

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

9TH JANUARY, 1995

NO. 1 TO NO. 64

OFFICE COPY

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QUESTIONS & ANSWERS

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NO. 1 OF 1995

THE HON F VASQUEZ

INDEX OF RETAIL PRICES

Are Government satisfied that the formula used to calculate the General Index of Retail Prices adequately reflects the incidence of inflation in Gibraltar?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The constituent elements of the Index of Retail Prices, which are published in the Annual Abstract of Statistics, are broadly speaking those used in the construction of the UK Index. The weightings which are given to these constituents will be reviewed in the light of the Family Expenditure Survey which is to be carried out this year.

SUPPLEMENTARY TO QUESTION NO. 1 OF 1995

HON F VASQUEZ:

Are Government aware of the contents of the recent report commissioned, I think, by the Transport and General Workers Union referred to as the Martini-Brown Report, which highlighted the many deficiencies in the calculation of the Index specifically the fact that the weightings have not been updated for a good number of years now and certainly for a larger period than had been the case prior to 1988 and is it Government's intention to give this matter some priority?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As I have said to the hon and learned Gentleman, Mr Speaker, the Family Expenditure Survey on which any further consideration of the weightings in the Retail Price Index depends, will be carried out this year and a start will be made as soon as possible.

HON F VASQUEZ:

If I can just persist on this. As I understand it, it was the practice prior to 1988 to review the weightings on a regular basis. I think the periods were certainly more frequently than the period between 1988 and now, which is now almost seven years since the weightings were last reviewed. Can Government confirm that, in fact, the weightings have been delayed for a substantially greater period of time than had previously been the practice?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the hon and learned Gentleman is incorrect, Mr Speaker, in his statement that the weightings were reviewed more regularly in the period prior to 1988. I do not want to go into too much detail over this but the last review of the weightings was conducted in 1980 as I think the hon and learned Gentleman will know because this is stated in the Annual Abstract of Statistics. Without giving the House a history lesson, there have been very reasonable grounds for not carrying out a review of the weightings at intervals since then. In 1984, for example, there was a dramatic change to the structure of the economy, namely, the opening of the frontier. A review of the weightings was also considered later in the 1980's and 1988/89 and at that particular moment it was decided, again, on consideration of the facts not to carry out a review for very good reasons, namely, again substantial structural change to the housing situation in Gibraltar. It is really only recently that one has had a stable period where a review of the weightings can be carried out in such a form as to give reasonable confidence that the conclusions which may be reached as a result of such a review will last for a number of years.

HON P R CARUANA:

Will the Financial and Development Secretary say whether something called "The Government's Retail Prices Index Advisory Committee" actually exists and if so, will he say whether that is the mechanism through which this review that he has promised will take place this year will occur? Will he also say whether he recognises that the effect - and this is one of the conclusions to which this Martini-Brown Report comes - of not having reviewed the weightings is very likely to have been that the incidence of inflation in Gibraltar will have been underestimated and accordingly salaries and other matters which are calculated in Gibraltar by reference as to the increases in the Retail Prices Index will have been distorted?

HON CHIEF MINISTER:

No, Mr Speaker. First of all, the Gibraltar Trades Council has been given a detailed explanation of all the mistakes in the Leo Martini-Brown Report and if the hon Member wants to have a copy of all the mistakes as well having been provided with a copy of the original, I am sure he will see where Mr Martini-Brown, whom I know very well for many years, has gone badly wrong. When one is starting a movement of an index between two periods of time, it does not follow that because one has used a different baseline or because one has used a different multiplier, the change between those two periods in time are going to be higher or lower. They could be different if one uses a different multiplier but there is nothing to indicate that the effect would have been that inflation would have been higher than what has been recorded until now. When inflation in Gibraltar was higher than the UK neither Mr Martini-Brown nor anybody else suggested that there was anything wrong with the Index in that it was over recording changes and therefore there was a period of time when, in fact, to the extent which is minimal that anything is reflected by the

Index of Retail Prices - and I would remind the hon Member that since 1978 wages and salaries in Gibraltar have moved in line with wages and salaries in the United Kingdom irrespective of whether inflation in Gibraltar was higher or lower than the United Kingdom. [*HON P R CARUANA: Not in the private sector*]. Yes, Mr Speaker, I am afraid he is wrong. Yes in the private sector; certainly in all the areas until 1988 that I negotiated in the private sector and I imagine the union has not given up my achievements up to 1988 since 1988. Therefore to the extent, for example, that the construction industry agreements follow the construction industry in the United Kingdom.... [*Interruption*] Well, no, to the extent that the shop assistants follow the shop assistants in the United Kingdom, that is another one, and to the extent that the banks follow the banking union agreements in the United Kingdom, I think, after we take those three out there will be little left that is negotiated ununionised. It may be that in areas where there are no union agreements employers may give an amount of money which is based on inflation. If that is indeed the case then the rate of inflation between 1988 and 1994 compared to the United Kingdom has been for more years higher than the UK and therefore pay increases for a number of years that would have been based as the hon Member seems to think since 1988 on Gibraltar inflation would have been higher than the UK and not lower. In the last 12 months two things, I think, have happened which explain part of the trend. One has been that inflation started dropping in the UK earlier than in Gibraltar and if the hon Member goes back over the last 10 years he will find that because of the fact that a large chunk of Gibraltar's inflation is externally induced and not due to anything that we do in Gibraltar because we do not manufacture, there is a time lag. That is to say, if prices drop in the UK today, today we will still be charging the prices perhaps that were reflecting cost of importation three months ago. Equally on the way up it has been shown demonstrably by looking at the trend of Gibraltar as opposed to UK inflation, that Gibraltar inflation has tended to follow UK inflation on the way up and on the way down but with a time lag of something like a year. This can be seen by mapping the trends in the Index of Retail Prices published in the Abstract of Statistics over the last 10 years. One significant factor in the case of Gibraltar has been that during 1994 we have experienced quite regular reductions in food prices. The figure for December last year which was published a few days ago shows that there was a drop of 1.12 per cent in the Food Price Index between November and December. Therefore what the family expenditure survey will do is establish during the course of 1995 and it requires at least a year of surveys to be able to come up with data that is capable of being statistically significant using sample families, is to demonstrate whether the weights that we have at the moment need changing or not. So it does not follow that because we are going to have a Family Expenditure Survey Index that the resulting changes in the weights are going to be dramatically different from what we are now or that if they are different the effect will be that recorded inflation will be higher than it is now. As to the second part of his question, the committee which he referred to is not a standing committee but a committee which was set up for the purpose of advising when the Family Expenditure Survey, in fact, takes place. I can tell the hon Member that I sat on it the last time it was in existence.

HON P R CARUANA:

Does the Chief Minister agree that given the incidence of home ownership and private mortgages that there is bound to be a need to shift on the housing front? The cost of money rises up and down, I know that in England they publish statistics; in England they publish two sets of inflationary figures; one which includes and one which excludes the cost of mortgages. We do not have that distinction in Gibraltar so presumably our index will include under the housing column not only the fact that people are now paying for housing more than they might have been paying before but also the fact that the cost of that housing through the cost of mortgages rises and falls with the rise and fall of interest rates and that will have to be somehow reflected in the index.

HON CHIEF MINISTER:

I think that is something that will need to be considered, Mr Speaker, because in fact, the hon Member is right in saying that in 1988, 6 per cent of the population were home owners and it is now 32 per cent. However, I think he needs to understand that what the index does is it measures the changes in the price of a commodity, it does not measure what commodity one buys and therefore if one buys oneself a house instead of buying a car it does not mean that one's cost of living has gone up, it depends on whether the prices of cars are rising faster and the prices of houses are falling. In a situation where we were including house ownership we might well have found that the index over the last year would have fallen because house prices were falling. House rents which is included in the index has not moved because rents in Gibraltar have not been increased in the Government sector since 1984 so therefore there could be no question that the people in Government rented accommodation, the 5,000 units that the Government rents, have faced any increase in the price of renting a house because that has not gone up. In the private sector the price of renting a house, other than in rent restricted property, has actually come down in the last 18 months as a result of the availability of property on the market and therefore today the component of house rents in 1994 is virtually the same as it was in 1984 because the public sector element is unchanged and the private sector element has, if anything, gone down. Whether there is a need to reflect in the index something which will show movement in the interest charged on a mortgage, is something that we can only come to a conclusion to on the result of the Family Expenditure Survey.

HON P R CARUANA:

Does the Chief Minister accept though that unless that happens the Index of Retail Prices will, in fact, not reflect the rise in cost of things that people have to pay out of their wage packets? Because in England, we all read newspapers, about the only thing that has moved the inflation measure upwards over the last two years, if anything has, has been the rise in interest

rates. We all read headlines in relation to that. Presumably they cannot all be wrong in including that as a measure relevant for the calculation of the cost of living and yet we in Gibraltar conclude that it is not.

HON CHIEF MINISTER:

I have already explained to the hon Member that he has got to distinguish between the cost of the property and the cost of the money. *[HON P R CARUANA: I am distinguishing it. But in England they draw that distinction].* He needs to understand, Mr Speaker, that in England 55 per cent of the population were home owners when the index was put together and in Gibraltar 6 per cent of the population were home owners. Therefore it may well be that *[HON P R CARUANA: It needs to be updated.]* we need in the new index as a result of the new expenditure survey when we have the information, we may need to do it. But what he needs to understand is that that does not necessarily mean that the result is going to be a dramatically higher rate of inflation because it depends on the proportion of the total index that this element is.

HON P R CARUANA:

I am arguing for a change in the weightings within the index to make sure that the cost of home ownership is given due weight in the index results. I am not prognosticating what that is going to result in in the movement of the index, that is a different matter which depends upon the rate of interests rates and other things.

HON CHIEF MINISTER:

Yes, the only reason why I felt I needed to point that out is because the hon Member preface his previous question by asking us whether we had studied the Leo Martini-Brown Report and what Mr Leo Martini-Brown was saying was that if inflation was as low as it was why were we not taking credit for it. Well we are not taking credit for it because we do not actually think we have been responsible for bringing inflation down, we think it has happened not because of anything we have done but because of the effect of reduction, for example, the most significant being in food prices and that has nothing to do with what the Government have done but the competition in the market.

ORAL

NO. 2 OF 1995

THE HON F VASQUEZ

WHITE'S HOTEL

Have Government waived arrears of PAYE, social security or municipal services charges from White's Hotel?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1995

HON F VASQUEZ:

Are Government aware that there certainly have been at least reports that the receiver of the hotel that was previously operating as White's Hotel has transferred the property from that company to another company in order to somehow cleanse the property of all arrears of municipal services, etc? Is that something which has come to the attention or notice of Government and, if so, do the Government intend to take any steps to protect the interests of the taxpayer in this respect?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That last question was an entirely different one from the first question which was asked. The company, namely, Anglo International Hotels is in receivership and the receiver is responsible for the sale of the assets and for satisfying the creditors, both secured creditors and non-secured creditors, as best he can, that is his professional responsibility. At the end of the day not all creditors may be paid in full the debts which they are owed, that is the situation which often occurs in such circumstances where a company goes into receivership. That is really all I can say on the matter. The disposal of the assets, the handling of this receivership is the responsibility of the receiver. The Government cannot intrude into the actions being taken by the receiver in carrying out his statutory responsibilities as receiver.

HON P R CARUANA:

Will the Financial and Development Secretary say whether the Government's consent was required and if so, what it sought to that assignment from Anglo International Hotels to Bell Hotels?

HON CHIEF MINISTER:

The Government's consent was not required because regrettably the hotel is not a leasehold and therefore there is nothing that the Government could do to prevent the sale. The hon Member must know that there are many instances where the Government is being told by the legal advisors of lenders that we are going to kill the market for lending money if we try and collect our PAYE and social insurance before the banks collect the money on their mortgages. This is one instance where we have not been able to stop the bank effectively getting the property on which it had a mortgage transferred to another company, we imagine, in order to make sure that they are able to collect their money even if the Government do not have the ability to collect the arrears of PAYE, insurance, municipal charges, electricity and whatever which, as far as I can understand from my limited technical knowledge on this subject, appears to be now based on being owned by a company that owns nothing because the property of the hotel is now in the hands of a new company and all the employees have been transferred to the new company and therefore the old company that is the one that owes the Government the money and presumably everybody else, is not in a position really to pay anybody anything because it no longer has a business and it no longer has an income. To the extent that there are some areas which require the Government's transfer of the lease, then in those areas obviously the Government will use whatever leverage we have to collect as much as we can. To the extent that any new operator wants to enjoy the goodwill of the Government, that goodwill will not be provided free.

ORAL

NO. 3 OF 1995

THE HON P R CARUANA

CIVIL JURISDICTION AND JUDGEMENTS ORDINANCE

When do Government envisage that the Civil Jurisdiction and Judgements Ordinance will come into force?

ANSWER

THE HON THE ATTORNEY-GENERAL

To bring the Civil Jurisdiction and Judgements Ordinance into force it is necessary that there be a deposit by the United Kingdom with the Convention Holders of Notice of the Extension of the Convention to Gibraltar. The Government have sought to identify the precise form of that Notice, it is in correspondence with the Lord Chancellor's Department in the United Kingdom and have suggested a form of notice to that Department as the Government have not had any response from the Department to their request for advice.

In the light of the above, as in other areas, the Government are unable to commit themselves to a date.

SUPPLEMENTARY TO QUESTION NO. 3 OF 1995

HON P R CARUANA:

This House enacted the Ordinance to which my question refers which is an Ordinance that is not unimportant to Gibraltar's development as a finance centre, on the 3rd December 1993, that is in excess of one year ago. It is extraordinary, to say the least, that an Ordinance enacted by this House and in respect of which the reserve powers to disallow are not going to be exercised, should not have been brought into effect a year later. I can therefore only but express surprise that the reason can be one of agreeing the form that a piece of paper should take. My question to the Attorney-General is, whether he is aware as to any reason for the delay in apparently approving the form that he has put up because it seems to me a perfectly straightforward matter; there is a legally established mechanism for informing the Central Secretariat of International Treaties as to commencement dates and the extension of treaties to colonies and also when particular territories have legislated to encompass it into their national laws and it does not turn on the exact choice of words used. So I cannot really accept the answer given to me by the Attorney-General that the reason really is that they cannot agree a set of words.

HON ATTORNEY-GENERAL:

It is not so much a question of agreeing a set of words, it is a question of the United Kingdom Government determining the form of the notice to be given to the Convention holders. It is also a question, I might add, of an Order in Council being drafted and promulgated by the United Kingdom Government. I can tell the hon Member that the last communication with the Lord Chancellor's Department on this matter was on the 18th October last year to which there has been no reply. In addition to that when the Deputy Legal Adviser to the Foreign Office was in Gibraltar some four or five weeks ago, the matter was raised with him then; he undertook to look into the matter but, again, there has been no response. So it is those two areas - the question of the notice to the Convention holders and the drafting of an Order in Council by the United Kingdom which is delaying the matter.

HON P R CARUANA:

Am I to understand that the reference to the need for an Order in Council means that what we did in this House of Assembly was actually a waste of time? Because Orders in Council are the instruments by which Her Majesty's Government extend United Kingdom law directly to Gibraltar or extend to Gibraltar some other law directly. It does not, as far as I am aware, although I stand to be corrected, require an Order in Council to inform the Convention holders that the Legislature of Gibraltar has legislated into the laws of Gibraltar the provisions of a Convention. Have the United Kingdom Government said that this is not a matter that the House of Assembly could legislate and that if it was going to be extended into the laws of Gibraltar it has to be done by Order in Council as opposed to by Ordinance as passed in this House? Is that the position that the United Kingdom Government have adopted in this matter?

HON ATTORNEY-GENERAL:

The first problem with this is, as I say, the question of the notice to the Convention holders. That has not been settled. I am not aware of the United Kingdom Government saying that this is a matter which can only be brought into effect by Order in Council but my understanding is that an Order in Council is required to bring it into effect.

ORAL

NO. 4 OF 1995

THE HON H CORBY

DRIVERS OF FAST LAUNCHES

Do Government intend to impose a minimum age limit and operating qualifications on drivers of fast launches?

