the Keys Promenade at Camp Bay as a beach every summer, will Government revise their contract with Sights Management to extend to this area facilities available at other beaches like cleaning, lifeguards, police cover and access by steps to the sea?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir, the area in question does not fall within the designated swimming area at Camp Bay nor are there any plans at present to include it.

SUPPLEMENTARY TO QUESTION NO. 197 OF 1994

THE HON LT-COL E M BRITTO:

Will the Minister accept that the policy is a little bit short-sighted and at the same time causes considerable inconvenience to the, not small number of people who use the area for swimming during the summer. Firstly there is an inconsistency in that the area is considered as a beach and is included as such within the relevant regulations, the Beach Rules or whatever they are called, as far as fishing goes. The police regularly patrol the area and both children and adults fishing off the rocks off Keys Promenade are stopped from fishing precisely because the beach rules prohibit fishing on it because it is included, together with other beaches, as an area where fishing is not allowed. So in that sense it is considered a beach. In terms of lifeguard cover, the lifeguard tower is in such a position that cover can be extended to the area without meeting extra expense. The police, as I have already said, patrol the area so that does not imply extra expense. The cleaning of it is a relatively small item and the only large item in the equation that I have mentioned is providing the steps. I estimate that between 100 and 150 people use that area at weekends during the summer and for that relatively small amount will the Minister accept that he could return that bit of coastline to becoming a beach in the same way that it has traditionally been a beach up to the time when the Government reclaimed the land next to Camp Bay and defined that as a beach but kept the rest of the coastline between that and the Nuffield Pool as not a beach? It causes considerable inconvenience to the people who use that and who have used it traditionally over the years and who carry on using it and I would urge him to reconsider his answer for next year to see how minor the cost would be and to provide this facility for the people who use the area.

HON J E PILCHER:

I do not like to mislead the House so the answer is still the answer that I have given as the official answer. That is not to say that I will not review it again next year but as I have said in the past, the Government created the situation when we used about 60 per cent of Keys Promenade where we did reclamation when we created an extension to Camp Bay which was possibly seven or eight times what used to be the area of Keys Promenade and we took a decision then not to have a situation where the public beach extended over that because we felt that the rocks in that area were particularly dangerous. The fact that we have put a step into the sea in that area creates a liability whereby in doing so then one creates a situation where officially one is allowing people to swim in that area. That, together with the fact that we do not believe that the one single lifeguard is enough to cover the whole area, we would then need to look at the possibility of breaking up Camp Bay as we did with Eastern Beach into two separate beaches for lifeguard purposes which obviously would be twice the cost. We do not believe and we have not believed up to this stage, although I will consider it again, that the expense is warranted given the fact that we have added much more promenade to Camp Bay than we took away by taking away the little piece of Keys Promenade at the end where people can still go there if they want more peace than at Camp Bay but the only thing that we ask them as a matter of the beach bye laws is that they have to walk from there to the main area to swim in that area.

ORAL

NO. 198 OF 1994

THE HON LT-COL E M BRITTO

HOTEL OCCUPANCY

What was the average percentage occupancy in Gibraltar hotels during 1993 and in the first six months of 1994?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The average percentage occupancy in Gibraltar hotels during 1993 was 40.7 per cent. Statistics are not available for 1994 and in any event the Ordinance prohibits the publishing of information prior to the report being tabled in the House of Assembly. Although theoretically parts of that information can be made public, it goes against the spirit of the Ordinance for hotel information to be given because of the commercial sensitivity of this.

ORAL

NO. 199 OF 1994

THE HON LT-COL E M BRITTO

TOURISTS AT GIBRALTAR

In the light of the high level of hotel occupancy in the Costa del Sol this summer, will Government explain its continuing failure to attract longer stay tourists to Gibraltar?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question No. 200, 203, 204 and 207 of 1994.

ORAL

NO. 200 OF 1994

THE HON LT-COL E M BRITTO

HOTEL OCCUPANCY LEVELS

When does Government expect to see an improvement in the hotel occupancy levels?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question Nos. 199, 203, 204 and 207 of 1994.

ORAL

NO. 201 OF 1994

THE HON F VASQUEZ

TOURISM POLICY

I am surprised that this question was not incorporated with the other answers that we have just heard from the Minister, but nevertheless I shall put the question.

Do Government intend to review their tourism policy following the latest announcement of redundancies at the Rock Hotel?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 201 OF 1994

HON F VASQUEZ:

I only have one supplementary and it is going to be, I am afraid, a fairly long one. I would ask the Minister to consider this. I have examined the Hansards for the period prior to the election of the current Opposition, and over the last six and a half years we have had a series of excuses being peddled from the Government benches as to the reasons for the catastrophic decline in Gibraltar's tourism industry. These have ranged from the Gulf War to the recession, we have now heard the devaluation of the peseta is being bandied around, to fluctuating trends in tourism. The fact is undeniably, Mr Speaker, that since 1988 when this Government were elected into office the tourist industry in Gibraltar has suffered a catastrophic decline. From the perception of the Opposition party, the reason for that is very clear and that is that this Government are imply de-prioritised tourism basically, it would appear, because they consider it a politically incorrect activity for this economy. My question is this, do this Government accept any responsibility on their own part in their failure to market Gibraltar and in their failure to prioritise the tourist industry for the undeniably catastrophic form in Gibraltar's tourist industry in the six and a half years that they have been in office?

HON J E PILCHER:

That must be a rhetorical question obviously, Mr Speaker.

HON F VASQUEZ:

No, it is a very simple question. Do this Government see any correlation between their policies and the catastrophic fall in the tourist industry in Gibraltar?

HON J E PILCHER:

No, Sir, because although the hon Member believes, obviously if he did not believe it he would still say it because that is his role in the Opposition benches, that there are excuses. What we have given the hon Member over the last six and a half years is the facts, like we have given the hon Member, the Hon and Gallant Colonel Britto, the reason why there is a bigger trend towards Spain. Those are facts, Mr Speaker. I know that the Opposition believe them to be excuses but obviously I cannot agree with that. I did not answer this question together with the others because in this particular case when the Rock Hotel had the redundancies the press release that was issued and the statement made by the Rock Hotel was that they were financially restructuring the hotel and therefore at no stage did any of the directors of the Rock Hotel or the managers of the Rock Hotel or anybody come to my office to say to me, "We are having this problem because of this problem". They explained it as financial restructuring.

ORAL

NO. 202 OF 1994

THE HON LT-COL E M BRITTO

TOURIST ARRIVALS

What was the number of tourist arrivals classified separately by land, sea and air, during 1993 and in the first six months of 1994?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The number of tourist arrivals classified as requested by the questioner for 1993 are as follows:-

<u>BY AIR</u>	<u>BY SEA</u>	<u>BY LAND</u>	<u>TOTAL</u>
80,449	81,560	4,117,986	4,279,995

Let me say, Mr Speaker, that I am giving these figures, as opposed to what I said before, because they have no commercial meaning, particularly by air when there is only one airline and they know exactly the number of passengers that they carry. Statistics for 1994 are only available for the first three months of 1994 as follows:-

<u>BY AIR</u>	<u>BY SEA</u>	<u>BY LAND</u>	<u>TOTAL</u>
13,455	8,226	945,230	966,911

It has to be understood that the trend cannot be established by the first three months statistics only, although in general terms it appears that the 1994 figures will be in the same trend as 1993.

SUPPLEMENTARY TO QUESTION NO. 202 OF 1994

HON LT-COL E M BRITTO:

I appreciate that for three months only the figures are statistically meaningless especially with the high season left out so I think we have to ignore the 1994 figures. But is the Minister concerned that the 1993 figures continue to show a decline in the number of arrivals by air and by sea and, in fact, the land figure is more or less static?

HON J E PILCHER:

No, the land figure has gone up. The figures by sea have dropped slightly but I believe that the number of liner activities exceeds last year's so we may see that coming back again, Mr Speaker. By air, I think we have already discussed this in the previous question and, as I said before, I am not satisfied and it is one area that we are certainly looking into.

HON LT-COL E M BRITTO:

I think the Minister should be not just not satisfied, he should be seriously worried. In 1990 the arrivals by air were 132,468 and they have been dropping since then to the present figure of 80,000. And by sea, with the exception of 1991 which was very much lower at 63,000, the 81,560 that he has given us for 1993 is below the 1992 and the 1990 figures. Will the Minister confirm whether the figures of arrivals by land include people coming into Gibraltar on a daily basis for work purposes?

