

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

2ND SEPTEMBER, 1994

NO. 127 - NO. 223

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QUESTIONS & ANSWERS

2nd September 1994

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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

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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

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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 |

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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:

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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?

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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

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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 were 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

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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".

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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.

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(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

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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.

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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.

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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

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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.

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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.