ANSWER

THE HON THE ATTORNEY-GENERAL

This matter is under consideration at the present time, information is being sought and various aspects are being looked into but the Government are not in a position just yet to take a firm policy decision.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1995

HON H CORBY:

I remind the Attorney-General that this was in answer to Question No. 141 of 2nd September 1994. We are now four months ahead and he has answered precisely the same question with the same answer. Can we have some time limit when this legislation will be in force or any mechanism to combat the age limit because as I explained before, no youngster can obtain a licence for a 50 cc motorcycle until the age of 18, yet we have youngsters driving with 200 horsepower and there have been serious accidents to shipping and there can be serious accidents in the near future. Can he give me an indication of when this legislation will come into effect?

HON ATTORNEY-GENERAL:

What the Government wish to do in this area is to find out what happens in other jurisdictions. I am not in a position to give any firm indication as to time at the present moment but the sort of things that the Government wish to look at are the very things that the hon Member raises in his question, for instance is it appropriate that there should be a licensing system for drivers involving minimum age limits? Should there be some sort of driving test or some sort of operating test? Should there be some sort of compulsory system for insurance? These are simply matters that are being looked into at the present time. We want to get information from other jurisdictions; I personally have spoken to people in jurisdictions with which I am familiar, where I have practised, New Zealand, Australia and Vanuatu; but we seek information from other jurisdictions as well. They will see when we come to some of the Bills later that in some cases some of the material in those Bills is involved and it is proposed to bring them into effect here after looking at legislation in other jurisdictions. That is precisely what the Government wish to do in this area.

HON P R CARUANA:

The Attorney-General is going to be hard put to find precedents in too many other jurisdictions for the sort of problem to which the question is intended to address and I am certain he will find no material for his research in New Zealand. I hear what the Attorney-General has nevertheless said and cutting through the flannel, will the Government say whether they, as a matter of political judgement, consider that some such action along this kind, even if they have got to research in order to arrive at the detail of it, is political desirable?

HON CHIEF MINISTER:

When we are in full possession of the facts we will take the decision and communicate it to the hon Member.

NO. 5 OF 1995

THE HON P R CARUANA

SPECIAL NEEDS IN EDUCATION

Will Government say whether they intend to increase the funds made available through the Education Department for special needs in education and how do Government define such "special needs"?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Special needs in this context is taken to mean special educational needs arising from physical, sensory, mental or emotional impairment. There is no single source of special needs funding. Special needs provision is made in terms of human, physical and material resources. The capitation allowance for books and equipment is reviewed on an annual basis.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1995

HON P R CARUANA:

The Minister's definition of special needs does not appear to include special needs by reason of advantage rather than by reference to disadvantage so that there is no provision made for children with special needs arising from the fact that they are particularly capable children for their age group. Will the Minister say, in addition to that, why notwithstanding his answer in this House on the previous occasion a question was asked on this subject in October 1994, the Gibraltar Teachers' Association had in public expressed grave concern about the subject of funding for special needs in our schools?

HON J L MOSS:

I am afraid I can only answer the first of those two questions. Notwithstanding the fact that it had not been included within my answer, there is provision for children who are advantaged rather than disadvantaged. As to his second question, he would need to ask the Gibraltar Teachers' Association why they felt it wise to express concern about special needs funding. I cannot answer for them.

HON P R CARUANA:

But that answer is simply disingenuous. I do not expect the Minister to know very much at a technical level about special needs. I expect him to know a little bit more than me because he has ministerial responsibility for education and I do not, but I do not attribute to him the knowledge of an expert in education, therefore I expect him to take into account the views expressed by those who are and those who are knowledgeable in this matter, other than those in the employment of the Government of Gibraltar who are obviously saying something different, but the body of teachers in Gibraltar on the 14th October 1994 are quoted as saying that they feel very strongly about the state of special needs provision in our schools and that they have a right and a duty to continue campaigning for the rights of these very special children. Either they do not know what they are talking about, which is a view which he should express if that is what he thinks, or there must be some technical merit in the views that they are expressing in which case the Government's duty is to take them into account and address them and not simply ask the Opposition to go away and discuss it with those who are expressing the views.

HON J L MOSS:

I shall attempt to answer the statement because I am not terribly sure what the question was.

HON P R CARUANA:

I can convert it into a question if he likes.

HON J L MOSS:

If the hon Member wishes to convert it into a question.

HON P R CARUANA:

Yes, if he likes but I think he understands the drift of my point. The point is does he not accept that if those who know about these things are expressing these views, there must either be some merit to their views or not? If he feels that there is no merit to their views will he now say so unambiguously and if he thinks that there are any merits to their views will he undertake to take them into account and modify the Government's provision of funding for special needs?

HON J L MOSS:

I hope the Leader of the Opposition accepts that the Department of Education employs professionals precisely to give the Government professional advice and that it is not just up to the spokesman for teachers to make a professional judgement on the needs of the Education Department. We always take seriously any representations that are made to us by the Gibraltar Teachers' Association and there is always an open door to dialogue. So I am not going to reject the views that the GTA has put to the Government out of hand, neither am I going to stand here and accept them 100 per cent. Education is not a black and white issue, there are very generous resources provided for education by the Government and there is a lot of room to discuss where priorities lie and in this exercise, of course, the views of the teaching profession are a very important matter for consideration.

HON P R CARUANA:

Indeed they are. We leave to one side the views expressed by those professionals in his Department who publicly stated that they were irritated that the matter had been raised publicly at all and that had been politicised. It is really not for a civil servant to express a view as to when a matter should become politicised or not. But the fact still remains, Mr Speaker, that the GTA has complained publicly of its failure to be able to impress upon the Government its views on this issue and that must mean that there has been dialogue, that the Government simply do not accept the need for increased funding on special needs. If that is the Government's position and is one which they would have to defend, would they say that they do not consider that there are further requirements for additional funding in special needs for children?

HON J L MOSS:

I think I have already answered that question in the sense that I have made it clear that whilst the Education Department already boasts of considerable resources, we are quite open to discussion as to how those resources can be best employed and if it is felt that special needs is an area which requires extra provision, then we are prepared to look at what is already being spent within the education budget and see how that money can be re-directed.

NO. 6 OF 1995

THE HON H CORBY

SOCIAL INSURANCE PAYMENTS

How do Government ensure that employers make social insurance payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Employers are required to return paid up social insurance cards at the end of every year. The Department then conducts an exercise to identify those employers who have not complied with this requirement and after a process of warnings and interviews legal proceedings may be initiated against such employers. In addition to this, random spot checks on employers' records take place during the year when it is reasonably suspected that employers are not complying with the requirements governing social insurance payments.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1995

HON H CORBY:

As far as the employees of the companies that do not pay insurance payments are concerned, at times it has been the case - I am asking the Minister because I have many occasions where people have come to me - where the employer has not paid the social insurance and this man goes to the department concerned and asks, "Can you tell me if my insurance has been paid up-to-date?" As there seems to be no mechanism of inspectorate where inspectors come to the employer to find out if the person has been employed in that firm for that time and his payments have not been deducted and paid, then he finds himself short in his insurance payments. He has to produce proof that that amount has been deducted from his salary. If he has not got that proof because at times either the slip was not given or written in a little piece of paper and disregarded, then he finds himself short in his payments. But the onus is on the employee to produce proof and not proof by the employer that he is paying. Can the Minister explain that?

HON R MOR:

There is a mechanism although the hon Member says that there is no mechanism. There is provision in the law to protect employees in such situations. It is true that they need to provide evidence that the social insurance has been deducted from their pay. When this cannot be produced then it might take longer but the hon Member can rest assured that we try to protect the employees' interests as much as we can.

HON H CORBY:

Can the Minister tell me how many inspectors his department has to deal with those cases in which an inspector goes to the employer and finds out if, for example, Hubert Corby was working for a certain amount of time in order to put his social insurance payments up-to-date because until one goes to the actual employer and find out if that person has been employed then the employee has no resource whatsoever to claim his social benefits.

HON R MOR:

In such circumstances the employee could be given social assistance if he has no means of income.

HON H CORBY:

It is not a matter of giving social benefits because the man can be employed elsewhere and receiving a salary from another firm with which he has taken up employment since then. The case of social benefits does not come into play.

HON R MOR:

We do have one officer in the Department who would look at any particular case which has been brought to the attention of the Department of Social Services. Additionally there are also inspectors from the Employment and Training Board who check out on these cases as well.

HON H CORBY:

The Minister has said that there is one official?

HON J L BALDACHINO:

Officially are the three that the hon Member has mentioned under the different Ordinances.

HON H CORBY:

Will the Minister say if these persons have the power to go into the.....

HON J L BALDACHINO:

Yes.

ORAL

NO. 7 OF 1995

THE HON H CORBY

DR GIRALDI HOME

What is the current management structure of the Dr Giraldi Home and what proposals are Government considering to change that structure?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Under the current management structure of the Home, the Government provide the manageress on secondment to the Dr Giraldi Home Trust who, as the hon Member is aware, are responsible for the management structure and day-to-day running of the Home. There are no plans to change these arrangements.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1995

HON H CORBY:

Is the management of the Home a permanent thing now or is it not a permanent structure?

HON R MOR:

It is a permanent arrangement now.

HON H CORBY:

There was a meeting with the Society for the Handicapped at which the Chief Minister I think was present and the outcome of that was favourable to both the Government and the Society for the Handicapped in which various subjects were discussed. Then there seems to be either a misinterpretation by one part or the other and they have been seeking clarification of this, to date they have sent letters and they have sent faxes and they have not received a reply. Would the Minister consider arranging another meeting to clarify the matters concerned?

HON R MOR:

I think the hon Member needs to realise there are two distinct factors. There is a management of the Home and there is an advisory body to deal with all aspects in relation to the Home. In the advisory board the Society has been invited to participate but this is only to make recommendations generally on the Home and not necessarily for the day-to-day running of the Home.

HON H CORBY:

I agree entirely and I know that there are two structures, one is the management and the other is the consultative mechanism where the Society make suggestions to the management board of certain matters. But I think that in this meeting they thought that it was the management board in which they were getting into and not the consultative side of the operation and that has to be cleared up if there can be another meeting with the Ministers concerned.

HON J C PEREZ:

If I may intervene because I was present at the meeting. If the hon Member is referring to the last meeting that was held with the Chief Minister, if that is the one that he was referring to because there have been innumerable meetings, Monsignor Caruana attended the meeting as well, and every effort was made to convince the Society to participate in the advisory committee that had already been created and they agreed and I think it was agreed that two of their representatives would go onto the advisory committee and it was understood at the meeting that the role of the committee would not change because the members of the Society were going to participate and there is no other committee. There is an advisory committee to advise the people managing the Home on matters related to the Home. But the question of employment and the question of the management structure and so on is solely for the people who manage the Home and that has been the position of the Government throughout and that, I thought, was quite clearly understood at that meeting. There are no letters pending a reply and there are no issues pending a reply as far as we are concerned. If the hon Member knows anything different we do not.

HON H CORBY:

What I am saying is it just takes a phone call or a letter to advise the Society for the Handicapped what the Minister has just said in the House.

HON J C PEREZ:

The Society for the Handicapped have not questioned it, certainly to us. They might have questioned it to him but they have not come and said, "We think that what we discussed is something different", they have not said it to us and the chairman of the advisory committee has not come to the Government and said, "I am having problems with the interpretation with the representatives of the Society". So as far as I am concerned they are participating in the committee as was agreed and there is nothing wrong. If the hon Member knows that there is something wrong, either the Society should make direct representations or he should come to me with those representations and I will try and sort them out once again.

ORAL

NO. 8 OF 1995

THE HON H CORBY

DR GIRALDI HOME

What respite care will be available at the Dr Giraldi Home; when, and on what terms and conditions?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

As was stated in answer to Question No.146 of 1994, it is the aim to meet, as much as possible, all respite care needs at the Dr Giraldi Home. In this respect, and as was also mentioned at the time, an advisory body mainly composed of Government professionals in the field, was set up to advise on all matters in connection with the Home with its first priority being to advise on respite care. As a result of meetings held by this advisory body, some staffing and training needs have been identified and the Government will be providing additional funds for this purpose. It is expected that a respite care plan will be available early this year. The terms and conditions which will apply will be made known to those who will be making use of the service once the respite care plan has been finalised.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1995

HON H CORBY:

Does that mean that there are no facilities for respite care at the moment but that there will be soon in the year? Will people come from UK to train those people in the respite sort of area and will it be available for everybody who wants it?

HON R MOR:

The situation has been that there have been some respite facilities at the Home. With a view to improving these facilities this advisory body has made certain recommendations. The recommendations include training by some qualified person from UK and also local training as well and familiarisation visits of the carers so that they familiarise themselves with the cases they will be dealing with. It is envisaged that some extra respite provision will be made, at first perhaps on weekend respite facilities and then extending these gradually as we go along.

NO. 9 OF 1995

THE HON M RAMAGGE

CONSULTANT PSYCHIATRIST

What is the Consultant Psychiatrist due to retire and what steps are Government taking to recruit a replacement?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

(On behalf of the Minister for Medical Services and Sport)

For the benefit of those listening may I explain that my hon Colleague, the Minister for Medical Services and Sport has had to leave urgently on a personal matter to the UK and is not able to be here today.

The Consultant Psychiatrist is due to retire on the 2nd February 1997 and at the present the Government are taking no steps to recruit a replacement.

SUPPLEMENTARY TO QUESTION NO. 9 OF 1995

HON P R CARUANA:

The object of the question is to raise the question of the Government's policy in relation to the replacement of retiring consultants. Will the Minister assure the House that when this and any other consultant, especially a long-serving consultant, comes for retirement the Gibraltar Health Authority will put in motion the recruitment mechanism for the replacement in time so that the replacement can take over immediately as from retirement date and we are not left with a repetition of the situation that occurred with the ophthalmologist whereby there was a series of locums for month upon month upon month which resulted in a severe disruption to the quality, although emergency service would have been provided?

HON J C PEREZ:

I do not agree with the premise of the hon Member that because there was locum cover whilst we were trying to recruit an ophthalmologist that there was not a good service. There are people who prefer to see the same consultant regularly other than a different one all the time but there was a very well qualified person there to deal not only with emergencies but with day-to-day matters. There are two years before the psychiatrist retires. If the psychiatrist or any other professional indicates that he is prepared to stay and the alternative that the Government have is that we have to recruit someone from the UK more expensively whereas if we have someone here who is eager and prepared to work over the retirement age and there are no local people

qualified or prepared to take on the job then we prefer to extend the contract as long as the Health Authority is satisfied that that person is in a fit and able condition to carry out his duties. We are prepared to allow him to continue over the retirement age. If notice is given that that individual wants to retire it is quite normal that we should take the necessary measures to recruit someone before that person retires. That did not happen with the ophthalmologist because the ophthalmologist gave us very little notice that he wanted to leave and there was a problem with him and he left before the contract expired with very little notice. Had we had the same notice from the ophthalmologist we would not have had the problems that the hon Member has described this afternoon.

ORAL

NO. 10 OF 1995

THE HON M RAMAGGE

CONSULTANT OPHTHALMOLOGIST

Does the Consultant Ophthalmologist have any dispute or grievance with the GHA?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

(On behalf of the Minister for Medical Services and Sport)

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1995

HON LT-COL E M BRITTO:

The present ophthalmologist took up his appointment in September. Under present circumstances is he expected to serve the full term of his contract and how long is that contract for?

HON J C PEREZ:

No, we have been informed by the person concerned that for personal reasons he requires to return to his country of origin and steps are already in motion to recruit a new ophthalmologist.

HON LT-COL E M BRITTO:

Will the Minister say whether those personal reasons have anything to do with housing in Gibraltar?

HON J C PEREZ:

Not that I am aware of.

HON LT-COL E M BRITTO:

I presume by saying personal reasons the Minister is implying they are confidential and I am not asking him to disclose those if they necessarily are, but is it not a fact that there has been some sort of friction with the Health Authority and that is why the ophthalmologist wants to go?

HON J C PEREZ:

Not as far as we know. We have been informed by the Personnel Manager that the person has personal reasons for wanting to leave and return to his country of origin unrelated to Gibraltar and we have taken steps to try and recruit a new one. We would probably go back to the old list and the short list that we had when we recruited this ophthalmologist and if there are people short listed there who would want to come now as a result that might be the quickest way of recruiting a new one.