HON J E PILCHER:

Yes, it does, Mr Speaker, but obviously the statistics - I think I have mentioned this before - are worked in exactly the same way as they are every other year and since there has not been, in my opinion, a major increase in the number of frontier worker activity, I think as a guideline the figure gives the trend. I hear what the hon Member says, I have explained on the activities by sea, Mr Speaker, again that also includes the ferry. We are having more ferry activities this year because there has been a further day where the Tangier ferry is now being activated and I hear what the hon Member says and saying I am not satisfied is perhaps putting it mildly

ORAL

NO. 203 OF 1994

THE HON LT-COL E M BRITTO

TOURIST ARRIVALS

What steps is Government taking to halt and reverse the downward trend in tourist arrivals by air and to what do they attribute this downward trend?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question Nos. 199, 200, 204 and 207 of 1994.

ORAL

NO. 204 OF 1994

THE HON LT-COL E M BRITTO

TOURIST PROMOTION

How much money did Government spend specifically promoting Gibraltar as a Tourist Centre for 1994, how was this money spent and in what countries?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question Nos. 199, 200, 203 and 207 of 1994.

ORAL

NO. 205 OF 1994

THE HON LT-COL E M BRITTO

TOURISM INFRASTRUCTURE

Do the Government have any plans to develop and improve Gibraltar's tourism infrastructure?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government have been developing and improving Gibraltar's tourism infrastructure since 1988. This is one of the top priorities for the Gibraltar Tourism Agency and within the confines of financial possibilities will continue to be so.

SUPPLEMENTARY TO QUESTION NO. 205 OF 1994

HON LT-COL E M BRITTO:

How does the Minister rate the results of that policy since 1988?

HON J E PILCHER:

I believe that the results have been very, very successful.

HON LT-COL E M BRITTO:

I am almost tempted to say what the Minister said to the Hon Mr Cumming earlier on, that he must be joking. I think he must be one of the few people in Gibraltar with any connection, albeit slight, with the tourism industry who feels that the policy of tourism of this Government has been in any way successful.

HON J E PILCHER:

The hon Member is talking about tourism infrastructure. I dare say he is talking about tourist sites; he is talking about the infrastructure of tourism which is beautification, cleanliness, tourist sites, that is infrastructure and the only one who must be joking is the hon Member if he has not seen the 300 per cent improvement in the sites, in the nature reserve, in the Alameda Gardens and everywhere in Gibraltar.

HON LT-COL E M BRITTO:

But the result has to be measured, will the Minister accept, by people coming to Gibraltar and in that sense it has been totally unsuccessful.

HON J E PILCHER:

No, one may have the best infrastructure in the world and one may not have a single tourist coming to see it. [*HON P R CARUANA: Then it is not as good as he hoped.*] But the tourism infrastructure has been developed, continues to be developed and we have had nothing but praise from all quarters about the improvements to the tourism infrastructure and to the infrastructure in general related to the beautification and cleanliness of Gibraltar.

HON LT-COL E M BRITTO:

Are there any plans to develop the tunnels system as has been mooted several times in the past, into a worthwhile attraction?

HON J E PILCHER:

No, not at present.

ORAL

NO. 206 OF 1994

THE HON P CUMMING

CHARTER FLIGHTS

Does Government intend to take steps for charter flights to fly to Gibraltar which would be good for our hotel industry?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, I will give him the written text although I must advise the hon Member that I was not quite sure what exactly he meant in the question.

Mr Speaker, the Government continues to take all possible steps to activate traffic to the Gibraltar airport.

SUPPLEMENTARY TO QUESTION NO.206 OF 1994

HON P CUMMING:

Does the Minister agree with the manager of the Queen's Hotel that the lack of long-stay tourists is mostly due to lack of charter flights?

HON J E PILCHER:

Mr Speaker, the hon Member, I think, has already made his thoughts known about the traffic generation at the Gibraltar airport and obviously there is a correlation between the number of passengers that we have in the airport related to the hotel occupancy. There is also a new element now which is the through traffic at the frontier that does stay in our local hotels as well. Whether the manager of the Queen's Hotel believes that in his specific case that is a direct correlation, that is something, Mr Speaker, for him to answer.

HON P CUMMING:

The manager of the Queen's Hotel says that he can offer four days bed and breakfast for £140 with a charter flight and with a scheduled flight it has got to be £380. That goes from £35 daily to £95 daily. If he has done his sums right it is of enormous significance.

HON J E PILCHER:

Yes, Mr Speaker, but I think the position of the Government on charter flights is well-known. We do not object to charter flights but it has to be understood that charter flights are specifically that; they are charter flights which are meant to compliment the schedule carriers in moving tour operator traffic and the only condition - it is not even a condition imposed by the Gibraltar Government, it is a condition normally imposed by the Civil Aviation Authority - is that a charter aircraft is allowed to have 15 per cent seat only sales. Therefore any charter operation that wants to come to Gibraltar that carries 85 per cent tour operator traffic and 15 per cent seat only will have nothing but support from this Government.

ORAL

NO. 207 OF 1994

THE HON LT-COL E M BRITTO

CITY BREAKS

To what does Government attribute Gibraltar's fall in the "City Breaks" league table from 9th to 16th position when at the same time neighbouring Spanish cities have improved their positions?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, in the first instance let me point out that in reply to Question No. 97 of 1994 of Mr Vasquez, the overall programme for 1994 was given by me to the Opposition and, unless I am mistaken, the comprehensive plan which had been worked out in liaison with the United Kingdom Gibraltar Tourism Association was welcomed by the Opposition. The position has not changed and the programme is being adhered to. In the same way, Mr Speaker, the budget for promoting Gibraltar as a tourist centre was also made public during the Budget session wherein I mentioned that we would earmark part of that money for a follow-up to our successful 1993 campaign in Spain. We estimate that we will spend in the region of £25,000 in this area.

Mr Speaker, the overall policy of the Government is explained to this House at Budget time. This policy is now established in conjunction with the professionals in the tourist industry. No approach has been made in the UKGTA to signify that a change of policy is necessary. UKGTA monitors all areas of tourism activities and is already looking into ways, in conjunction with GB Airways, to further activate the Gibraltar Airport with a consequential increase in passenger traffic.

Mr Speaker, the tourism market is in fact a market of trends which is activated positively or negatively by many factors. The increase in tourism in Spain this year, was in fact driven on the back of the changing structure of the peseta which created a positive marketing stance for tour operators. This is obviously reflected in the position of Gibraltar in the "City Breaks" league table.

Mr Speaker, the Government have already seen an increase in the hotel occupancy figures for 1993 as can be identified in my reply to Question No. 198 of 1994. We hope this improvement can now be sustained but given the many factors related to the trends in tourism, the Government can only continue to monitor these and continue to discuss them with the professionals.

SUPPLEMENTARY TO QUESTION NOS. 199, 200, 203, 204 AND 207 OF 1994

HON LT-COL E M BRITTO:

Mr Speaker, would the Minister accept that the figure of £25,000 to market Gibraltar is ludicrously small and totally ineffective?

HON J E PILCHER:

No, Sir, the Minister would not.

HON LT-COL E M BRITTO:

Does he think it is sufficient, Mr Speaker?

HON J E PILCHER:

No, Sir. I do not think it is sufficient but at the same time I do not think it is ridiculously low and meaningless. What I think has been made abundantly clear during the Budget is that the Government has dedicated between £250,000 and £300,000, depending on how we eventually end up in this budget, for promoting from a tourism point of view Gibraltar, we could have much more or we could have much less but that is the figure that was clearly spelt out in the Budget, that the Government of Gibraltar could afford in this area and therefore this is within the parameters of the budget that we can work with.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has referred, once or twice, to the UKGTA and he seems to be pinning a lot of faith on their predictions and on their advice. I have here before me an interview with Mr Albert Poggio and with the chairperson, Gillian Blackburn, as reported in Panorama in October 1993, and the comments that they made then, looking at them now in August 1994, are singularly over-optimistic and inaccurate in their projections. Albert Poggio said that the feedback they were getting from the major UK operators "is definitely positive and good. The Travel Scene, to name one of the best, names Gibraltar as the eighth best destination in the 20 they provide. The Cresta Holidays were coming on to promote short breaks". That a new tour operator was coming on, Sovereign was coming on this year. And they end by saying, "In the promoting field, tourism appears to be very ably and professionally tackled from every possible angle so we shall have to keep our fingers crossed and wait to see whether our hotels will be fuller next year". This is October 1993 - in the meantime we have seen the closure of two hotels, we have seen a third hotel in receivership, we have seen another hotel declaring redundancies and we have seen public complaints from the hotel industry about falling figures and struggling to survive. How does the Minister equate the unfounded optimisms of the UK Association with the actual results which, to me, indicate a total failure of the tourism policy of this Government?