HON P R CARUANA:

Would the Minister say where the consultant ophthalmologist is accommodated? Would he also say when he says "as far as we are aware" he is not trying to dilute, is he, the political responsibility that he must bear for the answer given to him by his officials? In other words, he is not saying, "If I have got it wrong do not blame me, blame the Director of Health Services"?

HON CHIEF MINISTER:

What we are saying to the hon Member is that when he asked the question we asked the question and that the answer we got is the answer he has got. We have no reason to suppose anybody is lying to us and therefore we do not assume we are lying to him.

presently provisional and they should all be installed by the end of February. The idea is that because there has to be a specialist coming from the UK to monitor them for insurance purposes, that he should come and do the three of them together rather than one at a time.

HON LT-COL E M BRITTO:

Seeing that the Minister is in such an expansive mood about giving information additionally to what I had asked originally, can I test his benevolence and ask him whether it is intended to relax the no parking restrictions along the roads in Westside?

HON J C PEREZ:

No, it is not something that I am aware of. It is something that the Commission and the Police take on and it is not something that I can give him a reply without going back and questioning why that is the case. It is not a policy decision I am involved in.

HON LT-COL E M BRITTO:

I raised it because it has been the subject of a previous question and I thought the Minister might have some information.

ORAL

NO. 13 OF 1995

THE HON LT-COL E M BRITTO

ROAD RESURFACING

Is the current road resurfacing programme now complete and will any further resurfacing be done in connection with the Island Games?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir, the road resurfacing programme for 1994/95 is not yet complete. Neither are resurfacing works in connection with the Island Games. In some cases the annual programme and the needs for the Island Games overlap and coincide. There might be instances when this does not happen and the matter is being closely monitored with a representative of the organising committee of the Island Games to ensure that the cycling events will not be affected.

SUPPLEMENTARY TO QUESTION NO. 13 OF 1995

HON LT-COL E M BRITTO:

Will the Minister say whether the system of slurry sealing which is predominantly being used is proving effective in the long-term and whether there is any guarantee from the company that does it to the Government in respect of the length of surface of such sealing?

HON J C PEREZ:

It is proving effective and I believe that there is a certain guarantee over a number of months where it is easy to gauge whether the asphalt actually opens up or the specialists would know whether the asphalt is in a good condition or is not. I know that there is a method of guarantee. I can guarantee the hon Member that it is not a coat of paint as the Leader of the Opposition seems to think.

NO. 11 OF 1995

THE HON LT-COL E M BRITTO

GASA SWIMMING POOL

Will Government say when the new GASA swimming pool will be ready for use?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

(On behalf of the Hon the Minister for Medical Services and Sport)

The developers have informed the Government that works on the project are expected to be completed by the end of this month. It will then be up to GASA to decide on an opening date.

SUPPLEMENTARY TO QUESTION NO. 11 OF 1995

HON LT-COL E M BRITTO:

Has an agreement now been signed and sealed between GASA and the Government as indicated by the Minister for Medical Services and Sport in answer to Question No.160 of 1994?

HON J C PEREZ:

I am afraid, Mr Speaker, I have not got the faintest idea. The best I can do for the hon Member is ask my hon Colleague when she comes back and if she has got any further information on that she should write to him on the matter.

HON LT-COL E M BRITTO:

I appreciate the difficulty the Minister experiences but is he saying that he is totally unaware?

HON J C PEREZ:

Totally unaware of anything.

HON LT-COL E M BRITTO:

So there is no point in asking any further supplementaries.

ORAL

NO. 12 OF 1995

THE HON LT-COL E M BRITTO

TRAFFIC LIGHTS - QUEENSWAY

Will Government install a system of traffic lights and zebra crossings at the junction between Queensway and Europort Road adjacent to Regal House?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

The Traffic Commission proposed to the Government early last year that funds for the installation of traffic lights incorporating pelican crossings at the junction of Queensway, Europort Avenue and Reclamation Road be made available.

Government approved the funds and the Electricity Department placed the order for the equipment soon after the Estimates of Expenditure were approved by the House.

The equipment has arrived this week and will be installed some time during February.

SUPPLEMENTARY TO QUESTION NO. 12 OF 1995

HON LT-COL E M BRITTO:

May I thank the Minister for that information. I think in all fairness, Mr Speaker, that the Minister will appreciate, as I do, the danger there is at that crossing at the moment where I calculated the other day that there are nine possible changes of direction by traffic without taking into account people trying to cross the road. Can I ask the Minister whether he knows if it is intended to do away with the prohibition to turn left as one leaves Reclamation Road?

HON J C PEREZ:

Definitely because there will be a form of traffic lights that will allow that to happen. But the zebra crossing which is nearer the school would come now onto the side of the pelican road. There will be I think a new zebra crossing between what is commonly known as the Rooke and the College of Further Education and there are two other pelican crossing lights which would come into effect in the provisional zebra crossings that are in Europort Road which is one at Safeways and one at the area by the Gib 5 Housing Estate. So there will be pelican lights on both of these zebra crossings which are

NO. 14 OF 1995

THE HON F VASQUEZ

PUBLIC TRANSPORT

Do Government have a policy of supervising the standard of public transport provided by holders of public service vehicle licences on Gibraltar's bus routes?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

The policy of supervising the standard of public transport is that contained in the Motor Vehicle Test Regulations 1987.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1995

HON F VASQUEZ:

The thrust of the question is not designed so much as to elucidate whether the Government check that the mechanical proficiency of the vehicles concerned but more as to the presentation of these vehicles, the condition from the point of view of the user of public transport. There have been a number of reports as to the very, very shabby nature of the buses on Gibraltar's bus routes and I am really concerned as to whether the Government implement any standard supervision as regards the hygiene and generally the maintenance and upkeep of the buses from the consumer's point of view?

HON J C PEREZ:

Those regulations also cover that aspect of the buses. The painting, that there should be seats in good condition, that the interior of the buses should be in order and there is a provision that over and above the annual test that they have on the MOT, that any member of the public may complain to a policeman and the policeman may go and ask the owner of the buses at any time to put right anything which is not right at any given time. The last agreement that we did with the bus owners was one where we legislated to force them to change buses after 12 years on the route. Not to allow them to have buses older than 12 years. This is now being reviewed again as a result of: (1) the double-deckers - when in the UK they go up to 80 years in use, and (2) because the users of the bus are so little that the return of the business is not one where one can make very huge investments in new

buses in every route. There are some routes which are more lucrative than others, namely, the ones at the frontier. We are now again looking at the possibility of reinstating the No.2 route once more which goes to the Calpe and used to go to Flat Bastion Road although that may be pretty difficult. Every possibility is made to urge the owners to have more attractive buses and buses in a better condition. The real issue is that not very many people use the bus service in Gibraltar, particularly because most people have cars. I am perhaps one of the few that does.

NO. 15 OF 1995

THE HON LT-COL E M BRITTO

POTABLE WATER : EUROPA POINT

Will Government make a statement about the quality of potable water being supplied to households in the Europa Point area?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

I presume that the hon Member wishes that the Government should make a statement in order to be informed of the prevailing situation with regard to potable water supplied to areas where the infrastructure, and therefore the source of supply, is still in Ministry of Defence hands. Such is the case of local residents at Europa Point.

The position is that these properties are supplied potable water by the Ministry of Defence and Lyonnaise des Eaux (Gibraltar) Ltd then pays the MOD water in kind. Complaints have been received by Lyonnaise about the taste of the water and, on many occasions, the colour of the water. Lyonnaise inform me that in early December they already sent some samples of the water to be tested in the United Kingdom, the results of which are still unknown. They have done this, notwithstanding assurances from the MOD that the water complies with European and other international health regulations governing the supply of potable water to consumers. They are also involved in devising a scheme in which a system of filters is introduced at the feeder point to the estates in question in an effort to resolve the problem - a Brana type of filter.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1995

THE HON LT-COL E M BRITTO:

Is the implication in that answer that local facilities for analysis are not sufficient?

HON J C PEREZ:

No, Mr Speaker. It is just that notwithstanding the Ministry of Defence assurances to us, we prefer to have analysis made outside. But certainly the water passes the normal test that is done by the Health Department in Gibraltar but the colour of it does not suggest that it should be drinkable. The hon Member should know he lives there. Notwithstanding the fact that everybody says that there is no problem with the water, I can understand a person opening the tap and saying, "I cannot drink this glass of water". It

seems to me that the MOD personnel put up with it but we have a higher standard and a higher quality so we are checking what results in that colouring so that we can go back to the MOD and say, "You can do this to your water and you can treat your water in this manner so that the colouring is not there and the taste is better". In the meantime we are also devising a system of filters so that at least the colouring stays behind and the water that people receive at their homes is cleaner. Unfortunately we have not got infrastructure in that area and we cannot take over the MOD infrastructure for obvious reasons and the MOD need their own infrastructure because they have still got property in the area as well. So in the interim period, whilst there is MOD property there and Gibraltar Government property, we need to use their infrastructure in order to supply those properties.

NO. 16 OF 1995

THE HON LT-COL E M BRITTO

POWER CUTS

What was the reason for the power cuts on Saturday 17th December 1994?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

I am informed by the City Electrical Engineer - and I do not think he is lying - that the reason for the power cuts on Saturday 17th December 1994 at 9.30 am was the breakdown of the 11/6.6 KV Interconnecting Transformer situated at the Old King's Bastion Power Station. A replacement transformer was commissioned at the distribution centre at Jumper's Bastion and the high voltage network was rearranged so that it could satisfactorily feed the districts affected by the failure. This work was fully completed by about 1.15 pm on the day the cuts occurred.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1995

HON LT-COL E M BRITTO:

When power cuts occur, is the problem usually to do with the engines down at Waterport or to circumstances as pointed out by the Minister now where some ancillary equipment in the distribution system is at fault?

HON J C PEREZ:

The hon Member has asked questions similar to this on three occasions. The first occasion it had to do with the supply source because of the tripping that we were having because we were taking on supply from the incinerator. When we stopped taking on supply from the incinerator, on the other two occasions that the hon Member has raised the question, it happens that there have been cable faults in the areas concerned. When there is a short power cut of a five minutes duration, that would probably be an engine tripping that causes the power cut. But when the power cut is of a longer duration than 15 or 20 minutes it probably is the distribution system as has been the case on the last two occasions.

HON LT-COL E M BRITTO

On this question of engines tripping, I think I am right in saying that on the previous occasion the Minister said to me that it was impossible for the tripping to be foreseen because the equipment was so sophisticated that the engine detected a fault in itself and tripped itself and cut itself off and that is why there was a power cut for about five or 10 minutes before staff were able to bring another engine on line to do away with the fault and that because we were not part of a national grid system it was not possible to correct that fault as *[Interruption]* somewhere else. I say this so that the Minister is aware that this information was made available to me before. My question then is, in the light of that, Mr Speaker, do engines trip relatively frequently or are we talking about once a year or once a month or once a week?

HON J C PEREZ:

It very much depends on the state of the engines, on the performance of maintenance, on a number of factors. I can tell the hon Member that the last six months have not seen engines tripping very regularly. It must have been, apart from the power cut that he referred to in the question, I think only two occasions have we had that situation and one was an engine from OESCO that tripped and another one was an engine at Waterport that tripped because it happens to any engine.

MR SPEAKER:

We are drifting far away from the question.

HON LT-COL E M BRITTO:

My last question, Mr Speaker, if you will bear with me. I appreciate that the Minister cannot have this sort of information at his fingertips. Would he undertake to look into it and give me the information subsequently, statistically is what I am looking for, on how, say, in the last two or three years how often engines have tripped?

HON J C PEREZ:

Yes, Mr Speaker, no problem.

HON P R CARUANA:

Is the Minister in a position to say whether there was a power cut in the upper south district on New Year's Day and is he saying to us, in effect, that short intermittent power cuts are an inevitable fact of life in Gibraltar because we are not plugged into a national grid that can smoothen out distribution problems and if that is what he is saying, does he now regret the political use that he made of similar attacks in the case of the previous administration that he constantly used to blame for the bad power cuts situation in Gibraltar?

HON J C PEREZ:

No, Mr Speaker, because although there is a reality which no one can escape where because we are self-sufficient in electricity and we are not connected to Sevillana, we have to live with a power cut here and there... [HON P R CARUANA: *But that was true of the AACR*].as a result of engine tripping. When the AACR was in power we had the situation that a lot of those other power cuts which were not as a result of engine tripping were caused by the policy of the Government adopted in the Generating Station which resulted in a lot of unnecessary disputes and unnecessary grievances which resulted in industrial action and in power cuts. My criticism to the AACR Government was always on the mishandling of affairs in the Generating Station that created unnecessary power cuts and not the ones that resulted in engine tripping as the hon Member has suggested.

MR SPEAKER:

That is the end of the question. Next question.

ORAL

NO. 17 OF 1995

THE HON LT-COL E M BRITTO

STRAIT VISION LTD

Will Government make a statement about the future of Strait Vision Ltd?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir, Government are not a shareholder of Strait Vision Ltd and therefore not responsible for the company.

SUPPLEMENTARY TO QUESTION NO. 17 OF 1995

HON P R CARUANA:

Will the Minister say whether Government, who although not being a shareholder and indeed not a shareholder of GBC either for that matter, have any proposals or have received any proposals or are considering any proposals or believe that GBC and Strait Vision should reunite in the interests of economy?

HON J C PEREZ:

No, Sir, none of the hon Member's whispers are correct.

HON P R CARUANA:

It was actually said to me in quite a loud voice. But does the Minister therefore expect that GBC will continue to fund Strait Vision out of its limited budget indefinitely regardless of the value to GBC of Strait Vision's product who are doing their own thing in other directions?

HON J C PEREZ:

The value of Strait Vision to GBC is assessed by the Board of GBC not by the Government and for as long as Strait Vision is fully employed for the sole purpose of producing programmes for GBC, it must necessarily be funded by GBC and by no one else.

HON P R CARUANA

Is the Minister saying that the Board of GBC is free to do what it pleases without consulting the Minister, regardless of the Minister's views and that he is not actually the driving force behind what the Board of GBC does as a matter of policy or not?

HON J C PEREZ:

Nothing that I tell the hon Member to the contrary would convince him. *[HON P R CARUANA: True.]* We have been over this ground before, Mr Speaker.

HON P R CARUANA:

True, that is fair comment.

MR SPEAKER:

Again, we are drifting away from the question. Next question.

NO. 18 OF 1995

THE HON F VASQUEZ

NEW HARBOURS TENANCIES

Will Government state their general policy for the granting of tenancies in the New Harbours area and for the economic activity which they are attempting to attract to this facility?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As has already been stated on previous occasions in the House, the New Harbours Complex was designed to assist established local businesses wishing to expand their activities in purpose built facilities as well as giving the opportunity to Gibraltarians wishing to start new businesses. It is also the aim of the Government to attract inward investment in the form of new businesses in the areas of light manufacturing as well as in import/export operations.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1995

THE HON F VASQUEZ:

I would be grateful if the Minister would confirm that there has been a change in the marketing of the areas to be let in the New Harbours. As I understood it, Mr Speaker, the reason for the expenditure of £30 million of taxpayers money in the construction of that development was to attract new industries and new employment opportunities for Gibraltar. Is the Minister saying that it was always the intention to allow, for example, the opening of a supermarket in the New Harbours area?

HON M A FEETHAM:

First of all, the New Harbours is a commercial development with the same considerations given to it as any other commercial development granted under the Development and Planning Commission in keeping with Gibraltar's Development Plan is granted the right to exploit their commercial development. Insofar as the purpose, it was always the purpose of the New Harbours to give the Gibraltarians an opportunity to expand and go into purpose built warehouses. The realities of the situation always and, in fact, the New Harbours Complex as it is now been conceived came about as a result of intensive discussions with importers and established businesses in

Gibraltar who actually participated in the layout and at the design stage as to how they felt it would best suit their businesses. So (a) it was designed to give Gibraltarians an opportunity to expand their business and take advantage of the opening of the frontier and the lack of warehouse space that was there, (b) allow Gibraltarians to establish new businesses and at the same time attract businesses from outside.

HON F VASQUEZ:

Could the Minister please explain, Mr Speaker, what on earth a supermarket in New Harbours has to do with the provision of warehousing space for Gibraltarian businesses? Is the Minister saying that, in fact, he presided over a decision to spend £30 million of taxpayers money to provide a supermarket for Gibraltarians in the south district?

HON M A FEETHAM:

I know that the hon Member has got a bee in his bonnet about New Harbours, mainly perhaps it is because a particular client that used to be in one of his father's business moved down there and therefore he may have lost a client, I do not know about that. The reality of the situation is, Mr Speaker, that everybody who has moved into New Harbours has welcomed the fact that they have had an opportunity to go into New Harbours because before there was not a development plan, there was not an industrial strategy. People were in warehouses in the most absurd areas. There were warehouses up Willis's Road causing traffic jams left, right and centre coming down from Moorish Castle. There were warehouses in Laguna and Glacis, right in the middle of residential areas. So what we have done is in keeping with Gibraltar's long-term development strategy in building proper warehouses to give people the opportunity to have long-term leasing arrangements, flexible leasing arrangements because one of the things that used to happen before, Mr Speaker, which of course was the sort of situation that some members in the legal profession used to like was if they had a short supply it meant that the landlords in Gibraltar used to be able to be in a very strong position of getting people in long-term leases, 21 and 25 years, squeeze them on high rents and therefore stagnate the prosperous growth of Gibraltar. What we have done there is given people short leases of up to five years, very flexible, come in or go out, that sort of situation and give an opportunity to people to be able to expand. I think it is a half-way situation which has suited everybody. I do not know why hon Members are always criticising it.

HON P R CARUANA:

I think, Mr Speaker, the Minister ought to accept that the reality is reflected in this last answer, that he has converted the taxpayer of Gibraltar into a speculative property investor. Because let me tell the Minister that my hon and learned Friend is much more able to suffer the loss of a client, if that is what he believes he has suffered, than the taxpayer of Gibraltar is able to lose £30 million because he chooses to convert the Government of Gibraltar

into speculative property developer. It is disingenuous for the Minister to sit there, after he has spent four years bragging to the people of Gibraltar that New Harbours was in order to attract new business to Gibraltar so that the economy of Gibraltar would expand, it is sheer disingenuity for him now to say that all along this marvellous infrastructure that has formed the platform of their political philosophy for the last four years, was to allow existing businesses to relocate and pay rent to the Government instead of to the exploiting private landlord. It is simply disingenuous.

MR SPEAKER:

I must tell the Leader of the Opposition to ask a question. He is making a very long statement.

HON P R CARUANA:

Does the Minister accept all of that?

HON M A FEETHAM:

No, I do not, Mr Speaker. How can I accept something which is not correct. The hon Member can stand up in the House or outside the House and say whatever he wants. The realities are that from the very moment that the idea of building warehouses in Gibraltar and storage and workshops and office space to accommodate an industrial strategy, the business community in Gibraltar were consulted and the New Harbours was conceived in the main to allow Gibraltarian businesses to expand or relocate to better facilities and at the same time give us an opportunity to bring in new business. That was the strategy. It has been put on record time and time again. Of course they will never concede it because they really have not got an argument to stand on. If one looks at the number of new businesses that Gibraltarians have been able to start since the New Harbours has opened, that will keep their mouths shut for a start.

HON P R CARUANA:

Not New Harbours, Europa, he should go and tell that to the Marines.

MR SPEAKER:

Order, order. Next question.

ORAL

NO. 19 OF 1995

THE HON H CORBY

CONSUMER PROTECTION OFFICE

When will Government establish a centrally located Consumer Protection Office?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Government are not yet in a position to state a date.

SUPPLEMENTARY TO QUESTION NO. 19 OF 1995

HON H CORBY:

Before my time, my hon Colleague Col Britto raised this question and I have here from Hansard on Question No. 82 of the 30th April 1992, this is going back quite a few years, the Minister said that he was looking at the small claims court principle. This is two years ago and following a question on the 23rd November 1992 on Question No.223 of 1992, and I quote the Minister on a supplementary asked by my hon Colleague, Mr Caruana, "Mr Speaker, it has not been done and it will be done and let me say that I will do it before the end of this financial year". This was the 23rd November 1992. How can he now say that there is no provision when he promised the House that it would be done at the end of the 1992/93 financial year?

HON M A FEETHAM:

There are no ulterior motives other than to say that it has not been possible to do it. The answer that I am going to give the hon Member is that I will never include a date from now on in any of my answers.

HON H CORBY:

But he has already done so.

HON M A FEETHAM:

It does not make any difference. In terms of priority we have not had the time to do it, it is as simple as that so he can carry on shouting.

HON H CORBY:

With the quickness and the efficiency that the GSLP Government produces and provides legislation and all the rest, two years is a short time for the Minister to put this consumer protection office in place?

HON P R CARUANA:

Is there no space in New Harbours for it?

HON H CORBY:

And he promised a centrally located office in Gibraltar. It was the Minister's promise in this House.

HON M A FEETHAM:

As far as the central office is concerned that is still the objective. The question when we are going to set it up that we have not yet established a date.

HON P R CARUANA:

That is the Minister's position now. In 1992 his position was different and that is the purpose of the point of the question.

HON M A FEETHAM:

They can carry on acting in the way they are acting now. As far as I am concerned I am telling them we have not yet established a date when we are going to open it, fullstop, there is nothing more to it than that.

HON P R CARUANA:

Would the Minister accept that the honest, sincere answer would be that it is not the policy of the Government to establish a consumer protection unit because when it has been their policy to do things this Government have never been short of time to do it?

HON M A FEETHAM:

No, Mr Speaker, I rise once more for the last time. I do not accept the last statement of the Leader of the Opposition.

NO. 20 OF 1995

THE HON F VASQUEZ

SHIPPING REGISTER

When do Government envisage that Gibraltar's Shipping Register will re-open?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The history, as Opposition Members are aware, of the restriction on accepting new ships is that it stems from changes in UK legislation and a decision which permitted Bermuda and the Cayman Islands as dependent territories and the Isle of Man as a Crown dependency to accept new ships but not Gibraltar in 1988. Since that date Gibraltar has been allowed to retain vessels it had already on its register but not to accept new ones or replace those it lost. Opposition Members are aware of that being the position. In order to be able to achieve Category One, there have been innumerable meetings, expert views, lengthy correspondence and amendments to our legislation. I am sure it will not escape hon Members that there is a parallel here in the pattern followed to pressure UK to grant recognition to our financial services which is the subject of another question.

The last exchange of correspondence was less than a week ago and although we sincerely hope we are reaching the end of this particular saga, there is no way we can give a date by which agreement with UK will be reached.

SUPPLEMENTARY TO QUESTION NO. 20 OF 1995

HON F VASQUEZ:

Does the Minister appreciate that for the many years now that Gibraltar has been operating without a shipping register our competitors in the field in this industry have been laughing at our misfortune. What we as members of the Opposition want to know is this Government doing to achieve something in this end when we keep getting told that it is under review, that something is going to happen and that sooner or later the register will be re-established. It has now been well over two years that Gibraltar has been without a register, we have lost an enormous amount of business as a result; what is this Government doing to actually achieve the re-establishment of the Gibraltar register and what reassurance can this Government give to the financial services industry that, in fact, Gibraltar will be in a position to re-admit shipping tonnage of over 150,000?

HON CHIEF MINISTER:

We can give no reassurance whatsoever, that is the simple position. The position of the British Government at the moment is that the latest exchange of letters which deal with the survey agreement which involves accepting terms which we do not consider other people in other colonies have had to accept, we hope will finally lead to them agreeing to Gibraltar being able to operate as a red ensign. Since the flag of Gibraltar ships is not the Gibraltar flag, the Government of Gibraltar cannot guarantee that we can operate our own registry like a sovereign state would do. It is controlled by the UK, the UK in our view has been totally irresponsible in not answering our requirements and we have got no indication that they are going to be more responsible in the future.

ORAL

NO. 21 OF 1995

THE HON P R CARUANA

MOD RUNDOWN

Have the British Government completed their impact study report on the effects of the Ministry of Defence rundown on the economy of Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The final report has not yet been submitted to the Government.

A verbal presentation was made by the Senior Economic Adviser to the Foreign Office at the last meeting of the Joint Economic Forum held on the 12th December 1994.

Once the report is presented it will be a matter for the Forum to discuss its contents and agree on the way forward.

SUPPLEMENTARY TO QUESTION NO. 21 OF 1995

HON P R CARUANA:

Reminding the Government that one of the first things they told me when I arrived in this House was that they were not a Government that believed in committees and things because that only served to delay the resolution of matters. We have to be careful that the economy of Gibraltar does not fall now into that very category. It would appear to me, and would the Minister accept, that the impact of the Ministry of Defence rundown on the economy of Gibraltar is now almost self-evident and will he say why it is taking so long to produce and will he say whether there is any issue or dispute or any complaint that has resulted in the delay? What explanation is given to the Government for the delay in producing the report?

HON CHIEF MINISTER:

Can I remind the hon Member that, in fact, the Joint Economic Forum was created after a meeting that I had in February in the UK and then it was following the first meeting that the UK agreed that they would use one of their economists to produce a study of the impact on the economy based on projecting what this would do in terms of GDP and jobs. The only thing that I can tell the hon Member that has happened is that there has been a change of economist in the Foreign Office; a Mr Grimes started doing the study and somebody else is finishing it. Apart from that there has not been any other reason that I can think of why this, which does not appear to me to be

something so substantial that it requires six months but then, of course, we cannot say how much time of the senior economic adviser has been devoted to the study as opposed as to his many other activities. What I can tell the hon Member is that certainly the role of the Ministry of Trade and Industry in attracting investment is not standing still pending the report of the economic adviser.

HON P R CARUANA:

Will the Chief Minister say, firstly, whether he will lay a copy of that impact study report when it is received in this House and, secondly what the relevance of it is? In other words, have the British Government agreed to make it the basis of some financial assistance package or is it simply for our information only?

HON CHIEF MINISTER:

No, the British Government have not agreed to make it the basis of anything and we are not in a position to say that we will lay it on the table or, indeed, make it public. It is the property of the British Government in the first instance. We have not yet got a copy of it anyway so I cannot tell the hon Member whether there is anything in it worth reading since I have not yet had an indication of what it will contain, but from what my hon Colleague has said and was made public of the overview that was given, the overview as I understand it, I was not present at that meeting, was that the conclusion that one can expect from the report where it is made is that there is not going to be a big impact. Maybe that is what they want us to believe, I do not know.

NO. 22 OF 1995

THE HON P R CARUANA

JOINT ECONOMIC FORUM

Will Government make a statement concerning the latest meeting of the Joint Economic Forum and outline to the House the projects, issues and proposals considered at that meeting?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Joint Economic Forum was set up following the ministerial meeting held in London in February 1994.

At the time there was press speculation that the defence review then taking place would bring about a faster rundown of the MOD than the one that had been previously announced in December 1991. I would remind the House that the December 1991 defence review made public the plan to reduce costs by 30 per cent, manpower by 30 per cent and land holdings by 50 per cent by 1997.

At the time the Forum was set up, there was speculation that the cuts would be much bigger and that there would be a loss of up to 1000 jobs. In the event, the British Government accepted that the defence review should not take effect until the one announced in December 1991 had run its course and therefore the further reduction on top of the 30/30/50 formula would not take effect until the first is due to come to an end in 1997. This was announced publicly on 7th July 1994.

Nevertheless, it was felt that the Joint Economic Forum should continue in place to take advantage of the time scale in order to examine the possible alternative forms of activity and uses which could be made of EC funding for the re-training of former MOD workers and for the refurbishment of former MOD buildings.

The Forum was originally conceived as a bilateral Government to Government entity to allow the Gibraltar and British Governments to work jointly on programmes of economic development. An early result of this was the acceptance of the UK that Gibraltar should be included in the areas where the British Government puts projects before prospective investors and literature is made available, like with any UK region, through the medium of UK Embassies and Consulates.

This initiative is actively being pursued, and an official of my Department has already visited the "Invest in Britain Bureau" to brief IBB officials on what Gibraltar has to offer and in turn IBB officials have briefed DTI on how they deal with enquiries generated through their promotional activities and those of the British Embassies.

Material and information is now being prepared for onward transmission to the IBB for them to circulate through their international network.

The inaugural meeting of the Forum was held on the 15th March 1994 followed by meetings on the 30th June 1994 and 12th December 1994 respectively.

At the last meeting of the Joint Economic Forum, the Chamber of Commerce as well as the Trades Council were represented for the first time. This has given these bodies an opportunity to produce ideas and proposals for the Forum's consideration. The main progress so far - as has already been answered in the previous question - has been the completion of the Impact Study. *[Interruption]* In the sense that they have now completed the report but it has not been submitted but a verbal representation has been made - and the question of the sourcing of EU funding. Five million ECUs have been approved by the European Commission for the period 1994/96 under the Regional Development Programme. Other sources of EU funding under other Community initiatives are currently being pursued.

I would wish to take this opportunity of recognising the efforts made by the Department of Trade and Industry in the United Kingdom in assisting Gibraltar in securing EC funds, as mentioned by His Excellency the Governor in his Christmas message. However, I also wish to extend this recognition to members of my Department who have also put in a lot of effort and hard work in achieving these objectives.

SUPPLEMENTARY TO QUESTION NO. 22 OF 1995

HON P R CARUANA:

The Minister has, I fear, missed his vocation as a historian. It is all very interesting and I am grateful to him for reminding us of all of that which is already in the public domain. The question was whether he could specifically brief us about the last meeting of the Joint Economic Forum and tell us what projects and proposals were put to that meeting and considered and discussed, although I do not expect a decision made. In other words, what I want to get at is whether the Joint Economic Forum is operating as some sort of high powered think tank into which concrete and specific ideas for things to go out and do are discussed and accepted or rejected or is it just a talking shop.

HON M A FEETHAM:

I think it gives me an opportunity to put things in their proper perspective. The Economic Forum, as was conceived, was a way of the British and Gibraltar Governments getting together to discuss the impact of the MOD and how we could help each other and anything that we felt there could be some hindrance on the part of the British Government and departments in the UK in trying to speed up particular areas where we wanted to push that could be discussed there at local level with top officials from the UK in order to make progress. But I have said so in the House before, it is not going to replace Government's economic policies and it is not going to replace any particular departments in the Government that from day-to-day continue to try to push business opportunities or create economic activities in Gibraltar. So if he is thinking that the Economic Forum is going to be the answer to all of Gibraltar's problems, forget it because it is not that and in certain areas there have been certain ideas that that was the answer to all our problems, it is certainly not the answer to our problems. If the hon Member wants to relegate it to a talking shop perhaps I would not be able to put it in better words, if that is what he wants to do. On the other hand, if there are things that could be discussed there where we could help each other then, as far as I am concerned, it is welcome, it is one more forum and no more than that. That is the position.

ORAL

NO. 23 OF 1995

THE HON F VASQUEZ

UNEMPLOYMENT LEVEL

What was the level of unemployment in Gibraltar of:-

- (a) Gibraltarians
- (b) Non-Gibraltarians

as at 30th September 1994 and 31st December 1994 divided into under and over 25 years old age groups?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

The unemployment figures as at 30th September 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>
264	347	1	453

The figures for 31st December 1994 are not yet available but I am prepared to give them to the Opposition Member when they are.

ORAL

NO. 24 OF 1995

THE HON F VASQUEZ

JOB VACANCIES

Will Government state the number of vacancies registered at the Employment and Training Board on the 31st December 1994?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

There were 304 registered vacancies on the 31st December 1994.

ORAL

NO. 25 OF 1995

THE HON LT-COL E M BRITTO

REFUSE COLLECTION

In what areas of Gibraltar was rubbish not collected at the normal time on every day of the week 19th to 23rd December 1994?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The whole of the city centre rubbish collection run was not done at the normal time on the 20th December 1994 due to simultaneous breakdown of lorries. The run was completed later on in the day.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1995

THE HON LT-COL E M BRITTO:

Can the Minister explain what he means by simultaneous breakdown of lorries and how many lorries were involved and how serious was the breakdown that collection could not be effected until 7 o'clock that evening?

HON J E PILCHER:

Yes, I can. I thought that the hon Member had an Oxford dictionary to look up "disingenuous" when he said that.

HON P R CARUANA:

I know simultaneous means, I just cannot believe that they all broke down at the same time.

HON J E PILCHER:

Perhaps he can explain to his hon Colleague what simultaneous breakdowns are. Simultaneous breakdowns are more than one breakdown of more than one lorry at the same time, Mr Speaker.

HON P R CARUANA:

All at the same time.