HON J E PILCHER:

Mr Speaker, we have had this out before but let me say, commenting directly on the article in the Panorama which I do not have a copy in front of me but I think I recollect. Sovereign has on board this year, Mr Speaker, and the trend which I have explained, last year is an increasing trend in hotel occupancy in Gibraltar, albeit slightly, an increase of about 8 per cent last year, we hope we can sustain and improve that rate this year. I have not seen any public complaint by the hotels, and my office is always open to all the hoteliers, who I know personally and whenever they have a problem they come to my office. They understand the difficulty in the market and they work within the UKGTA and we all do our best to continue to activate the market. I do not know what the results of this year will be. I do not have the hotel occupancy statistics yet and even if I had, Mr Speaker, I have already explained that I cannot make them public but I do not have them because some of the hotels do tend to drag their feet in producing those statistics. I am informed that the trend continues as the trend last year and therefore I am not happy that we have 40 per cent occupancy but I am happier that we had 40 per cent last year as opposed to 31 per cent the year before.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that what has happened is that the occupancy figure has gone back to the level of the 1990 figure which was 40.8 per cent? In 1991 it came down to 35.5 per cent and down to 31.6 per cent in 1992. From a pure mathematical point of view, the figure had to go up because there are fewer hotel beds. What would be interesting to know is how many units, rather than a percentage, because obviously if two hotels have closed then the percentage figure has to go up because one is starting off with a smaller base figure.

HON J E PILCHER:

Not necessarily, Mr Speaker, because although that is true, one cannot factually deny what the hon Member is saying, we also have the opposite which is also true and the hon Member cannot deny and that is the fact that although the Gibraltar Beach Hotel closed technically last year, it was having problems galore for the last couple of years and because of their inactivity and their inability to market that hotel which was all but closed, that in itself was bringing down the occupancy figures.

HON LT-COL E M BRITTO:

How many hotel beds are there in Gibraltar currently, Mr Speaker? Can the Minister give me a figure?

HON J E PILCHER:

I would say, Mr Speaker, in the region of 1,650.

HON LT-COL E M BRITTO:

Mr Speaker, coming back to the question of marketing, I think I am right in saying that the Minister said £25,000 in Spain. Was that the sum total of all the marketing of Gibraltar in all countries?

HON J E PILCHER:

Mr Speaker, what I said was that I had explained in the last House all that we were going to do through 1994; 1994 has not finished yet. We are adhering to the programme and we expect to spend in the region of £25,000 in Spain by the end of the year and obviously the difference between that and £250,000 is what we are spending in the UK, give or take a few thousand pounds which at the end of the year we will know whether it was £250,000 or £251,000 or £249,000 or £255,000.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has misunderstood Question No. 204 which said how much money was spent promoting Gibraltar for 1994, so obviously how much was spent in 1993 for this year not in 1994.

HON J E PILCHER:

Mr Speaker, the answer is slightly defective inasmuch as the programme of activities which I related to 1994 and I apologise for that. The amount of money would be in the region of £231,000 in the UK and £20,000 in Spain for last year. The activities, Mr Speaker, I will give the hon Member a copy of next week, I misunderstood part of that question.

HON LT-COL E M BRITTO:

Mr Speaker, is it still Government policy to continue with one airline operator for 1994/95 or do they intend to review this at any stage?

HON J E PILCHER:

Mr Speaker, the Government do not have a policy of having one airline. What was announced after the demise of DanAir was that we had an agreement with GB Airways for one year. That finished in October last year where for that year we would respect - I think monopoly is not the right word - the activities of one airline in order to try and get them through the difficulties of that particular year and particularly through the difficulties of having to adjust from a two airline to one airline policy. The Government do not have a one airline policy in Gibraltar.

HON LT-COL E M BRITTO:

Mr Speaker, at the time the one year agreement was announced in this House, I remember the Minister also saying that there would be on-going monitoring on a monthly basis on occupancy levels and price levels. Can he give us an indication whether this has continued to happen in the light of once again reported shortages of seats during the summer and how those two levels have fared out over the year?

HON J E PILCHER:

Mr Speaker, yes, the Government and, in fact, directly through the Gibraltar Tourism Agency and the Gibraltar Airport Services Ltd monitor the passenger trends, monitor the price structures and monitor all movements to the Gibraltar airport and through the Gibraltar airport because as the hon Member knows, we have some through traffic into Africa given the transit facilities that the existing carrier has through Africa. The Government are satisfied on the price structure which continues to be equivalent to the scheduled traffic going into Malaga - I am talking about scheduled traffic. We continue to monitor the number of flights, the frequency and, more important than that, the number of seats available for Gibraltar specifically given the number of people that are transiting through Gibraltar into Africa and we are, in fact, discussing this with the existing airline in order to try and see how we can create more frequency or bigger aircrafts to cater for a larger number of passengers. At the end of the day, Mr Speaker, as I think there is another question in the order paper, although I have not got a lot to say in that question, I do not really want to give the answer that I have in that order paper.

HON F VASQUEZ:

Mr Speaker, if I might be allowed, just dealing with this point about the airlines. We have heard the Minister say that Government have been monitoring the situation in terms of seat availability and price. I wonder if the Minister is aware that the price currently being quoted for an ordinary return to Gibraltar, apart from the various special offers which one may or may not be able to qualify, but the ordinary return price for a flight to Gibraltar currently being quoted is £490. That is on a route which is flying almost 100 per cent capacity and on which it is almost impossible to get a seat on which, as the Minister has stated, a lot of the traffic is simply passing through Gibraltar to get to Morocco. Where Gibraltarians are simply being unable to fly to Gibraltar. Can he seriously say that he is satisfied with the present situation [HON J E PILCHER: No, no]. Well, he might say he is not satisfied. Are Government considering the licensing of any other operator on the route because clearly what is happening is that Gibraltar's ailing tourist industry is simply being stifled by the inability of passengers and holidaymakers that come to Gibraltar on a reasonable price or to come to Gibraltar at all. Are Government considering or looking into the licensing of another operator on the route to open up the route?

HON J E PILCHER:

Mr Speaker, the hon Member corrected himself because he is right, I am not totally satisfied with the situation. I have made my thoughts known particularly from the point of view of the through traffic to Morocco and it is something which, as I have said, I am in discussion with the existing operator. We have had no applications for second scheduled carriers. We had some tentative activity on charter operation but that, again, disappeared before it was started, Mr Speaker, and therefore we cannot entertain a second scheduled operator unless somebody actually applies or comes to Gibraltar and makes a formal application to fly to Gibraltar.

ORAL

NO. 208 OF 1994

THE HON P CUMMING

NOTICE OF QUESTIONS

Would Government give the Opposition longer than the present minimum 48 hours for the submission of questions and motions after issue of notice of a meeting?

ANSWER

THE HON THE CHIEF MINISTER

No.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1994

HON P CUMMING:

Does not the Chief Minister think that it would be of help to the democratic process in Gibraltar and for the good name of the political system in Gibraltar if instead of these dreadful marathon sessions of questions we had, say, an afternoon a month?

MR SPEAKER:

We are moving over to something else now. You have got to ask supplementaries on the question that you asked. Next question.

ORAL

NO. 209 OF 1994

THE HON M RAMAGGE

FLOKS EYE CLINIC

Have Government receive complaints as to the activities of the Floks Eye Clinic from any organisation or individual and, if so, how many and what were the nature of those complaints?

ANSWER

THE HON THE CHIEF MINISTER

The European Commission has asked whether the Russian ophthalmologists, in the Floks Eye Clinic, have qualifications validated by Gibraltar. This follows representations to the effect that the qualifications of these experts have not been obtained in the European Union.

The Commission has been informed of the position as was stated in the House in answer to Question No. 101 of 1993.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1994

HON P R CARUANA:

I sincerely hope - I cannot remember exactly which question that was - it was not the one that elicited the answer from the learned Attorney-General of the day to the effect that this was Ukraine and not Gibraltar and therefore we were not concerned of the colour of their certificates. [*HON CHIEF MINISTER : That is precisely the one.*] Because if that is the information, one thing is that the Attorney-General should give an answer that makes the Government Members a laughing stock within this Chamber. I am much more concerned to think that they are making a laughing stock of us in more important places. That is an infantile position of the Government to take as I tried to explain at the time.

HON CHIEF MINISTER:

I do not agree with the hon Member and then we will have to wait and see, presumably as a result of this whether the infantile position is the one that he is taking or the one that we have taken. Time will tell.

HON P R CARUANA:

Even if his interpretation of the law was right and mine was wrong, he is unlikely to get an admission to that effect from any bureaucrat in Brussels because what that would mean would be that a Ukrainian or Panamanian registered ship could sail up the Seine as far as it is navigable, park itself up the shadows of the Eiffel Tower and start operating on French and other European nationals without any applicable law of the administration of health services being amenable to that situation because that would be a Panamanian hospital or a Ukrainian hospital. The argument, I am confident, does not bare legal analysis.

HON CHIEF MINISTER:

But I am just providing information to the House in answer to a question.

HON P R CARUANA:

Absolutely.

HON P CUMMING:

May I ask the Chief Minister that if the European Commission finds the Chief Minister's position unacceptable, will he then send Floks away or will he just add the European Commission to his list of enemies?