HON J E PILCHER:

All on the same morning, Mr Speaker.

HON LT-COL E M BRITTO:

I asked a supplementary which has been lost. Am I going to get an answer to it?

HON J E PILCHER:

There is no hidden secret. There was more than one breakdown of more than one lorry which is a bin lifter lorry and therefore when that happens, Mr Speaker, the lorry cannot duplicate a run. So what happens is that the run was done then in the afternoon. It is a very simple non-political answer.

HON LT-COL E M BRITTO:

The question then was, Mr Speaker, how many lorries were involved and why were they not fixed until 7 o'clock in the evening and considering that rubbish collection normally happens during the first half of the day, why were lorries that were used for other parts of Gibraltar not used in the city centre?

HON J E PILCHER:

The system operating in the Gibraltar Industrial Cleaners means that once there have been a couple of runs if there is a problem related to the breakdown, the lorries were then sent to the garage. When one of the lorries was available the refuse collectors were then recalled and that lorry was used, I believe it was something like 5.30 pm or 6 pm to do that run. It is not, I assure this House, a political matter that requires the involvement of the Minister. We have professionals, we have mechanics, we have managers and they manage the best. If it had been a recurrent thing, ie if the following day the lorries had still been out of action or which required political input then I would have got involved. This was a one-off breakdown that was resolved within the same day and the rubbish was collected in the afternoon.

HON J C PEREZ:

Perhaps I can clarify some matters. The hon Member has to understand that there are, I think, four or five types of lorries. Some are small vehicles where it is collected by hand, where they have to be able to go into Flat Bastion Road and Moorish Castle and so on; there are other larger vehicles which take a type of bin and lift a type of bin alone and there are other types of vehicles that lift another type of bin. So when we have two or three vehicles that might have been of the same type of bin lifter affected then we have that district affected until that type of vehicle is ready. So it is not that the 12 or 15 lorries were affected, it is that the type of vehicle that lifts that bin is affected. Therefore if that is the bin that we have got in Main Street and Irish Town we have got to repair one of those vehicles in order to be able to complete the run.

ORAL

NO. 26 OF 1995

THE HON LT-COL E M BRITTO

TOXIC SUBSTANCES

What steps do Government take to monitor and control the storage of dangerous or potentially toxic substances in Gibraltar's streets and its transportation in lorries through Gibraltar?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Customs authorities and the Port authorities advise the City Fire Brigade when dangerous or potentially toxic substances are imported into Gibraltar.

The City Fire Brigade would then advise the importers on the safe handling, transportation and storage of these substances.

On the 27th October 1994 Government introduced the Control of Major Accident Hazards of Certain Industrial Activities Regulations 1994. These regulations impose general duties on persons handling, storing and using dangerous substances as specified in these regulations to notify the competent authority.

Any person having control of such substances has a duty, under the regulations, to prevent any accidents when handling any such substances and to limit their consequences to persons and the environment.

SUPPLEMENTARY TO QUESTION NO. 26 OF 1995

HON LT-COL E M BRITTO:

Could the Minister repeat the date on which these regulations came into force?

HON J E PILCHER:

The 27th October 1994.

HON LT-COL E M BRITTO:

Was that before or after the controversy over the disposal of the fly ash from the incinerator?

HON J E PILCHER:

I do not know the controversy that the hon Member is talking about, Mr Speaker.

HON LT-COL E M BRITTO:

Let me inform the Minister who is probably the only person who does not read the Gibraltar Chronicle or listen to GBC in Gibraltar. The refuse incinerator had been storing fly ash in large white bags along Europa Advance Road over a period of time. Someone somewhere along the line decided to move these down to the brewery crusher in Europa Point. There were reports from the Gibraltar Ornithological and Natural History Society complaining about the fly ash being blown by the wind and causing hazard to the health of people in the area of Europa. The bags were deposited at Europa Point and left there for a period of time until they were put into a tunnel at brewery crusher. During that period of time there was access to that potentially toxic ash by members of the general public and by children playing in the area and there were complaints about it by the GONHS and by myself on behalf of the Opposition. That is the controversy I am referring to, Mr Speaker.

HON J E PILCHER:

I believe then, Mr Speaker, that was just before these regulations. But it would not have changed because as I understand it, Mr Speaker, the transportation of the fly ash was done as specified in the regulations with the necessary licences from the Environmental Health Department. There was a problem with the contractor used for transportation and that was corrected after we had complaints from the GONHS and that was corrected to their satisfaction.

HON LT-COL E M BRITTO:

Is it not a fact, Mr Speaker, that at present there are 24 bags of fly ash in the open air at brewery crusher and are those bags new fly ash that has been produced by the incinerator since that incident or is it the same fly ash that has not been disposed of in the tunnel?

HON J E PILCHER:

That is new ash. Apparently there was a problem in the transportation and the use of that to put into the tunnel. That is now being looked into and, in fact, this morning I had a meeting where I was advised, because I had asked like the hon Member, and this will be put into the tunnel over the next week or so, Mr Speaker.

HON H CORBY:

Insofar as these toxic substances are concerned, has the Minister got any place earmarked where they are stored within Gibraltar or are they carried away from Gibraltar to other places?

HON J E PILCHER:

If he is referring to the fly ash, Mr Speaker, these are being stored within a tunnel in Gibraltar.

HON LT-COL E M BRITTO:

As at yesterday the entrance to that tunnel was open. I walked into it myself right up to where the fly ash is deposited. Are there any plans to restrict entrance to that tunnel? The question is asked on the assumption that Government intend to allow the continuing storage of fly ash in that tunnel, which is a large one, and therefore... *[HON J C PEREZ: It is not a tunnel, it is a number of chambers.]* Well, fair enough, I use tunnel in the loose sense of the word in the sense that it does not have two openings, let us call it a large chamber. But will the Minister say whether it is intended to continue storing ash in that chamber and because of the size of it, that storage could continue for a number of years and if so, what steps are going to be taken to impede access by members of the general public and, indeed, by children into that chamber?

HON J E PILCHER:

Yes, it is the intention of the Government to continue to utilise this mechanism to store the fly ash. As far as I am concerned, the entry to that site should already be restricted and that is the responsibility of the contractor who is supposed to be operating the tunnel. Having been advised of this I will immediately check with the Environmental Health Department to ensure that the access to that site is restricted only to the people who should be in that site although I cannot think that this would be easily accessible to children.

HON LT-COL E M BRITTO:

Let me assure the Minister that the area of brewery crusher if I can remind him is adjacent to the road itself leading to the Lighthouse and there is only a small slope and anybody can walk down that slope and onto that open area. The tunnel is at the end, it is easily accessible to anybody who cares to go.

HON J E PILCHER:

I will ensure that that is brought immediately to the attention of the Environmental Health Department.

HON LT-COL E M BRITTO:

One final question, Mr Speaker. Is the Minister aware that the whole area around the entrance of the tunnel has deteriorated, certainly in the space of the last 12 months possibly even less than that, probably more like six months, into a large dumping area of various types of materials ranging from mattresses and household goods to construction materials to large amounts of metalwork which is in a rusty and dangerous stage and is an eyesore if nothing else? Is the Minister aware of that and if he is, is it the intention of Government to convert that area into a dumping area or a holding area of general rubbish for any reason?

HON J E PILCHER:

No, Mr Speaker. Unfortunately we have a situation in Gibraltar where if we do not maintain surveillance on every single waste ground that there is in Gibraltar then we have the unfortunate situation where we get illegal dumping everywhere. We have, over the last year in particular, striven to try and get all these specific dumping areas, to have some kind of surveillance by the police. Every time we take our eye off one area people tend to go and dump there. We have cleared the whole of Europa Point, we cleared the whole of the Both Worlds areas, we were tackling the reclamation areas and no sooner had we tried to address the situation of the other areas when we started getting illegal dumping at Europa Point. We are now clearing the whole area of Europa Point and we have already agreed the funds to build a wall around the brewery crusher in order to try and bring back the area to some kind of maintenance and refurbishment so that there is the walkway that it should have been and obviously to try and prohibit people just illegally dumping things which they do. We close the gates at the bottom, they just reverse into the little slope and then dump everything and anything in there. Although we have produced a proper holding area for old refrigerators or whatever at Cumberland Road which is a properly controlled site where people can now dump, irrespective of that people go all the way up to Europa Point and dump the things there. It is uncontrollable and understandable.

HON P R CARUANA:

Are the Government satisfied that this decision to store fly ash there is not going to create an environmental problem of accumulation for the future and will that not have to be disposed of at some time in the future? Is it proposed to just carry on storing there until what, until the cave is full and then we seal it out? What is the proposal?

HON J C PEREZ:

It is the proposal that was in line with EU Directives on the matter and we checked with Brussels whether this was an acceptable way of disposing of the fly ash and they said that it was and we have no other way of doing it because we have not got the market that bigger nations have to mix it for road building and so on. So since we have not got that market the only thing we can do is at present store it. We believe that in the brewery crusher we have got capacity for at least another 10 years of fly ash. After those 10 years we will have to review the situation or before that.

ORAL

NO. 27 OF 1995

THE HON H CORBY

HOUSING ALLOCATION

Which Government Minister holds political responsibility for housing allocation?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

As reflected in the Gazette of 14th October 1993, housing allocation policy comes under my portfolio as Minister for the Environment and Tourism.

SUPPLEMENTARY TO QUESTION NO. 27 OF 1995

HON H CORBY:

I am the Shadow Minister for Housing and people come usually as a last resort to the member of the Opposition when they have exhausted all the venues open to them. Then I write to the Minister for Housing who has the political responsibility not for him to intervene personally but when I came into this House in 1992 and although I am old I am a young member of this House, I was told that one could not approach a civil servant directly as standing orders and etiquette produces. What I would like to ask the Minister for Housing is that even if he does not intervene personally which I do not want him to do, what I want him to do is to forward whatever problems are forwarded to me and then I forward them to him as the Minister for Housing, for him to pass it onto the appropriate department and let the appropriate department say one way or the other how that person stands. If that is the case then the response should come from the Minister to myself in order that the person who I have interviewed can have an answer to his query. Will the Minister undertake that because he forwards it to the Housing Allocation Committee and it is lost in the Housing Allocation Committee and the problem does not come back to me at all? So I am left with no response for the people coming to me with their queries. Will he undertake to do that in future?

HON J E PILCHER:

When I took over the responsibilities for housing allocation, I believe in a statement in this House I said quite clearly that it was the responsibility for the policy that I had taken over. The responsibility for the day-to-day allocation and the day-to-day administration of that policy as reflected in the Housing Allocation Scheme (Revised) 1994 is of the pertinence of the Housing Allocation Committees. The Housing Allocation Committees run their own administration at the City Hall where every single person with a housing

problem goes to the City Hall, produces the query and they get their queries answered, can then apply or write to the Housing Allocation Committees, normally get an answer from the Housing Allocation Committees and if the person does not agree with what he has been told then the Housing Allocation Scheme has also got a system whereby the person can then appeal to the Chief Environmental Health Officer who is the Appeals Officer. There is no reason why I, or the Opposition Member, should get involved in individual problems. If the Opposition Member wants to what I have said to him and, in fact, if he has not got the letter yet the letter should be on its way, is that he can bring to the attention of the Housing Allocation Committee a specific problem of a specific individual like the individual himself can. Mr Speaker, I do not get involved in the detail of individual problems.

HON H CORBY:

He has not answered my question. The question was a response to that query or that problem which does not even come to the person concerned or to me.

HON J E PILCHER:

I cannot for a moment believe, and I am pretty close to the system of housing allocation because obviously I deal with that, that a person has got a housing problem, that the person who is aggrieved and goes to the administration of the Housing Allocation Committees does not get an answer. If he does not he then writes to the Housing Allocation Committees. I cannot believe for a moment that he does not get an answer from the Housing Allocation Committees. What normally happens, Mr Speaker, particularly in Gibraltar because it is a close community and we all know each other, is that when the person says, "I have not even been given an answer" what he means is he has not been given the answer that he wants himself to be given in which case he then runs to, for example, associations like Action for Housing or he runs to the Gibraltar National Party or he runs to the Gibraltar Social Democrats who all then proceed to write to me. What I have said the individual then writes to the Housing Allocation Committee and if the person has not got an answer from the Housing Allocation Committee then, Mr Speaker, that is something which I would then take on board because that would mean a failure in the system. But whether the person has been told (a) or (b) or (c) by the Housing Allocation Committee, provided that that falls within the ambit of the policy then I am not going to be a post-box for the Opposition Member.

HON P R CARUANA:

I entirely agree that the Minister should not be a post-box. Now we know that he is very close to the housing allocation system which he had always denied. *[HON J E PILCHER: No, Mr Speaker, I am not.]* I have not given way but if he wants me to give way I shall when I get another six words myself.

MR SPEAKER:

This is not a debate to start with so you must ask your question and that is it. No one has got to give way.

HON P R CARUANA:

If Mr Speaker and the Minister between you would give me time I will ask my supplementary.

MR SPEAKER:

Ask the question.

HON P R CARUANA:

Thank you very much. The position, I put it to the Minister, is and I put it to him that it has got to be one of these two, either he must take political responsibility when a member of the public goes to a representative to seek his assistance in approaching the administration, either he takes political responsibility for that approach through the Opposition Member in which case he must reply with whatever answer he wants, no one is telling him what he has got to write or if he does not wish to do that, does he accept that the only alternative is that the Opposition Member must then be free to correspond directly with the Housing Allocation Committee? The only possibility that is not acceptable is that neither he replies to the Opposition nor that the Opposition is free to correspond directly with the Housing Allocation Committee. All we want is for him to tell us which of those two he wants and we will live happily with either but not with neither.

HON J E PILCHER:

At no stage have I said to any Opposition Member that he has to live with neither. First of all, of course I am close to an element of a ministry that I am supposed to be responsible for but that does not mean I get involved in the day-to-day allocation of houses. *[HON P R CARUANA: Even though he is close to it.]* It is, Mr Speaker, a responsibility of the Housing Allocation Committees and at no stage have I said to the Opposition Member that he cannot write on behalf of one of his constituent members to the Housing Allocation Committees. What I have to the hon Member is that in matters of policy then he writes to me and I explain matters of policy. I assure Opposition Members that every single letter that I have got from the Opposition Member relates to specific instances. Under the Housing Allocation Scheme I have no authority under the scheme, Mr Speaker, and therefore he can write to the Committees directly and he will get the same reply from the Committees as the individual has got who wrote previously.

HON H CORBY:

This is a better system because at least I get a reply.

HON J E PILCHER:

It is not true to say, and I will not allow.....[*Interruption*] Mr Speaker, I have replied to every single letter that the Hon Mr Corby has ever sent me.

HON H CORBY:

Not in answer to the specific problems that I have put forward. The Minister has answered my letters saying that he would not get involved but then I have not received an answer from anyone else regarding the problem.

HON J E PILCHER:

Precisely because he has just given the game away, related to specific problems and specific problems are the responsibility of the Housing Allocation Committees, Mr Speaker.

HON P R CARUANA:

But, of course, Mr Speaker, they are related to specific problems. Does the Minister think that we are going to write in about some sort of hypothetical situation involving a Martian that has not come anywhere near us? The fact of the matter is that all these enquiries relate to specific problems. The purpose of this question was to establish that Government Members would not regard it a breach of the ethical rule that members of the House do not approach civil servants directly, in other words, that it would not be a breach of that ethical rule if members of the Opposition engage in correspondence directly the civil servants in the Housing Allocation Committee. We now have it from the Minister, Mr Speaker, that he does not regard it as a breach of that ethic; as far as we are concerned that is the end of the matter.

HON J E PILCHER:

Housing Allocation Committees are regulated under law the names of which are gazetted, they are responsible for the housing allocation scheme, they are not civil servants and are at arms length from the Government. So of course Opposition Members can write to them.

HON P R CARUANA:

But the secretaries are civil servants.