HON CHIEF MINISTER:

I am not sure that I am supposed to give an answer to that question because, of course, when the hon Member adds to his questions, as he usually does, whether that means that I will now add to my list of enemies the Commission, he is doing what the Standing Orders do not permit him to do which is to use Question Time not to elicit genuine information which he wants but to try and make some kind of inference or innuendo which he is not allowed to do. The fact is that with him as my enemy I have enough, I do not need to add to the list.

HON P R CARUANA:

Is the Government able to say, which I have not done, whether Government have been exposed either of their own research or other's research, as to whether these Ukrainian, I understand it to be, or Russian certificates can be validated because there is no doubting that the Floks Eye Clinic is of some commercial benefit to the economy of Gibraltar and certainly my position is not calculated to result in the departure of the Floks ship. I am interested in the position under the law being respected and I am interested in as not allowing situations to prevail in Gibraltar which bring us into disrepute amongst our fellow members of the European Community. What I want to see is the problem solved but not solved by the ship having to sail away.

HON CHIEF MINISTER:

Let me make clear that the policy decision that we took in the Government when it arrived was that, in fact, if the only way they could operate here was that we had to assume responsibility for their level of skills, assess those level of skills, test them on it and register them as practitioners under the Medical Ordinance of Gibraltar then we would not allow them to be here. Firstly, we did not think we had ourselves the ability to do it; secondly we were not prepared, as a Government, to expose ourselves to the responsibility for doing that which we thought potentially was on balance all out of proportion to the benefit that the vessel could contribute to Gibraltar and therefore, on that basis, we would not have allowed them to be here and if it were established that that is the only basis upon which they can be here, then they would not be allowed to be here. It is a matter of policy and one should take a judgement and in our judgement it was clear to us that the potential benefit to Gibraltar was OK as long as we were not exposed to people tomorrow suing us because they cannot. We are clear that they cannot and that is the position and therefore the nature of the complaint, effectively, to the Commission seems to be from people who are in competition, not from people who are potential customers. It is whether the competition should be allowed or not be allowed that we are being asked and we are being asked whether we are effectively regulating. The answer is we are saying, "No, we have not given these people Gibraltar qualifications as ophthalmologists". That is the position.

HON LT-COL E M BRITTO:

Will the Chief Minister say whether he knows whether the complaints to the Commission have emanated from Gibraltar or from Spain?

HON CHIEF MINISTER:

I believe that the initial thing has come from Spain and then it has gone through an Association of Ophthalmologists of the European Union and all that and eventually it has got to the Commission and the Commission has asked for information and we have provided that information.

ORAL

NO. 210 OF 1994

THE HON F VASQUEZ

GIBRALTAR SERVICES POLICE

Do Government intend to provide the necessary financial resources to enable the absorption into the Royal Gibraltar Police of an appropriate number of the officers made redundant from the Gibraltar Services Police following the recent announcement by the MOD of an impending cut of some 30 jobs?

ANSWER

THE HON THE CHIEF MINISTER

There has not been a recent announcement by MOD of an impending cut of 30 jobs in the Gibraltar Services Police.

SUPPLEMENTARY TO QUESTION NO. 210 OF 1994

HON F VASQUEZ:

I do not have the copy of the newspaper report in front of me but six weeks ago there was an article appearing in the Gibraltar Chronicle in which it was reported that it was estimated that over the next 12 months period some 30 jobs would be cut in the Gibraltar Services Police. That is something which was reported.

HON CHIEF MINISTER:

No, what was reported was that the Chronicle asked the MOD and that an MOD spokesman said, "There is no immediate redundancy in the GSP planned at present". Therefore there cannot be otherwise they would be in breach of the public statement that there will be no cuts over and above the 30:30:50. The hon Member knows that. They announced that the cuts that had originally been considered are now being shelved until after 1997. If what the hon Member is saying is that "imminent" means some time in 1998 and he is working on the assumption that we will still be here having won the 1996 election and not the election they seem to be expecting me to announce today, then we will let him know in 1998.

ORAL

NO. 211 OF 1994

THE HON P R CARUANA

ROYAL GIBRALTAR POLICE RECRUITMENT

Does any Government policy impinge on the ability of the Royal Gibraltar Police to recruit into the force such persons as they consider to be best suited to the force's operational requirements?

ANSWER

THE HON THE CHIEF MINISTER

As I stated the last time this issue was raised, vacancies in the police force, as in any other area of the Government service, are advertised internally in the Bulletin of Circulars, for applicants from within the service.

SUPPLEMENTARY TO QUESTION NO. 211 OF 1994

HON P R CARUANA:

That therefore means, leaving to one side the questions that arise from the suggestion that the Police Department is part of the Government service which is capable of being debated all by itself, but leaving those arguments to one side, does the Chief Minister concede that that means that the police cannot recruit by virtue of vocation, qualification, skill or experience but in effect have to recruit from amongst clerks and others in the public service who are surplus to Government's requirements in that capacity and that this is capable of placing a severe handicap on the ability of the police to perform their function in the sense that they are not recruiting the sort of people that they might want to recruit but choosing from amongst what the rest of the public service makes available to them in terms of their surplus labour?

HON CHIEF MINISTER:

No, I do not accept that the police today are incapable of doing their job properly because they have been following this practice since 1988. Nor do I accept that they are constrained to accept whoever is surplus because it is not that surplus people are co-opted onto the police. The jobs are advertised normally, until now there has been generally more applicants than vacancies; the police then go through the normal selection procedure and pick the people they want and we do not put any limitations as, indeed, we cannot because it is an established agreement that all vacancies in every sector, whether it is customs or police or prison or whatever, every vacancy is advertised internally and has been since 1988. What then happens is that the person who is selected leaves a job behind which we then decide whether that job needs to be advertised in the Bulletin of Circulars or does not need to be replaced. Eventually in that system since 1988 we have tended to finish up with a less well paid, less attractive job which is the one that has eventually disappeared.

HON P R CARUANA:

But the result of that total inflexibility of the Government's policy is that if a highly qualified vocationally motivated police officer from some other place wishes and wants to apply for a job in the Gibraltar Police Force, if the Gibraltar Police Force is indeed anxious to recruit such a person - and I have a particular individual in mind... [*HON CHIEF MINISTER: I am sure.*] But the rigidity of the policy applies - I have several individuals in mind and not just one - the fact of the matter is that the constraints placed by the Government policy on the police prohibits and forbids that person from being recruited. Therefore the decision on who is a suitable recruit into the Gibraltar Police Force is in effect not being taken by those who are responsible for the operational viability of the police force but by the Government Members through their policy.

HON CHIEF MINISTER:

No, I do not agree with the hon Member, Mr Speaker. The position is that we adopted this policy in 1988; we followed it since 1988 and the pool of people within the Government is, in fact, the biggest section of Gibraltarians in employment anywhere in Gibraltar. That does not mean that we cannot have perhaps people returning to Gibraltar who would want to go into the police and who find that they cannot get in and there are people who say, "I would take a job as a grave digger in order to be able to apply internally". Well, that is not the purpose of the exercise. The purpose of the exercise is not to get future policemen to come in as grave diggers in order to be grave diggers only until the first opportunity to be a policeman comes up. That is the policy, it is a policy that we have had since 1988 and it is a policy we have no intention of changing.

ORAL

NO. 212 OF 1994

THE HON F VASQUEZ

YOUTH EMPLOYMENT PROSPECTS

What policy has Government implemented to secure adequate employment prospects for school and university leavers coming onto the job market in Gibraltar this autumn?

ANSWER

THE HON THE CHIEF MINISTER

There cannot be a policy on employment which is specific in its effect to autumn this year. I will therefore explain for the benefit of the Opposition Member what are the broad policy guidelines, the different strands of which have been reflected in answers to previous questions in the House.

The first point that needs to be made is the difficulty we face in securing employment prospects for Gibraltarians over other European Union nationals, be those Gibraltarian school leavers, university leavers, or former redundant workers.

This aspect was already explained in the motion debated in the House on 3 December 1993 which was carried unanimously, in answer to Question No. 13 of 1993 and in the amendment to the Employment Ordinance of 3 December 1993, which was also carried unanimously.

In my budget speech of 25 May 1993, I drew attention to the emphasis being placed on improving job prospects for Gibraltarians instead of increasing the size of the labour market as we had been monitoring the situation and decided that the increase in jobs per se was not having the desired effects on bringing down unemployment.

The first step has been to require all prospective employers to notify vacancies to the Employment and Training Board before they recruit someone. In answer to Question No. 145 of 1994 the hon Member has already been given the figure on the vacancies. This was done to improve the prospects of Gibraltarians successfully competing for such jobs. It also provides a useful source of statistics on the composition of jobs becoming available so as to gear our ESF training programmes in this direction.

The result of this analysis is that the construction industry has been identified as an area with potential for increasing employment prospects. For this reason the emphasis in this year's ESF funding has been increased towards basic construction skills for school leavers. Current indications are that the number of unemployed school leavers is more or less static.

One difficulty already encountered with the strategy is the fact that it is being challenged in the courts.

2.

Last year one particular construction company was asked to pay the relevant registration fees having been found by the Employment and Training Board inspectors to having in employment persons when the vacancies in question had not been registered.

The company concerned refused to pay and the hon Member's legal practice, Messrs Triay and Triay, are arguing on behalf of this client that the Employment and Training Board cannot require employers to register vacancies.

If I draw the attention of the House to one of the arguments used by Messrs Triay and Triay to defend their client construction company, the nature of the problem will be apparent. I quote, "In the absence of any obvious purpose for the implementation of obstacles to the acceptance of offers of employment, it would seem that the provisions of the regulations are directed at giving Gibraltarians a preference to which they are disentitled under EC and local law".

Whilst we reject this view, obviously if we are not even able to require employers to notify vacancies then the prospects of securing employment for Gibraltarians would be a matter of pure luck since they would not even get to learn of the existence of the job.

As regards university leavers, the policy of the Government is that we see our university education as a desirable achievement in purely educational terms rather than as vocational training geared towards the demand for skills in Gibraltar. At present other than in the legal and accounting professions, few disciplines provide skills relevant to the vacancies in a service economy such as ours.

I personally, when I have visited sixth form students about to take up university studies, have made a point of stressing this. Urging them to look at the opportunity of going to university as something which is good for their personal development but not one which necessarily qualifies them for a better paid job on return to Gibraltar.

ORAL

NO. 213 OF 1994

THE HON H CORBY

ALTERNATIVE TO SOCIAL INSURANCE FUND

Can Government say whether there has been progress in the formulation of a permanent alternative for local contributors since the winding-up of the Social Insurance Fund?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, since I answered Question No. 116 of 1994 last April there has been a new development in relation to the case seeking judicial review of the decision to dissolve the SIF presented against the Government by Messrs Triay and Triay which has a bearing on this aspect. On 22 July 1994, Messrs Triay and Triay have presented amendments on grounds upon which relief is sought in which they argue for the first time that the 1988 agreement between Gibraltar and the UK is intended to bring about indirect discrimination against Spanish nationals and therefore contrary to European Community law. The case I would remind the House is in the name of one Clavijo Ruiz, who paid £38 in social insurance contributions and has received a sum of £12,600 for himself and his wife from the fund.

The new argument from Messrs Triay and Triay is that to provide arrangements to protect from a loss of income residents of Gibraltar when the fund is finally wound up and the balance distributed without extending the same social assistance to residents of the Campo Area is a device by the Gibraltar Government to discriminate against Spanish pensioners and protect Gibraltarians. Messrs Triay and Triay believe that such arrangements when put in place would be in breach of Community law because it is argued they would in practice discriminate on grounds of nationality and not on grounds of residence.

The UK view is that such an argument will not be successful in court and that we should therefore proceed to put in place the new permanent arrangements to replace the existing temporary ones which would apply to local contributors but not pre-1969 Spanish pensioners.

The Gibraltar Government's position is that it is firstly objecting to the admission by the courts of the new arguments by Messrs Triay and Triay. Thereafter, it will through its lawyers contest these arguments if admitted, every inch of the way. However, since no one can guarantee the result of a court's verdict, and one has to assume that Messrs Triay and Triay believe they can win, otherwise they would not be advising their clients to argue the case on this basis, to proceed with new arrangements at this stage might give rise to unquantifiable contingent liabilities that could put at risk the financial stability of the territory of Gibraltar. I have informed the United Kingdom Government of the view of the Government of Gibraltar which they do not accept.

This means that for the present there cannot be any progress on a permanent alternative for local contributors because there is a fundamental disagreement as between ourselves and the United Kingdom Government as to the timing for introducing such arrangements.

SUPPLEMENTARY TO QUESTION NO. 213 of 1994

HON P R CARUANA:

Mr Speaker, is it the position, in that dispute, of the British Government that if those contingent liabilities materialised they would not be the responsibility of the United Kingdom Government to defray?

HON CHIEF MINISTER:

They will not give a clear answer to that question when I have put it to them because they say it is hypothetical and the issue does not arise and although I do answer hypothetical.... [Interruption] I answer the questions from the Opposition Member but I cannot get the British Government to give me the answer. The position is, if the hon Member allows me to complete the picture for him, that I have said to them that if they are so convinced that it is hypothetical and that it cannot happen, would they underwrite it now. Would they give us a written undertaking that if in fact the case by some miracle is won, they would meet the bill. The answer is they are not prepared to underwrite the risk and therefore we are not prepared to take the risk.

HON P R CARUANA:

Mr Speaker, I am sure that the Chief Minister does not need my advice in matters of this nature but it seems to me that the British Government is entirely wrong in thinking that the Chief Minister's question is hypothetical. A hypothetical question is one the answer to which is not germane to any issue that is relevant to the questioner at the time that he asks it. Given that the answer to the question is directly relevant to the prudence of the decision that the Government of Gibraltar has to take in terms, it is not in the least bit hypothetical. Therefore I would suggest to the Chief Minister that he goes back to them and asks them to refresh their memory on what the word hypothetical actually means.

HON CHIEF MINISTER:

All I can tell the hon Member, Mr Speaker, is that this has been the subject of an exchange of correspondence at ministerial level and it is a political decision in the UK just as it is a political decision here based on the advice that they have got from their experts and us based on the advice we have got from our experts. Without being sufficiently knowledgeable about legal technicalities, purely as a layman and from a common sense point of view, my position has been, "If you are so confident that the case that is being put in the court is going to be lost then you are not running any risk by underwriting something that you are so confident is going to be lost, since I do not share your confidence". I do not know enough about the law to be able to say, "This argument is a nonsense". I can follow the argument and I can see where it is leading and obviously our job is to defeat that argument but I cannot be 100 per cent sure and if I am only 99.99 per cent I am not prepared to take the 0.01 per cent which they are not prepared to take. Therefore we will carry on with the present interim situation which, frankly, we can sustain and which is protecting people and the ball is really in their court.

ORAL

NO. 214 OF 1994

THE HON P R CARUANA

DEMONSTRATION OUTSIDE 6 CONVENT PLACE

Will the Government request His Excellency the Governor to request the Commissioner of Police to use all laws available to him to bring to an end the permanent demonstration outside No. 6 Convent Place?

ANSWER

THE HON THE CHIEF MINISTER

The position is as stated in answer to Question Nos. 80 and 219 of 1993.

SUPPLEMENTARY TO QUESTION NO. 214 OF 1994

HON P R CARUANA:

The fact remains that the longer that this permanent - that is not indeed a contradiction in terms - demonstration persists there, in other words, the more permanent that it becomes the more damage that it does Gibraltar's wider interests and I am saying this, I make no comments on the merits of the dispute as between the Government of Gibraltar and the claimants which is a different issue, but whatever the merits of the dispute that motivates the demonstrators to conduct their permanent demonstration, I think there can be no doubting that being as they are in a site which is visited by almost every tourist that comes to Gibraltar, given the extremely provocative nature of some of the placards and posters and things that they exhibit, it cannot be in the interests of Gibraltar from that perspective for this demonstration to be allowed to persist. My understanding of the law had always been that permanent demonstrations were not permissible in the sense that one could not constitute an obstruction in the public highway. Frankly, I think the circumstances are now really reaching the position whereby something is going to have to be done to stop this because, as I said, I think, at the time I do not remember if it was a debate or the last Question Time, I see people photographing this as if they were photographing the apes up the Rock, as something to put in their holiday snap-book. That is not, with respect, the image that Gibraltar needs to export of itself at this particularly sensitive moment in our history. Would the Chief Minister therefore go further than he has done in his initial answer and at least state whether there will ever be a point in time whereby the situation has to be brought to an end which does not necessarily mean addressing the grievances which is another issue which might also, but only the demonstration itself has to be brought to an end and they will have to find some other way of demonstrating which is not permanently camping between the office of the Chief Minister and the office of the Governor of Gibraltar?