HON CHIEF MINISTER:

Let me, for the benefit of the Leader of the Opposition explain to him what is the position regarding civil servants which has always been the position as long as I have been in the House. The civil servant, even if he gets a letter from a member of the Opposition is not supposed to give a reply without going to his Minister and saying, "I have got this letter". So whether he addresses it to a civil servant or addresses it to the Minister, at the end of the day, I can tell the Opposition Member that when I was on that side the rule was that it was better to address the letter to the Minister who might well then get a civil servant to draft a reply. The Housing Allocation Committee is a committee empowered under the Housing (Special Powers) Ordinance which is not made up of civil servants but is made up of ordinary citizens who are selected to be there like they might be on the Board of GBC appointed by the Government of the day but with independence of decision making in accordance with the proviso of the scheme laid down in the law. Therefore they are not subject to having to clear a reply with the Minister as a civil servant would be. They have a civil servant serving the committee to do the secretariat backup but presumably what the hon Member wants to know is if somebody has applied and has been told, "You are not entitled" he may not be satisfied with being told "You are not entitled" so he goes to the Opposition Member and says, "I would like to have an explanation" and the hon Member then wants to get the explanation to give it to the person. Well, I imagine that that explanation can be given by the Housing Allocation Committee.

ORAL

NO. 28 OF 1995

THE HON H CORBY

HOUSING MANAGER

Who is the current incumbent of the post of Housing Manager?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Housing Manager retired a week ago. As happens with any other post, the question of the reorganisation of the department to absorb the function is being looked into.

SUPPLEMENTARY TO QUESTION NO. 28 OF 1995

HON H CORBY:

Who was currently the Housing Manager who left?

HON J E PILCHER:

Mr Clive Coom.

HON H CORBY:

Who is currently doing the function of Housing Manager?

HON J E PILCHER:

At the moment that is the initial answer I gave. At the moment there is nobody doing those functions as we are looking into it. Obviously his deputy is now doing in the interim the functions who is Mr Eddie Ballesterio, that is only a temporary function.

HON P R CARUANA:

Mr Speaker, either things that were being done by the last incumbent have been passed to other departments or if there is not very much for the acting man to do now, we have got to assume that the recent incumbent was fiddling his thumbs for much of the day. There was a position of Housing Manager with responsibilities which recently mainly included supervising buildings and works in connection with the transfer to that department of the building and works unit. Who is now doing that or is it being done by nobody?

HON J E PILCHER:

The initial reply talked about the reorganisation of the department to absorb the function was being looked into. The functions of the Buildings and Works Department which the Housing Manager had the responsibility for, has now been absorbed into the Ministry of the Environment and therefore the overall function of not only the Housing Manager but the Buildings and Works Department is being looked at in the light of it being absorbed into another department and this, Mr Speaker, is what is presently being done.

HON P R CARUANA:

That would explain why certain correspondence that would previously have been signed by the Housing Manager now comes signed by the Environmental Health Officer, for example. So, in fact, there already has been a measure of reorganisation?

HON J E PILCHER:

To the extent that somebody had to take over the department because the Housing Manager was not only the Housing Manager under law but was also the head of the Buildings and Works Department and therefore the Chief Environmental Health Officer who is the head of the Ministry of the Environment is now in the absorption the head of the Buildings and Works Department as well and therefore the controlling officer of the whole vote. But the function of the Housing Manager per se, that is being looked at as is, indeed, every single other requirement of that department in the absorption with the Ministry of the Environment.

HON P R CARUANA:

So should not the answer to the original question have been "The functions of the Housing Manager are being conducted in substantial part by the Environmental Health Officer"?

HON J E PILCHER:

No, Mr Speaker, because that answer would then not have been correct.

HON P R CARUANA:

Even though he is doing it in fact?

HON J E PILCHER:

No, Mr Speaker, what is happening is, following from what the Opposition Member asked, there are various functions that the Housing Manager as the head of the Buildings and Works Department was doing which is now being done by his assistant, by the Chief Environmental Health Officer and by other officers within the Ministry of the Environment. So it is not that one officer is doing the whole work that the previous post holder did. The Housing Manager element which is an element that is related particularly to, for example, the Ordinance that regulates various aspects of housing, is still being done by Clive Coom's assistant.

HON P R CARUANA:

I will leave it at this point but the question was "Who is carrying out the functions previously carried out by the Housing Manager?" [*HON J E PILCHER: A number of people.*] Instead of mentioning all these other individuals he mentioned only one which was his deputy.

HON J E PILCHER:

No, Mr Speaker, I said, "As happens with any other post, the question of the reorganisation of the department to absorb the function is being looked into." In supplementaries I was trying to be truthful and to explain to the Opposition Members how the different function had been looked into but the whole of the function is being looked into and once a decision is made then the structure of the new Ministry of the Environment will reflect that.

ORAL

NO. 29 OF 1995

THE HON H CORBY

HOUSING DEPARTMENT

Has any function of the Housing Department been privatised or contractorised?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No Government function of the Housing Department has been privatised or contractorised. Following on from the success of the set-up of the Home Ownership Bureau to deal with the sale of Sir William Jackson Grove, part of the administrative work is being undertaken by the Unit in support of the Housing Allocation Committee as I have previously stated. In addition, the area of rent collection is now being dealt with by the Unit as it has the spare capacity to handle it.

The Government will continue to look at ways of enhancing the efficiency and cost effectiveness of the functions of the Housing Department now integrated into the Ministry of the Environment. Obviously they do not cease to be Government functions because of organisational changes in the departmental workload.

ORAL

NO. 30 FOR 1995

THE HON M RAMAGGE

HOUSING MAINTENANCE UNIT

What proposals have Government received for the privatisation or contractorisation of the Housing Maintenance Unit or any of its functions?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No formal proposals have been received for the privatisation or contractorisation of the Housing Maintenance Unit or any of its functions.

ORAL

NO. 31 OF 1995

THE HON H CORBY

TOWN RANGE AND QUEENSWAY

When will the tenants of Town Range and the Queensway pre-fabs be rehoused?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The tenants of Town Range will be rehoused as soon as possible depending on availability. The position of the Government on the tenants at the Queensway pre-fabs has already been made public on various occasions.

SUPPLEMENTARY TO QUESTION NO. 31 OF 1995

HON H CORBY:

Some time back the Minister said that the Queensway pre-fabs would be rehoused within six months, I think it is now 10 months after that. The Queensway pre-fabs - I have photographs of some of the houses there which are in dire need of repair. He also said that this would be used as a decanting centre for housing. Can he give a date when he envisages the tenants to be moved from where they are now? Again, Town Range is in a dilapidated state and there are roofs which are in danger of collapsing; also rain filters through the windows and nothing has been done because they were being allocated to other flats. Can the Minister give me a time lapse of when this will happen?

HON J E PILCHER:

I am not absolutely sure whether the hon Member has not confused the two issues. I can categorically say that at no stage have I given any time-scales for the movement of people at Queensway pre-fabs. I have said from the very beginning, Mr Speaker, that all the tenants at the Queensway pre-fabs are in the historical waiting list and therefore they will be accommodated as and when their turn comes up in the housing allocation scheme waiting list. It is true to say that there are some of the houses in the pre-fabs that are in need of repairs and obviously, Mr Speaker, the department monitors this on a day-to-day basis. Of late there have been I believe two or maybe three flats that suffered from water penetration. This has been discussed with the department and these particular three tenants because they were high up on the waiting list have now been offered alternative accommodation in post-war Government housing. This is something that we are looking at on a day-to-day basis. In the case of Town Range, Mr Speaker, we have managed now to allocate and move, I would say a good 70 per cent of the people there, there

are about nine or 10 families left there which, as I say, will be moved depending on availability but I can assure the hon Member that the department monitors the safety of Town Range on a week-to-week basis and the priorities of movement were actually allocated depending on the safety aspects of it. I do not like to say, because of what my hon Colleague said before related to time-scales, but as soon as possible depending on availability is as soon as possible. I would expect that the people in Town Range, if we do not have any particular problems with any of the tenants because on decanting we do tend to have particular problems, there should not be any reason why that should not happen over the next couple of months. But on the Queensway pre-fabs we are looking at those on a one-on-one basis depending on how high they are on the waiting list.

HON H CORBY:

I believe that the Minister said also in the pre-fabs that he had difficulties with some families there as well for decanting purposes because of social problems or whatever. Is this still the case and how many families are there at the moment at the Queensway pre-fabs?

HON J E PILCHER:

I would not like to give the hon Member a figure. I can provide that tomorrow. The main problem related to the inability of the Government to clear all the Queensway pre-fabs is that there are a number of social cases there that were put in by the Government because of extreme social problems. Obviously the danger inherent in clearing the pre-fabs quicker than the housing list permits is that people with social problems will then have moved into the pre-fabs and will have moved over and above those people who are quietly and patiently waiting in the housing waiting list. But as I say, whenever there is a specific problem of a fault or any difficulty in any of the houses at Queensway we look at the position of the person in the housing waiting list and if it is a matter where the person is almost at the top and is going to have to wait a month or two months, then it does not appear to the Government to be any logic in moving him from one pre-fab to the other only to move him to a post-war house two months later. So in these particular cases because of the proximity to the top of the waiting list we make exceptions and we allocate the post-war flats.

ORAL

NO. 32 OF 1995

THE HON H CORBY

NORTH GORGE HOSTEL

When will Government demolish the North Gorge hostel?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

A start on the demolition of the North Gorge hostel has been made but cannot be completed until all the tenants have been rehoused.

That is the written answer but just for further information the last tenant has already accepted the allocation of a pre-war flat and at the moment he is just waiting the house being empty because the person is moving to Gib 5 so we will see, hopefully, the demolition of North Gorge over the next four to six weeks.

SUPPLEMENTARY TO QUESTION NO. 32 OF 1995

HON H CORBY:

So in essence that means that there is only one tenant who has already accepted being moved from there and then it can be demolished as the Hon Mr Baldachino wanted to see that place bulldozed off and I am in complete agreement with him.

HON J E PILCHER:

Yes, Mr Speaker, when that happens we will take a photo and I will be on top of the bulldozer and my hon Colleague Mr Baldachino will be at the bottom.

ORAL

NO. 33 OF 1995

THE HON H CORBY

'E' BLOCK, EUROPA

What plans do Government have for 'E' Block at Europa Point?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

'E' Block at Europa Point is the subject of a proposal submitted by a private sector company. This proposal is currently being considered by the Government.

SUPPLEMENTARY TO QUESTION NO. 33 OF 1995

HON H CORBY:

Would it not be better for the Government, although I disagree with their policy but nevertheless it is the policy of the Government, to put it out to tender or to have it as housing stock given that there are houses there which are big, three rooms, kitchen and bathroom or can be converted to that, instead of giving it to a private contractor for profit?

HON J E PILCHER:

I have not said that we are going to give it to a private contractor for profit. What I have said is that there is a proposal which is currently being considered and obviously until such time as we can take a final decision on that, I do not know which it is going to be. I can tell the hon Member that we have done what he has just proposed although obviously I understand and accept that he does not necessarily favour that policy with 'D' Block which, as the hon Member knows, was put out to tender and we have had applications which we are at the moment processing. But in this particular one it was caught with a proposal which the Government felt we should look into before we actually decide which of the two options it would be. Obviously in doing so it would be what is of better use, whether it is for the housing allocation or for the economic activity of Gibraltar.

HON P R CARUANA:

Would the Minister say what the proposal is?

HON J E PILCHER:

It is basically to build some 28 town houses used in the existing 'E' Block as part of the overall complex so it will create extra housing but not, I can accept, of the type that is normally attractive to people tendering under lower echelon of *[Interruption]* society.

NO. 34 OF 1995

THE HON LT-COL E M BRITTO

CEMETERY

Further to the answer to Question No. 193 of 1994, will Government give details of the contract for the maintenance of the cemetery and are they now in a position to say whether they are satisfied with the standard to such maintenance?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The contract for the cleaning and maintenance of North Front Cemetery is awarded on an annual basis in the sum of £30,000.

Under the terms of the contract, the contractor is to carry out the following cleaning and maintenance works, namely:-

1. Weeding and cutting down of vegetation.
2. Removal of unwanted growth, dead trees, bushes, canes, etc.
3. Collection and removal of litter, etc.
4. Removal of all unwanted debris, loose rubble, soil, etc.
5. Raking and levelling of the ground.
6. Conditioning of existing trees, shrubs, bushes, etc.
7. Pruning of bushes, hedges, etc.
8. Treating of existing trees with fertilisers and the carrying out of all tree surgery necessary to improve the overall condition of the trees.
9. Carrying out of minor repairs and the subsequent maintenance of the kerbstones lining the pathways.
10. Cleaning and maintaining in a neat and tidy condition the Eutopia Monument and its surrounding area.
11. Enhancing and maintaining in a clean and tidy condition the main entrances to the cemetery including the painting/touching up of the boundary wall and chapel as directed by the Supervisory Officer.

Government are at present satisfied with the standard of cleaning and maintenance but have the right to cancel the contract should the contractor fail to provide the service in a proper manner.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1995

THE HON LT-COL E M BRITTO:

Will the Minister say whether that last sentence has been carefully worded in saying that Government are satisfied with the cleaning and the maintenance but he has given us a whole list of things which include weeding and cutting back of trees and boundary walls, are they satisfied that all the terms of the contract are being satisfactorily done?

HON J E PILCHER:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

Has the Minister, as I invited him to do when I asked Question No. 193 of 1994, been down to the cemetery himself for a visit and has he taken the Head of Department there as he promised he would do?

HON J E PILCHER:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

Is the Minister personally satisfied that the terms of the contract are being complied with?

HON J E PILCHER:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

I put it to the Minister that the weeding and the cutting back of the grass that is completely overgrown is not of a satisfactory standard. Can the Minister say when was the last time that the pathways were cleaned up of weeds that are overgrown and when was the last time that the grass was cut back?

HON J E PILCHER:

No, Mr Speaker, the Minister cannot say that. What the Minister can say is that he explained at the last House of Assembly meeting, the difficulties related to the weeding and in general terms, with one exception that is the pathways which need to be resurfaced and I have already spoken to my hon Colleague, the Minister for Government Services, in general terms I am quite satisfied that the contract is working as it should do.

ORAL

NO. 35 OF 1995

THE HON LT-COL E M BRITTO

STREET MARKET

When will Government relocate the Street Market?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government will continue discussions with the Street Market operators once the area known as the Fish Market is made ready. This is expected to be around April of this year.

SUPPLEMENTARY TO QUESTION NO. 35 OF 1995

HON LT-COL E M BRITTO:

Will the Minister say, to his knowledge, not with him as a Minister but with the GSLP Government, for how long these discussions to relocate the Street Market have been taking place?

HON J E PILCHER:

Certainly since we came in.

HON LT-COL E M BRITTO:

Can the Minister now say, hesitant as he is as he said earlier to put time-scales to anything, that he expects to relocate by April?

HON J E PILCHER:

No, what the Minister said was that the Government would continue their discussions with the Street Market operators once the area known as the Fish Market is made ready. This is expected to be around April of this year.

HON P R CARUANA:

Does that mean that in the mean time discussions will not take place? The Government are going to wait for the building to be ready to start discussions?

HON J E PILCHER:

No, Mr Speaker, I will give the hon Member a little bit of the background. We have a tentative agreement with the Street Market Traders Association that they will move down to the Fish Market but obviously that tentative agreement can only be proceeded with once the area is ready. What the final outcome of that will be, obviously, I am not in a position to say until the old Fish Market is ready but we have a tentative agreement with them, yes.

HON LT-COL E M BRITTO:

Can the Minister say how many licences are currently in force?

HON J E PILCHER:

No, like I said to his hon Colleague, I have no difficulty at all in making that available to him but I would say somewhere in the region of about 14 to 16.

NO. 36 OF 1995

THE HON F VASQUEZ

MAIN STREET BEAUTIFICATION

Will Government make a statement about the current Chamber of Commerce plans to beautify Main Street and how it is intended that this will be financed?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir, as the questioner rightly states, these are plans prepared by the Chamber of Commerce and is therefore their prerogative as to the timing of any statement. The system to be used to finance this project is presently being discussed by the Chamber and the Government. Any contribution by the Government will be reflected in estimates for the Improvement and Development Fund for next year.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1995

HON P R CARUANA:

Does the Minister believe that the part of the financing that is not being provided by the Government will need to be raised through some legal mechanism or do they, on the other hand, believe that it is money that the Chamber needs to raise itself from its own members?

HON J E PILCHER:

The system to be used to finance this project is presently being discussed by the Chamber and the Government.