HON CHIEF MINISTER:

In the answer that I gave in 1993, Mr Speaker, I made the point that if by bringing it to an end meant giving in to their demands then the answer was, as I understood the demands from how they had been sort of formulated on television and so forth, they were asking for all the money that they had paid in insurance and in tax since they arrived in Gibraltar to be given back to them irrespective of what they had or not had in return and that that was simply something that was not even worth talking about. I think since that last question in 1993, we have to express frankly disappointment at the position of the Moroccan community because we actually moved to address the concerns of the Moroccans about being given a sweetener to return home on the basis that it had been put to us, at one stage by the Race Relations Officer at national level in the United Kingdom of the Transport and General Workers Union who came here and he suggested that an approach might be that it should be looked at in three segments what could be done for Gibraltar Government employees where the Gibraltar Government would pick up the bill; what could be done for the UK department's employees so the UK department would pick up the bill; and then find a third solution with the union and the chamber or the private sector for Moroccans in the private sector. At one stage in direct talks with the Moroccan Government representative, we said, "We are prepared to consider our third of the equation" and the result of that was that we eventually came up with a package which was accepted by 280 Moroccans voluntarily out of 300 in the Government service. In an expensive exercise we urged the United Kingdom Government, regrettably without success but I can tell the House that I have taken it all the way up to the Foreign Secretary, that one way of helping Gibraltar would be to have a package for repatriation for the 190 Moroccans that they employ also on a voluntary basis, if this is something that the Moroccans were happy to do with us it might be something that they might be happy to do with them. That then means that of the 30:30:50 that they have to reduce, if one has more volunteers from the Moroccans one needs to have less compulsory Gibraltarians and if we have less compulsory Gibraltarians then we have to have less concern about alternatives to absorb the numbers coming on the market because they are not coming on the market. I regret to say that none of that, in terms of our effort, has produced any diminution of their determination to park where they are parked at the moment. I can tell the House that in fact they have been making allegations in international context that the demonstration consists permanently of between 500 and 600 which we all know not to be true and we think it is wrong that the Moroccan Government should be saying these things and we are raising the matter with the Moroccan Workers Association because they may be entitled to complain to whoever they want to complain but at least they ought to be factually right in what they are saying. I do not think I have hidden the fact that we do not want to finish up with a worse evil than the one we are trying to cure and we have had one very nasty experience, the House will recall, where the only case of an attempt to deport a Moroccan with a proper deportation order led to our airport being closed down for five or six hours which from a security point of view, where does that leave us and at the end of the day internal security is not a responsibility of

3.

the elected Government and yet the British Government, that is responsible for internal security, seem to be helpless because of the way they run down their presence here to be able to deal with it because certainly the Gibraltar Police Force with 190 bodies cannot effectively challenge 500 determined demonstrators who take the law into their own hands. This is not an easy one to tackle. I do not think that if there are people breaking the law then I do not think it is a matter that I have to tell the Governor to tell the police to enforce the law. It is their job to enforce it anyway, whether they are able to enforce the law in circumstances where it might lead to a problem of law and order which we are not able to handle is another matter.

ORAL

NO. 215 OF 1994

THE HON P CUMMING

FAST LAUNCH ACTIVITY

Do the Government accept the fast launch activity and, if so, how do the Government justify this?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 217 of 1994.

ORAL

NO. 216 OF 1994

THE HON P R CARUANA

FAST LAUNCH ACTIVITIES

Do Government agree that the image of Gibraltar created by the activities of the fast launches undermines the efforts of the Government to promote and market Gibraltar as a reputable finance centre?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker, in all the contacts that I have had with potential investors in response to the Governments' marketing of Gibraltar as a base for financial services, no one has ever given me any indication of being concerned in weighing up the advantage of any factor other than access to European markets and issues of confidentiality.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1994

HON P R CARUANA:

I really do sincerely wish that that were true in reality. I think the Chief Minister would find, if he consulted more broadly amongst those in the finance centre that make it their business to go to conferences and to participate in the attempt to market Gibraltar abroad, that this which has reached them, press reports and photographs and things, preys on their minds as potential customers of Gibraltar, not as potential operators in Gibraltar. I am not talking about the banks or the fund manager or the insurance company I am talking about Joe Bloggs who is looking for an offshore finance centre to set up his trusts and his companies and do his offshore banking; the ultimate consumer of the financial services industry. There is a perception, unjustified clearly for any reasons that is relevant to the finance centre, that somehow this is not a savoury jurisdiction. That is a purely image marketing problem. There is obviously no link between the fast launch activity and the finance centre. We are therefore talking of perception which is, of course, the stock and trade of marketing efforts.

HON CHIEF MINISTER:

I do not agree with his analysis and I put it to the hon Member that the facts do not support his analysis. The number of companies that are registering in Gibraltar is on the increase, not on the decline and when there was a decline three years ago, a very sharp decline, it was not because people had decided to move all their companies from Gibraltar because of any concern about the image of fast launches, it was because people had decided to move their companies from Gibraltar because Spain introduced discriminatory legislation which said, "If you have got a company in Gibraltar that owns property in Spain because you are a tax haven we will make you pay tax on the property. But if you have your property in Luxembourg or Liechtenstein or Bermuda

or the Caymans or wherever, the answer is we do not do it". That lost us a drop from 8,000 registrations to 3,000 registrations almost overnight. I am happy to say that since then we have been gradually recovering and that, in fact, we expect that this year there will have been more new companies entering into our market than there were a year ago. So I do not accept that there is evidence of that at the consumer end, because that is presumably the only evidence we have got of people using Gibraltar as a finance centre.

HON P R CARUANA:

Although I believe that the Spaniards are exactly operating in relation to the 5 per cent special tax exactly what the Chief Minister has described, they have not been quite so stupid as to announce it quite as clearly as they have because that would expose them to legal action which would almost certainly succeed but I agree that in the applications for the exemptions from the tax they have manifestly been less amenable to Gibraltarian incorporated applicants than they have to be applicants incorporated in other equally fiscal paradises as they call them. Nevertheless, statistics are relative. It is true that we are incorporating a few more companies now than we were last year but, of course, what we do not know is that the business opportunities that we are missing and I suppose the only gauge that we have to measure our performance relative to our competitors is to see how our performance compares to them and it is regrettable to say that the evidence on that is that we are losing ground substantially to places which I reckon have got much less to offer such as Cyprus, Malta, Madeira; there is any number of jurisdictions that started much later than Gibraltar in this game but are overtaking us and leaving us rapidly behind. It is true that where we, comparing our 1994 figures with our 1993 figures could say, "We have incorporated x hundred companies more" but that is not really a sensible test. In the overall global situation we are losing market rank and market position.

HON CHIEF MINISTER:

Yes, I accept that that is true but I do not accept that that is evidence that it has anything to do with the reputation that we have because there are fast launches or no fast launches. Certainly, I may not read as many professional magazines dealing with financial services as the hon Member does, but the ones that I have read over the last two years when we have been losing ground to other people, have been making a mockery of us on the basis that here we are claiming we are about to appoint a commissioner and the commissioner never appears. That has been the predominant theme, we have been held up as a joke jurisdiction in the two years.

ORAL

NO. 217 OF 1994

THE HON P CUMMING

SMUGGLING FROM GIBRALTAR

Would Government make a statement on the Mancomunidad Commission's recent complaints about smuggling from Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

A reply to the statement issued by the so-called Commission on Gibraltar Affairs was made public on 9 August.

The Mancomunidad statement and its relation to the activities of launches seems to be part of a development which commenced in October of last year after a visit to Madrid by Senor Carracao. I first became aware of the new mood of our neighbours during questions in the House when the Leader of the Opposition informed me that Senor Carracao was claiming that I had kicked him in the shins. As well as putting a stop to fast launches, and presumably to my kicking him on the shins, they wanted us to continue paying Spanish pensions, implement the 1987 Airport Agreement, stop refuelling ships from Gibraltar, prevent the money laundering they claim Gibraltar banks are engaged in, and so forth. I have many times made clear the Governments' position on these matters and I have nothing further to add.

SUPPLEMENTARY TO QUESTION NOS. 215 AND 217 OF 1994

HON P CUMMING:

Do the Government believe that the Spanish Government and especially the local Campo authorities have nothing genuine to complain about and that complaints are merely deliberate propaganda ploys to slur Gibraltar's image?

HON CHIEF MINISTER:

I dare say they have got genuine things to complain about just like we have genuine things to complain about. We genuinely complain about the fact that they left our airport out of the EC in 1987 even though we had been in the EC 13 years before they put their noses in. We have genuine complaints about the fact that they blocked the External Frontiers Convention since 1991 because they say that the European Community ends in La Linea, even though they say that we are in the European Community to pay them Spanish pensions. We have got genuine complaints on many areas and so have they. If we had a position where we were addressing each other's complaints then, in those circumstances, one might say, "Well, there may be things that we really ought to take the responsibility to do something to put a stop to or correct or change or take into account their worries because they are doing something in other

areas which are worries that we have". I can tell the hon Member that certainly at the level of the Mancomunidad they are not able to deliver on anything at all and even the initiative of Senor Carracao when we met the last time in Ceuta, which was the last time we met before they decided that there was no point in meeting anymore, and I put it to the hon Member that these are not all things that have happened since we met in Ceuta, whatever complaints there were, were about things that had been taken place before, during and after that meeting and it was only after that meeting out of the blue that they suddenly elevated the whole thing to a particular prominence. Certainly the kind of feedback that we have had subsequently through exchanges between officials on one side and the other at the level of UK/Madrid is that that idea of a breakthrough being possible on greater utilisation of the airport by bringing it within the ambit of Gibraltar and the Campo is considered to be a non-starter and that was the one positive thing that the man had come up with.