HON P R CARUANA:

I am not asking for details of the system which he cannot possibly give me if it has not been established. I am asking the Minister to state what the policy of the Government is or what the preference of the Government is. Is the Government's position that as this is a contribution from the Chamber it should be raised by the Chamber or are the Government willing to make available a legal mechanism to collect that contribution from the traders?

HON J E PILCHER:

This is, in fact, one of the areas of discussion with the Chamber, Mr Speaker.

NO. 37 OF 1995

THE HON LT-COL E M BRITTO

ATTORNEY-GENERAL'S RESIDENCE

Why and on what terms does the previous Attorney-General continue to occupy his official Government residence?

ANSWER

THE HON THE CHIEF MINISTER

There is no such thing as an official residence for the Attorney-General. The officer in question had a tenancy agreement linked to his contract and this is being honoured.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1995

HON LT-COL E M BRITTO:

Is it not correct to say that the previous Attorney-General's contract has been terminated some time back?

HON CHIEF MINISTER:

It was not terminated by us. The Attorney-General, as was made public, tendered his resignation over a difference of views which had nothing to do with us and as far as we were concerned, since the tenancy agreement with us was for the length of the contract we were prepared to let him remain in his home till the end of the contract and then at the end of the contract we will decide what we are going to do with the property.

HON P R CARUANA:

But the fact remains, firstly, does he not accept that the contract was not with him and, secondly, there is a tenancy agreement between the Government to make a residence available in Mount Road for the duration of the contract, that has already expired and therefore what I want to know is on what basis the Government Members engage in grace and favour with public assets and on what terms they have done so.

HON CHIEF MINISTER:

Whether it is a grace and a favour or it is as I have described in honouring a commitment that the man was given when he arrived in Gibraltar is a matter of judgement. If the hon Member wants to know what is the position; the position is that we told the Attorney-General when he had his difference that he would be able to stay in the property for the duration of his original contract and that is something for which I am taking full political responsibility and that is it, he likes it or he does not like it but he is getting a straight answer.

HON P R CARUANA:

But the duration of his original contract has expired because he resigned. He was not sacked, the man resigned. I accept a job, I get a contract, a house goes with the job, I resign and then the Government says, "Although you have resigned you can keep your house until the duration of the contract". Well, the answer is that the duration of the contract is over and therefore it is pure grace and favour, it is not a matter of interpretation.

HON CHIEF MINISTER:

What is the question, Mr Speaker, the hon Member wants to know?

HON P R CARUANA:

Given the circumstances that I have just described, is it not clearly a matter of grace and favour?

HON CHIEF MINISTER:

No, Mr Speaker, it is not clearly a matter of grace and favour. It is clearly a matter which the Leader of the Opposition wants to call grace and favour. As far as we are concerned the man had a tenancy agreement, we decided to honour that tenancy agreement and, in fact, we may well decide to give him a new tenancy agreement as landlords of the property, whether the hon Member likes it or he does not like it. If he does not like it he can go to the next election in 1996 and put in his manifesto that if he comes in he will make the former Attorney-General homeless in which case if he does get in Mr Corby can re-house him at North Gorge if it has not been knocked down.

HON P R CARUANA:

What I will tell the electorate in my next manifesto is that the Government consider the assets of the people of Gibraltar to be available to them for the purpose of grace and favour and that contrary to the treatment that they give to local senior civil servants, when it comes to a particular civil servant that they like.....

MR SPEAKER:

Order, order. You must put a question. We all know the background.

HON P R CARUANA:

The question is, is it not a fact that that is what the Government are doing?

HON CHIEF MINISTER:

No, Mr Speaker, it is not a fact. There is not one single instance, to my knowledge either in the present administration or in any previous administration, of any single civil servant having been evicted because of the termination of the contract so I do not know what he is talking about grace and favour.

HON P R CARUANA:

Short-term contracts?

HON CHIEF MINISTER:

Yes, short-term, long-term or lifelong, never ever.

HON P R CARUANA:

They go?

HON CHIEF MINISTER:

Whether they go or they do not go what I am telling the hon Member is that there are people who have gone and that were not put out on the streets and therefore all that we have done..... *[HON P R CARUANA: Who?]* Well, I do not think it is relevant to mention the names of people.

MR SPEAKER:

Order, order.

HON CHIEF MINISTER:

I am making myself responsible, Mr Speaker, for the accuracy of my statement which is what the Leader of the Opposition has to do if he makes statements. *[HON P R CARUANA: And I do.]* I am telling the House that as far as I am concerned it is not a grace and favour, as he chooses to call it, but as acting as we believe we need to do in the circumstances of this case where the man abruptly..... for reasons that are not entirely public because the parties concerned chose not to make them, and if he wants more information then he should go back to the Governor whom he went to see at

the time of the resignation. But as far as I am concerned, since the man, from the Government's point of view, had no dispute with us therefore we decided we would let him stay in his home for the duration of his original contract. That is the position. The hon Member may not like it, well I am afraid political responsibility means that we are charged by the people of Gibraltar in a general election and paid to take decisions and exercise judgement on how the assets that belong to the people are used. That, Mr Speaker, is what our job is. Our job is to exercise that judgement, not to do what he would like.

ORAL

NO. 38 OF 1995

THE HON P R CARUANA

DELEGATION OF POWERS : INCOME TAX ORDINANCE

Who made the decision to delegate all the Commissioner's powers under Parts 1 - 6 of the Income Tax Ordinance (except Section 94) to Gibraltar Information Bureau Ltd and who made the decision to partially reverse that delegation?

ANSWER

THE HON THE CHIEF MINISTER

The Government took both decisions.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1995

HON P R CARUANA:

Will the Chief Minister say which member of the Government or will he say whether a meeting of the Council of Ministers was convened for the purpose made that decision?

HON CHIEF MINISTER:

The Government take full collective responsibility for all the decisions but as the elected head of the elected Government the final responsibilities rest with me and I accept them totally and fully.

HON P R CARUANA:

Will the Chief Minister say, given that things that are written in the Gazette a matter about which I constantly complain, become instant law in Gibraltar and given that it was in such a particularly delicate area, why he, as the man politically responsible, failed to ensure that matters which he says the Government did not intend managed to find their way onto the statute book of Gibraltar? Is it not sheer recklessness with the laws of this land?

HON CHIEF MINISTER:

No, Mr Speaker. I accept that he constantly complains, he spends his life moaning but if I were to listen to all his moans I would have no time to do anything else. The position is as I explained to him in answer to Question No.121 of 1992 when he first complained about the original one, the original notice which is what it now reads as again, caused the hon Member to complain. *[HON P R CARUANA: Not so.]* Yes, Mr Speaker.

HON P R CARUANA:

It is not true that the original notice reads the same as it now reads. It is singularly not true, he knows that it is not true. There is a new paragraph about information.

HON CHIEF MINISTER:

The original notice was about the powers granted to Gibraltar Procurement Ltd and the hon Member in Question No. 121 of 1992 asked for a statement concerning the proposed functions of Gibraltar Procurement Ltd and I explained to him in Question No. 121 of 1992 that Gibraltar Procurement Ltd was acting as the collection agent for arrears of PAYE. The hon Member then said to me, "If that is all that they are being required to do which is simply to act as a collection agent and is something as innocent as that" - those were his words - "then why is the notice providing such wide powers?" And my reply to him, on the 30th April 1992, was that I was advised that those were the powers that were needed and that it might well be that if we did not have those powers we might finish up with some clever lawyer challenging the information that we were seeking to obtain to collect backdated PAYE. It so happens that this year such a clever lawyer, ie Messrs Triay and Triay, did precisely what I predicted in 1992. On the basis of that, the Government said, "What other powers do we need that we have not already got?" Therefore the original notice, which is still only to collect PAYE that employers have taken from employees and pocketed, that is all we are trying to do. But, of course, we get challenged by the legal representatives of those employers. Therefore after the matter was raised by the hon Member I went back again over the wording of the first amended notice and I asked, "Is it really necessary to have this range of things or are we not giving the impression that we are doing as the Leader of the Opposition claims which is transferring the entire administration of the Tax Office to Gibraltar Information Bureau?" And the reply was that what was really needed was the need to get information. Let me say that the first half of the notice I subsequently discovered did not need to be gazetted at all, we would have done without even gazetting it. So what we have done is we have put back what was there originally which was defended in 1992 in this House when the hon Member raised it and there is a requirement to provide information and the only area that is delegated is the collection of arrears of PAYE taken by employers from employees which we are trying to get employers to hand over as they should to the Government.

HON P R CARUANA:

And I ask the Chief Minister to accept from me that that is simply not true. If the Chief Minister believes that Part 5 of the Income Tax Ordinance deals only with the collection of arrears then he either does not understand what he has done or has not bothered to read the Ordinance or worse, he is misleading this House today. The fact of the matter is that Part 5 of the Income Tax Ordinance, short of dealing only and short of being necessary just for the purposes of collection of arrears of PAYE stolen by unscrupulous employers represented by the Leader of the Opposition's law firm. All those smoke screens, Mr Speaker, do not correct the factual nonsense that the Chief Minister has just treated this House to. Part 5 of the Income Tax Ordinance is the principal working part of the Ordinance. It deals not just with the collection of PAYE arrears, it deals with the raising of returns, it deals with the consideration and demand of assessment, it deals with appeals, it deals with repayment of tax and it also, in one small section, deals with collection. If the Chief Minister intended only to delegate to a company which lives at No. 6 Convent Place and of which he is a director, if he intended to delegate to such company only the power to collect arrears of PAYE from unscrupulous tax payers, why on earth did he not just delegate the powers under the particular sections dealing only with collection of tax? He has not, I will not allow him to continue to mislead this House and the people of Gibraltar for any longer on this issue.

HON CHIEF MINISTER:

I am not misleading the House. *[HON P R CARUANA: Yes, he is.]* I am not misleading the House because that is precisely the argument that he used virtually two years ago to the word and if I had been misleading the House two years ago when he used the same argument then the practice in the last two years would have demonstrated that something else was taking place and nothing else has taken place other than employers are approached only when they have failed to deliver directly, it is not that the collection agent automatically gets every case, it is that when the Tax Office sends reminders to people and they are not able to get them to deliver then they say to the collection agent, "Go for this particular individual". When the hon Member said to me in 1992, "On the basis of the regulation passed it goes beyond the perfectly innocent point that the Hon Chief Minister has explained and which I accept is the position today". Well, all I can tell him is in 1994 it is still the position. That is all that is happening and I can give the hon Member an undertaking that if at any stage the company was asked to do something else I would come and announce it in the House. I am told that the best way to do it is the way we have done it. As far as I am concerned the methodology in the notice is to enable us to achieve the objective of collecting PAYE in the cases where the Commissioner of Income Tax requests the collection agent to chase a particular recalcitrant payer. That is all that has happened since day one, that is all that is happening today and that is all that it is intended should happen in the future.

HON P R CARUANA:

In that case I must ask the Chief Minister again why the delegation of powers was not limited to that because I am not concerned with the use that they put the new law to which could change every day of the week depending on what the Chief Minister has had for breakfast, I want to know what powers the law actually delegates and that is what I am commenting on, not on what they have actually done with it since 1992 to 1994 but what they could do if tomorrow they decided to do it. What I am saying is that the powers delegated, in other words, what he and his fellow directors of Gibraltar Information Bureau could do tomorrow is all the things that the Commissioner of Income Tax could do under Part 5 which leaves collection of arrears into an insignificant and a boy scoutish activity by comparison.

HON CHIEF MINISTER:

First of all, it must be obvious to the hon Member that if we wanted to do that we could do it anyway because we have got the majority in this House to do it whenever we wanted, we do not need to go into any roundabout way to do it. We have chosen not to do that. The question that the hon Member put is the same question he put in 1992 and I can only give him the same answer except that today I can tell him as I told him at the beginning that, in fact, my fears in 1992 when I said, "I am not qualified to say but I am told that we might go through a long procedure and finish up losing the case because of some lawyer defending the other side that is the party we are trying to get the money out of, might be able to argue that we have not given ourselves enough power". It so happened that when Gibraltar Procurement sought information in this particular case that I think owed £9000 of PAYE the reply that they got was that they did not have the power and I said, "OK, if the legal firm representing this particular taxpayer says we have not got the power to be able to obtain what we need in order to be able to collect the money then we should get the power". It is as simple as that, they may be right. "Maybe technically we have not got the power, well let us get it". That is what we have done, as far as I am concerned. The proof of the pudding is in the eating and I challenge the hon Member to demonstrate that anybody has received an assessment or anything else other than to say, "You have got to pay the PAYE that you took from your workers".

MR SPEAKER:

One more question and no more.

HON P R CARUANA:

By the Chief Minister's logic, if he gives to himself the power to murder blue eyed babies within three days of birth the fact that he actually does not makes the law all right? The fact that he actually does not murder any blue eyed babies makes the law giving him the power OK because he actually has not chosen to do it? Just for the record, Mr Speaker, and this is a point of order, three times the Chief Minister has said that I have asked the same question as in 1992. I have not asked the same question as in 1992. My question does not deal with the subject matter of the delegation at all, a matter which he has conveniently chosen to ignore. My question asks and seeks to probe the Government as to why on a matter that he says the Government takes collective responsibility and collective decision it was necessary for them to change their minds inside of five days because I want to know who has the power in Gibraltar to scribble laws in the Gazette on a Thursday morning that the rest of us have to live by which are not intended by the Chief Minister and I want to know who has that power and why it was necessary to backtrack. That is the subject matter of my question, not the subject matter of the delegation with which I dealt in 1992.

HON CHIEF MINISTER:

This is not correct, Mr Speaker. The question that he has asked me is if we are only using the company to collect PAYE, why do the powers in the notice go beyond it? And I have given him the same answer as I gave him in 1992. *[HON P R CARUANA: Mr Speaker, read the question.]* I am not talking about the original question. The original question was, "Who is responsible?" That was the original question. I am talking about the subsequent questions when he has gone rushing off the book in the corner to read the section out to me.

HON P R CARUANA:

I did not say, "Who is responsible?" I said, "Who made the decision?", that is the question.

HON CHIEF MINISTER:

The notice in the Gazette, Mr Speaker, is not legislation. I think if he does his homework he should find out that in the section simply is a notice informing what we have done. The power is in the original Ordinance.

HON P R CARUANA:

The delegation does not take effect until it is gazetted, it is law when it is gazetted and therefore the notice in the Gazette is called a Legal Notice, does he not know it, it makes it law.

HON CHIEF MINISTER:

I am telling the hon Member that we are not changing the law. I am telling him that without notice in the Gazette the delegation of powers exists already.

HON P R CARUANA:

And I say no.

HON CHIEF MINISTER:

And I say yes.

ORAL

NO. 39 OF 1995

THE HON H CORBY

OLD AGE PENSION SCHEME

What opportunity currently exists for members of the former Government Old Age Pension Scheme to complete any gap in their contribution record?

ANSWER

THE HON THE CHIEF MINISTER

As the hon Member is no doubt aware, all the Spanish workers that stopped contributing to the Fund at the closure of the frontier were members of the scheme. There can be no opportunity for them to contribute now to complete the gap in their contribution record subsequent to the closure of the frontier, since this would be something that would have to be agreed by the UK Government who has been financing their pensions payments and who would have to meet any increased liability.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1995

HON H CORBY:

I am talking here, I think it was in 1955 when it was not legislated that firms or businesses or banks had to pay the contribution to the Old Age Pension Scheme, there was a gap of about five years, which the AACR then said one could pay the arrears on that gap. People either could not afford it at that time or were not aware of the repercussions that that would bring insofar as the pensionable age was concerned and having a reduced pension at the end of that day. This is what I am referring to.

HON CHIEF MINISTER:

In order for somebody to have a gap in their contribution record, they must have a contribution and they must have belonged to the scheme at some stage. If they have never belonged to the scheme it is not a question of them having a gap, it is that they have never been in it. If we were, in fact, to seek to legislate to allow Gibraltarians to make late contributions to cover their gap but not Spanish nationals, we would in fact be open to being accused of discriminating between different members of the scheme on grounds of

nationality. In fact, in the court case we have pending for judicial review with Messrs Triay and Triay, I can tell the hon Member, he may not know it but I can tell him that we are already in an affidavit being accused of having altered the scheme in order to discriminate against the Spaniards and protect the Gibraltarians and as part of that affidavit I can tell the hon Member that statements that I have made in this House are already being reproduced as evidence of our willingness to discriminate. So there is no question that we are not willing to discriminate, I have to tell him quite clearly that there is nothing that I can do that discriminates against Spaniards and favours Gibraltarians.