HON P CUMMING:

I take it then that the Chief Minister agrees that they may have genuine complaints and that if we ever came to a position that we were willing to go into dialogue we might address these. For example, the mockery that the launches make of the Spanish Civil Guards when they land tobacco in their very faces at La Atunara causing riots and civil disturbances where they fall out with their own people and the concerns of parents on both sides when their children become involved in the smuggling; also the harassment that they face leaving La Linea by car when their cars are searched for tobacco smuggled on our launches. Does not the Chief Minister think that as two wrongs do not make a right that in trying to whitewash this and trying to say, "Gibraltarians must be patriotic and pretend that there is nothing wrong here", we could say, "This is wrong, we would like to put it right, let us sit down together and let us start to try to put things right"?

HON CHIEF MINISTER:

I do not agree with anything that he is saying because, of course, one can cite examples of what worries them except that normally people who are elected on that side spend their time battling for their side and they are very fortunate that they have him here elected on this side putting their arguments and asking me to justify our position to him when he does not represent them, he has not been elected by them and he has got no right to put their views in this House. The position is, of course, that I find it offensive that we should have a Spanish helicopter flying over our waters and our harbour and our town but they claim we have no air and no water. I find that offensive. When somebody says to me on the radio, "Do you not think it is wrong that somebody should have shot a flare at the Spanish helicopter?" My answer to that is, "Well, where was the helicopter, where was the flare and where was the launch that shot it? Who was legitimately in the jurisdiction?" I am not saying that it is right to shoot flares but I am entitled to say, "If you come and push my door down and I shoot you that does not make it right to shoot you, that is not two rights making a wrong, but let us be clear that I have shot you in my house because you have knocked my door down. Do not

make me the total criminal and you are the total innocent party." There are two sides to every argument and certainly the international statistical evidence is that of the volumes of tobacco that are entering Spain, in international press reports the amount that comes from Gibraltar is insignificant. It has been going in for a very long time, sometimes more and sometimes less. One does not hear the Spaniards complaining at all of the volumes that go in from Andorra where they supported its independence which the hon Member thinks is a very good idea, so presumably if he follows the Andorra model of which he is so enthusiastic and if he will eventually be able to convince people to vote in a Cumming's Government which will get us the Andorra model, a seat in the United Nations and the right to take tobacco by container.

HON P CUMMING:

Does the Chief Minister accept that the political motivation behind the campaign for encouraging dialogue is to better our own lot, to better the lot of our own people? Does he not furthermore accept that if we keep upping their stakes their helicopter comes into our waters, we set up a flare that endangers the helicopter and may bring it down and will keep upping the stakes that if we were an independent nation with tanks and armies that we would, in fact, now be at war?

MR SPEAKER:

Order, order . We are coming now to a different question altogether.

HON CHIEF MINISTER:

I believe the hon Member has given notice of a motion and it seems to me that he is trying to pre-empt that debate.

ORAL

NO. 218 OF 1994

THE HON P R CARUANA

INVITATION TO COMMITTEE OF 24

Has the Chief Minister received a formal reply or an informal indication to his invitation to the United Nations Committee of 24 to visit Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

The Cuban Acting Chairman of the Committee indicated during my visit to the United Nations to address the Committee that there would be difficulty in accepting an invitation that did not come from the administering power. There has been no further communications from him since then.

SUPPLEMENTARY TO QUESTION NO. 218 OF 1994

HON P R CARUANA:

Whilst I fully understand and, indeed, agree with the reasons why the invitation was extended; in other words, that they should come here and see how certain things that have been told to them either were never true or if they were true are no longer true, and really come and suck it and see is a fair approach, does the Chief Minister perceive the possibility of a danger in inviting the Committee of 24 to Gibraltar in this sense, that if we invite them to Gibraltar there is a degree of submitting to their jurisdiction, so to speak, so that if notwithstanding the Chief Minister's best efforts they maintain their present position or indeed endorse the existing resolution, for example, we will be less well placed to continue to resist them with the assistance of the British Government who might say, "Well, you brought these people to Gibraltar, our policy had always been to ignore them although that was relative as well". Does the Chief Minister see that there is a potential danger of that or does he feel that that danger can be overcome by some other means?

HON CHIEF MINISTER:

First of all, perhaps I need to remind the House that Senor Estensor who has been appearing recently on television has had somewhat more urgent things occupying his mind which is the visit of his fellow citizens to Miami rather than his visit to us in Gibraltar. The position in inviting the Committee of 24 to Gibraltar, I would remind the House, was one that I made with direct reference to the purpose of the visit as specified in the resolution of the General Assembly of December 1993 where the General Assembly in December 1993 in a resolution dealing with the implementation of the eradication of colonialism by the year 2000 called on the administering power to facilitate a visit by the Committee of 24 for the purpose of establishing the best way for the inhabitants of the territory to exercise self determination. I think an invitation based

on that phraseology, which is the phraseology of the resolution, is just like, in fact, we said to them, "You have been invited to do this for the purpose of establishing the best way of the people of the colony exercising self determination and you have been invited to make proposals for the best way to exercise self determination", so both the invitation to Gibraltar and the response to any proposal they might be making to the Fourth Committee we, in our submission, conditioned to the terms of reference laid down in the resolution of the General Assembly of December 1993. So I think that takes care of that risk. I must say that at no stage has the United Kingdom suggested that there is a particular risk in us inviting them. I think it is also worth noting that we are not the first ones. They have been invited by Gibraltar before and the UK has had a very long dated position on not wanting the Committee of 24 to visit its colonies and so has the United States. The other colonial countries were much happier to cooperate on visits but the UK never did even with the colonies that eventually became independent and were decolonised. It has been a long-standing position, it is not a position peculiar to Gibraltar so it is not that they are saying, "We do not want you to go to Gibraltar because it might upset Spain or undermine our policy", it is just that they say that as a matter of long-standing policy of the United Kingdom the United Kingdom has never accepted that it is a matter for the Committee of 24 to go round one of their colonies just to make sure that the colonial people are not suppressed and that their views are being properly represented.

ORAL

NO. 219 OF 1994

THE HON P R CARUANA

MEETING WITH FOREIGN SECRETARY

Can the Chief Minister report to the House on his meeting with the Foreign and Commonwealth Secretary in London following the Chief Minister's latest visit to the United Nations?

ANSWER

THE HON THE CHIEF MINISTER

My meeting with the Foreign Secretary on 13 July 1994 had nothing to do with my address to the Committee of 24 and this was not discussed. I asked the Foreign Secretary whether he had read the text of my submission and was told that he had been briefed on a summary of the points I had made. Other than that we reviewed a number of bilateral issues principally connected with European Union requirements which are a form of on-going discussions between our two Governments. I have already explained this publicly on my return to Gibraltar.

ORAL

NO. 220 OF 1994

THE HON P R CARUANA

MEETING BETWEEN DEPUTY GOVERNOR/SR OREJA

Will Government confirm in the House press reports that it was aware of and advised against the reported recent meeting in Sotogrande between the Deputy Governor and the European Union Commissioner Sr Marcelino Oreja?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 221 of 1994.

ORAL

NO. 221 OF 1994

THE HON P CUMMING

DEPUTY GOVERNOR'S MEETING WITH SR OREJA

Will Government make a statement on the Deputy Governor's meeting with Senor Oreja at Sotogrande?

ANSWER

THE HON THE CHIEF MINISTER

The answer to Question No. 220 is yes for the reasons stated and the answer to Question No. 221 is no.

SUPPLEMENTARY TO QUESTION NOS. 220 AND 221 OF 1994

HON P CUMMING:

Could I ask the Chief Minister whether he disassociates himself from the Self Determination Group's call for the resignation of the Deputy Governor?

HON CHIEF MINISTER:

I do not think that is an appropriate question for me to have to answer. I do not have to disassociate myself from any statement made by anybody. If I had wanted the Deputy Governor to resign I would not have waited for the Self Determination Group or anybody else to do it. I have already said in reply to the Leader of the Opposition that I advised it against it for the reasons stated and the reasons stated are that I thought his visit could be misinterpreted, as indeed it has been and that I did not think it was wise, not that it was not correct. Let me say that I did not give that advice because I was asked for my views. I volunteered the advice because the Deputy Governor was on leave and it was Mr Seruya who told me that he was inviting the Deputy Governor. The Deputy Governor did not tell me and I therefore was not asked by them did I agree to his going. The Foreign Office assures us that the visit was a social one and it was really no more than a friendly chat over dinner. They have said that conclusive proof of this is the fact that he had his wife with him. I can tell the hon Member that the only statement that I can make on that particular social occasion is that I understand that brussels sprouts was not on the menu.

HON P CUMMING:

Does the Chief Minister agree that politicians and diplomats normally welcome making friendly and potentially useful contacts as widely as possible and that this meeting would fit within those parameters?

HON CHIEF MINISTER:

According to the Foreign Office which presumably is full of diplomats and politicians, this was not such a meeting. It was simply a social gathering where people turned up with their wives and they talked about all sorts of things off the record without wanting to be quoted and certainly without wanting to have the publicity that they have gained.

HON P CUMMING:

Is the Chief Minister aware that it is claimed in Sotogrande that it is common knowledge that the Chief Minister has sent frequent personal emissaries to make contact with the Spanish Government? I have heard this on two separate occasions recently with no contact at Sotogrande related in any way to the members of the GSD, who have actually mentioned 11 personal emissaries it is claimed.

HON CHIEF MINISTER:

I do not pretend to have constituents in Sotogrande and I do not know what it is that they say or they do not say about sending any emissaries but as the hon Member knows the Constitution makes it quite clear that external relations are dealt with by the British Government and not by me.

HON P CUMMING:

Presumably, the Chief Minister being a politician also likes to make attention.....

MR SPEAKER:

Order, order. I think we are going too far away from the question.

HON P R CARUANA:

It was also reported in the press that the Chief Minister was to be briefed about the subject matter of this conversation at this social involving wives and if he was indeed briefed could he say, firstly, whether he can share all or any part of that brief in this House as to the subject matters that were discussed, and secondly, can he say whether the meeting or the social encounter or the desire to have dinner with Senor Oreja was motivated principally by the fact that he is an incumbent Commissioner in the European Union or that he is a leading member of the Spanish opposition party?

HON CHIEF MINISTER:

First of all, certainly I cannot give the House a report on what took place in what has been described as a social occasions when some people meet over dinner. I know that it has been said that I have been briefed but I have been briefed by Solomon Seruya who presumably is at liberty to brief whoever else he wants to brief.

HON P R CARUANA:

I had assumed that he was going to be briefed by the Deputy Governor's Office.

HON CHIEF MINISTER:

No, what the Deputy Governor has done on my return is ask me whether I was briefed by Solomon Seruya which I confirmed and what he has told me was that it was a very pleasant dinner and that he was sure that the briefing that I had from Solomon Seruya showed that Senor Oreja is a very pleasant man and I imagine that Solomon Seruya is also a very pleasant man and so is the Deputy Governor and I imagine the Deputy Governor's wife must be a very pleasant woman; so everybody had a jolly time together.

ORAL

NO. 222 OF 1994

THE HON P CUMMING

DIALOGUE WITH SPAIN

Do Government give very low priority to the need to establish dialogue with Spain?

ANSWER

THE HON THE CHIEF MINISTER

I have already answered this question in April this year. The position of the Gibraltar Government has not changed since then.

SUPPLEMENTARY TO QUESTION NO. 222 OF 1994

HON P CUMMING:

As the possibility of participation in the Brussels process is recently receiving increased attention.....

MR SPEAKER:

Order, order. The hon Gentleman has got a motion and if he is not careful he is going to start anticipating in this question which is now allowed.

HON P CUMMING:

But, Mr Speaker, this is a question on establishing dialogue with Spain.

MR SPEAKER:

I know it is and you also have a motion urging the Government to establish dialogue with Spain.

HON P CUMMING:

There is an important point.

MR SPEAKER:

The point is you cannot anticipate what you are going to use in the motion.

HON P CUMMING:

But this will not come in the motion, Mr Speaker.

2.

MR SPEAKER:

Well, I am in doubt as to whether it could or not.

HON P CUMMING:

The point, Mr Speaker, is that some people are saying recently as dialogue is all in the wind, "Yes, but of course everybody wants dialogue it is just that we do not want it under Brussels". But I have asked the Chief Minister to confirm that this has a low priority to be able to answer now those people who are saying that because it is not really true because if the Chief Minister wants to establish a more independent status.....

MR SPEAKER:

Order, order. I will not allow that. That is the end of the question. Next question.

ORAL

NO. 223 OF 1994

THE HON P R CARUANA

1987 AIRPORT AGREEMENT

Can Government specify the "detail" of the 1987 Airport Agreement which the British Government have recently admitted (in answer to a question from Lord Merrivale in the House of Lords) needs to be updated?

ANSWER

THE HON THE CHIEF MINISTER

The British Government's statement that the 1987 Airport Agreement needs to be updated is not a recent admission. Following Anglo/Spanish ministerial talks held in Madrid on the 1 March 1993 - the last time they were held - the Secretary of State explained during a press conference that decisions of the European Community had altered the situation since the agreement was signed. In an interview given to the Gibraltar Chronicle in June 1993, the Secretary of State added that he and Senor Solana had agreed on the 1 March 1993 to pay particular attention to the agreement and to possible clarifying and updating. In answer to questions in the House of Commons and the House of Lords on the 23 and 27 July 1993 respectively, UK Ministers commended the 1987 Agreement, updated as necessary to reflect subsequent directives.

I would also remind the hon Member of the answer I gave him on the 23 November 1992 in reply to Question No. 282 of 1992, when I explained that the 1987 Airport Agreement was incapable of implementation and in conflict with Community law as provided for in EC Regulation 2408 of 1992. I referred to an address which I gave at a Rotaract seminar on the 3 November 1992 where I publicly suggested that the new EC Air Liberalisation Regulations effective from 1 January 1993 not only made it necessary for the Airport Agreement to be updated, but also offered Spain a way in which its position would not be compromised.

I am not in a position, Mr Speaker, to explain what the British Government considers is the "detail" which needs updating. If the hon Member cares to read EC Regulation 2408 of 1992 it may perhaps become obvious to him.

SUPPLEMENTARY TO QUESTION NO. 223 OF 1994

HON P R CARUANA:

Does the Chief Minister then interpret the British Government's position at least as it was when it gave this answer to Lord Merrivale that the Airport Agreement needs to take on board the provision of all subsequent directives and, indeed, regulations that impact on the matter of air communications? And, if so, would he agree that that is hardly a matter of detail and that, indeed, if all the provisions of the directives, if it the British Government's position that the Airport Agreement needs to be consistent with all subsequent directives and regulations to the extent that for other people now they are the subject matter of regulations, that it really is difficult to comprehend how they can be arguing both that and at the same time commending the Airport Agreement to us in Gibraltar.

HON CHIEF MINISTER:

I agree with the hon Member that there appears to be an inconsistency in that position. Let me say that if we look at Regulation 2408 of 1992 where there is a specific clause excluding Gibraltar from that regulation, the regulation does two things. Firstly it repeals all previous directives, so when we say it is in conflict with Community law it is really in conflict only with that one because that is the only one left; and it then says, "When the Commission is notified by Spain and the UK that the 1987 Agreement has been implemented, the regulation will apply". But, of course, we have then a catch 22 situation because for the regulation to apply we have to implement the 1987 Agreement and because the 1987 Agreement was done in 1987 and the regulation was done in 1992, five years later, and it wipes out five years of changes and incorporated it all into one, we have a trigger mechanism which says, "In order to be able to benefit from Community law we have to implement an agreement which breaches the law we want to benefit from". We are not in breach of the regulation for as long as we do not implement the agreement. We become in breach of the regulation once we implement the agreement because the regulation applies on the implementation of the agreement. Therefore after a certain amount of application of logic to the British Government's position and their experts, I think they have eventually come to see the thrust of the arguments that I have been putting to them and they have in turn put those arguments to the Spanish side, I think with more conviction now than they used to do it in the past because they have realised that there is substance in that argument. It may well be that whatever happens to the 1987 Airport Agreement in terms of content, assuming anything ever happens to it, it might still need to be called the 1987 Airport Agreement because that is what is actually in the text of the regulation. The regulation says, "When the 1987 Agreement is implemented". Well, it will have to be, "as amended", if we ever get round to amending anything. Unfortunately the position of the Spanish Government subsequent to 1993 seems to have gone back to the position they had before March 1993. Before March 1993 their line was, "You have to implement what is there first and then we will talk about amending it". One could argue that that might

have some substance in 1988 and in 1989 and in 1990 and in 1991 but after 1992, when Regulation 2408 repeals everything, how can one talk anymore about implementing something that disappeared from 1987 in order to be able to come within the parameters of something that appears on the 1 January 1993. We have a feeling after the March 1993 meeting and the statements made publicly in the press conference and in subsequent interviews to which I have referred in my original answer, that the argument by the United Kingdom Government to Spain had made some kind of impact and that they were prepared to have co-ordinators or technical people or whatever they want, looking at what it was that the agreement was deficient in, if it was deficient in anything. But they seem to have drawn back to the previous position now where they are not even prepared to talk about the possibility of updating anything until after it is in place and therefore there is a complete stalemate.