ORAL

NO. 40 OF 1994

THE HON P R CARUANA

FLOKS EYE CLINIC

This is a question in which I declare a professional interest although it is a follow-up on a question that I raised before I had that interest as the Chief Minister knows.

Has the Government authorised the operation of an eye clinic by Floks ashore at Coaling Island or elsewhere in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1995

HON P R CARUANA:

Is the Chief Minister aware that there is such a facility currently ashore and that the clinic that used to operate on the ship is now said to have moved ashore? I can tell him it is not on the ship.

HON CHIEF MINISTER:

I am not aware that they are running an eye clinic ashore but if they are running an eye clinic ashore it is totally illegal. That is all I can say because as he knows from the meeting that we had when he came to see me in a professional capacity, I told him that the position of the Government was that we would not allow people to operate ashore professionally unless they were able to demonstrate to us that their qualifications were recognised in the UK or elsewhere in the EEC. We would not take the responsibility in Gibraltar of validating non-EEC qualifications because I think we would be opening ourselves to a liability and I am not sure that we are, in fact, equipped in Gibraltar to be able to sort of examine ophthalmologists and give them a test.

NO. 41 OF 1995

THE HON P R CARUANA

TAPPING OF TELEPHONE

Will Government request His Excellency the Governor to publish the police report on the reported phone tapping of a senior police officer's telephone?

ANSWER

THE HON THE CHIEF MINISTER

I am not aware that His Excellency the Governor has been given a report by the police on alleged phone-tapping of a senior police officer's telephone. I have not been provided with a copy of any such report. I will enquire from His Excellency the Governor what the position is.

SUPPLEMENTARY TO QUESTION NO. 41 OF 1995

HON P R CARUANA:

Just to be clear, I am not saying that I suspect that there is a report on His Excellency's desk. The question is formulated in that way, of course, because although this House votes the funds for the police there is no constitutional responsibility for the House or, indeed, by Government Members for the police and therefore if a report of the police's internal enquiry were to be made public it would have to be either by the police voluntarily or by the police under the direction of His Excellency the Governor. What I am asking the Chief Minister is whether he accepts that given that this House has a financial responsibility for the police; given that as the elected representatives of the people of Gibraltar we have a legitimate interest in the confidence and indeed the anxiety that the citizens of Gibraltar could have in relation to any matters affecting the police, whether he would not consider it as a matter of interest and relevance to this House to know what is discovered eventually about that incident and more particularly that it should not be in any shape or form simply swept under the carpet?

HON CHIEF MINISTER:

Well, the way the question is drafted, is drafted on the premise that there is a report in existence because the hon Member is asking me to request the Governor to publish the police report so he is working on the assumption that there is a police report. I am telling the Opposition Member that as far as I am aware the police report does not exist so I cannot ask the Governor to publish something that does not exist. But I will find out if there is such a report. If there is and if it has gone to the Governor it certainly has not come from the Governor to me, that I can tell him. Otherwise the answer would have I would

have the report and then I would decide whether it was in the public interest to publish it or not but that is not the case. Certainly it seems a very peculiar thing that the police should start tapping each other unless they have run out of other people to tap and they have now reduced to tapping each other. The only other alleged tapping that we know of in this House is when Mr Cumming claimed that he was being tapped and I passed that particular titbit on to the police and that came back with a negative answer. I know that, for as long as I have been in politics, as we have all been through periods of paranoia when we have all felt tapped in this House at one stage or another. But certainly unless the Governor or the British Government because of security or whatever feel very strongly about it, I think yes, that people should have an explanation in public as to what has gone on.

ORAL

NO. 42 OF 1995

THE HON P R CARUANA

PRICE WATERHOUSE REPORT

Will Government lay before the House the Price Waterhouse Report on the police commissioned by the Principal Auditor?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker, the report is an internal document which assesses the value for money of the different aspects of the Police Department.

The report basically identifies a range of responsibilities carried out by the Royal Gibraltar Police which do not strictly require police expertise - at least in the opinion of the people who carried out the audit - and could therefore be done at lower cost if contracted out. The savings would only materialise if there was a consequential reduction in the police force. Obviously that is a matter of policy which the report does not address.

The matter is currently being considered and prior to any definite decision being taken, the Police Association will have an opportunity to put forward their views.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1995

HON P R CARUANA:

Does the Chief Minister not think it odd that the Police Association should be given a sight of the report in order that they should express their views but the Parliament of this community should not? In other words, the Chief Minister has said that this is a value for money report. Neither Government Members nor anybody else in this House has any legal, political or constitutional responsibility for any aspect of the police force except that we vote the money to fund it. Therefore, precisely because it is a value for money report and this House - not Government Members - collectively through the Appropriation Bill and the appropriation mechanism vote the funding, precisely for that reason and precisely because it is a report commissioned by the Principal Auditor whose function it is precisely to conduct that sort of enquiry to make sure that public moneys are being used as effectively and efficiently as possible or at least not being abused, and given that Opposition Members have got to form a view when we come to, for example, the next Budget session as to what funds we voted or do not vote for the police; on what basis does the Chief Minister justify not exposing to

this House a value for money report on the police and does he not, finally Mr Speaker, as a second question although whenever I ask two questions I either get the answer to none of them [*HON CHIEF MINISTER: He has asked about 20 already.*] or certainly not to both of them. Finally, if the Chief Minister can retain more than one question in his memory, does he not....

MR SPEAKER:

Actually, it is out of order to ask questions two at a time but go ahead.

HON P R CARUANA:

Does the Chief Minister not consider it extraordinary in the context of the way politics works in any western European country, that the Government should even contemplate a restructuring of the police and that the Parliament and the people, there should be no public knowledge of the base of the report upon which the proposed decisions are intended to take place? Does that not strike him as peculiar?

HON CHIEF MINISTER:

I am not sure that I have to answer what happens in every other country in the world except this one. I can tell him that I do not find it extraordinary in the context of this particular Parliament in all the years that I sat where the Opposition Member is sitting. That is to say, that the previous Government when they had internal management reports on internal structures, they brought to the House what they decided to do about implementing it and not what they discarded. Therefore what we will do is what every Government does to my knowledge everywhere, that is that having got a set of possible options put to us, we will then take the political responsibility for accepting the options that we feel can or should be implemented to the extent that in implementing a particular option it can have a direct impact on the people employed in the department we will do what is normal which is to consult the employees about the effect it has on them. Therefore it is not a question that the Police Association will be given a copy of the report, again it will only be if we decide. Let me give the hon Member a particular example which is not necessarily what we are going to do, let me make it that clear, but for the purpose of illustrating what I am talking about. If the Principal Auditor suggests that the ambulance service should not be run by the police, which is something that has been under consideration for as long as I have been in the House since 1972, and we consider that that makes sense because an alternative can be found to run the ambulance service which will save us money, clearly the saving can only be if we do not simply retain all the police officers that are now running the ambulance and keep them all to do something else otherwise there is no saving, in fact, there is an additional cost and there would not be any question of value for money because it would not be that we are running the ambulance service cheaper, it is now that we are running the ambulance service as an additional cost whereas at the moment it is part of the cost of the department. So whereas the people

that are looking at the different functions and looking at the different functions on the basis implicit that if we can do, say, 90 per cent of the work of the police force with non-policemen, we can save 90 per cent of the cost of the Police Department we do not think that that is something that we politically can support and therefore we cannot simply look at it arithmetically. We have to look at it in addition to the variety of things that policemen do and not just one because the policeman that may be running the ambulance in a situation where there is an emergency may have to leave the ambulance and do something else. So we have to look at the strength of the force and the role of the force quite apart from any savings that there may be. Therefore we have not ourselves come to a conclusion as to whether any of it at all is going to be implemented but when we come to the conclusion that there is one particular element then we will discuss with the Police Association what that means in terms of the resources we are removing and what resources we ought to put back. Then when we decide that that is what we need to go ahead with it will be reflected, of course, in the money that has to be voted by the House for the Police Department. If we decide that there is no change required then we will not be asking the House to vote any differences in the Budget of the Police Department so the question will not arise.

NO. 43 OF 1995

THE HON LT-COL E M BRITTO

PRIVATISATION OF THE PUBLIC SERVICE

Will Government give a full list of all Government department functions that have been privatised or contractorised or otherwise transferred out of the direct control of the public service since 1988 and give the name of the company in whose favour such privatisation, contractorisation or transfer has occurred?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker. To provide this information would require the diversion of administrative resources to identify every single change that has taken place since 1988 and the Government are not prepared to undertake such an exercise.

I can nonetheless give the Opposition Member the overall effect in general terms of the policy that has been implemented since 1988 and on which the Government was re-elected in 1992 and which it will be defending in the next general election.

Taking as a baseline the position which existed in the provision of public services in March 1988, the Government embarked on a programme of restructuring public services in order to improve the efficient use of resources.

This was done mainly by internal restructuring within the public service and the transfer of functions from one area to another. This process is a continuous one. It will continue to be reflected in the annual changes in the estimates of expenditure. Of the tasks performed by civil servants in March 1988, some 85 per cent continues to be done by civil servants although grouped in restructured departments and with less manpower as a result. Another 10 per cent of these functions has been contracted out. This means that the functions have remained as a provision of the service by the Government but instead of using direct labour, a contractor is required to deliver the service. Most of the work in this area is being undertaken by former civil servants who either set up their own company as part of the contracting out or are being employed by a company which is 100 per cent Government owned.

The remaining 5 per cent has been privatised and is being carried out by joint venture companies. In this area the service to the consumer is no longer a Government function and the consumer pays the company for the service provided. Virtually all the employees of these joint venture companies are the former civil servants who were already providing the service.

The objective of this policy has been to achieve better utilisation of manpower which in turn has been reflected in one or more of the following benefits:-

1. Improved income for the former civil servants
2. Improved service to the consumers
3. Better resource management by the Government reflected in keeping public spending under control.

The policy of the Government is to continue with the contracting out process wherever opportunities arise. As I have said previously the scope for this is limited, it may be of the order of another 5 per cent. There are no plans for any further joint ventures.

Needless to say, in all these changes since 1988 the move of civil servants from Government employees to becoming contractors has been done on mutually agreed terms by negotiation with the individuals concerned and it is intended to continue to proceed on this basis in any future areas where opportunities for contracting out may develop.

The recent changes in some of the administrative aspects of the Housing Department mentioned in Question No.29 of 1995 are the latest example of this.

SUPPLEMENTARY TO QUESTION NO. 43 OF 1995

HON LT-COL E M BRITTO:

Am I right in saying that so far all Government services that have been contracted out have been physically contracted to a different entity outside the Government?

HON CHIEF MINISTER:

I am not sure what the hon Member means by physically contracted to a different entity outside the Government. If it is not outside the Government it is not contracted. There is therefore a contract between the supplier of the service and the Government. In the terms of that contract quite often in the majority of cases where we have had the person undertaking the contract who may then employ some other people but in most cases the people who started the contract were the people who were in the department doing it. So we have had situations where there might have been, say, 10 people on a

particular function and half of them were interested in setting up the business and contracting the work. We have made it a voluntary thing so that the people who wanted to go went outside the Government and those who did not want to go stayed with the condition, of course, that they could not stay where they were doing what they were because the work that they used to be doing had disappeared. We have given them personal to holder terms so that they retain their grading and their pay but they are moved to a different department to do something else. The people who then leave sometimes take on additional manpower from the unemployment list because the numbers that go may not be enough to take on the work that we are contracting out. Where the contracts have been initially negotiated with the people in the department then we have given them a fairly long contract as part of the security that they needed before they have to compete for their own work so that they are used to being in the business and therefore it is only at the end of that period that they would have to get the work by competitive tender. So one of the fundamental differences in the way we are doing it, for example, from what the MOD is doing it, is that the MOD expects its own employees to have to bid in competition with other people for the contract from day one and that quite often puts them at a disadvantage because they have not got the background to do it of the commercial world and they are not able to put the package together as well as somebody from the outside. So far, for example, very few of the contracting out work of the MOD has gone to the workers of the MOD because they have not been competitive. It may well be that the way we are doing it produces initially a higher price than if we went out to require competition but obviously we do not go down that route unless the cost is within the money that we were spending already. If there is no saving to the Government than we do not do it.

HON LT-COL E M BRITTO:

I thank the Chief Minister. That indeed answers the question to what I meant by contracting the services out to people outside the Government. My question now is, Mr Speaker, is it the intention of the Government now, as a furtherance of this policy, similar to what they did with the auditing services when they contracted in certain auditors to carry out audit functions that would previously have been done by civil servants, is it part of this policy to bring in workers from external companies contracted into Government to carry out functions being done by civil servants at the moment?

HON CHIEF MINISTER:

No, Mr Speaker, there is no question of a contractor being brought in, for example, and having a hybrid department if that is what the hon Member is suggesting. Either the thing is being done within the Government by Government workers or there is a package which can be identified which can be taken out. So if we look, for example, at when we started off in 1988 there was the Public Works Department which was a huge department with lots of different functions. Well, for example, theoretically, if we look back at 1988 it might have been possible had the proposal then existed, to get something

like the Public Works workshop that repairs vehicles to be taken out of the Government and the people concerned running it as a company. That did not happen so I am picking an example that did not happen to illustrate how we would have been able to take it out of the Public Works and keep it as a separate section. But it would not have been possible to keep the Public Works workshop in the Government with some people in it being private employees and some people in it being Government employees and that is not what is being done. Even in the audit where we have used private auditors, the private auditors have been working to the direction of the Principal Auditor and we tried it out for a number of years and, in fact, hon Members will see that this year we are going back to using our in-house auditor because we have come to the conclusion that we were getting a better result from our own in-house auditors than by farming it out. We tried it, we are not impressed with the results and we are going back to the original system.

ORAL

NO. 44 OF 1995

THE HON P R CARUANA

REPRESENTATIVE IN LONDON

Do the Gibraltar Government have a representative in London?

ANSWER

THE HON THE CHIEF MINISTER

The Government have an Information Bureau in London.

SUPPLEMENTARY TO QUESTION NO. 44 OF 1995

HON P R CARUANA:

Yes, that is public knowledge. There have been reports in the press recently of the recently decorated Mr Poggio and I suppose one ought to take this opportunity to extend our congratulations to him but he is now being described as the Gibraltar Government representative which is a phrase that the Chief Minister will have heard before, for example, in relation to that lady who represents the Falkland Islands in London who is called the Falkland Islands representative. In that context is he, the head of the Gibraltar Information Bureau in London, known to the Government as the Gibraltar Government's representative? And if so, does he have any legal authority and does he enjoy any discretion to bind the Government to conduct affairs on behalf of the Government or is he just an agent that acts?

HON CHIEF MINISTER:

The manager of the Bureau in London obviously represents the Government on lots of occasions in London. I am not sure whether the fact that he has been in the New Year Honours List is best described as he has been decorated since that seems to me to make his sound like a Christmas tree but I can tell the hon Member that, in fact, the other dependent territories that have offices in London and where at the moment we are working through the association all have their people in London constantly used as a sounding board by the Foreign Office with the initiative having come from the Foreign Office rather than from us and we are a late entrant into this situation. I think before 1989 when we were just simply concerned with using the London Office for tourism this was less the case although it always had, I think, a function for Gibraltarians of being used almost as our embassy, if one likes, when somebody was in trouble they did not go running to the Foreign Office, they went running to the office in The Strand for help. This has been case for years with giving help and advice to sponsored patients, students and that

kind of thing. That always happens. I think what is true today is that, for example, the UK press tend to go direct to the London Office rather than coming to Gibraltar for information which seems to us a legitimate thing and the Foreign Office tends to make use of our office in London to make contacts sometimes but I think they do it less, frankly, than they do with the Falkland Islands and Bermuda and the Caymans.

HON P R CARUANA:

I am grateful to the Chief Minister. My question actually was quite a lot more semantic than that in the sense that I was really aiming at whether there had been a conscious decision on the part of the Government to restyle the manager of the Gibraltar Information Bureau regardless of what he does as the Gibraltar Government representative in London as opposed to the General Manager of the Gibraltar Information Bureau. In that semantic context has there been a re-labelling of the position?

HON CHIEF MINISTER:

Not really. We do not, as a Government, tend to give a great deal of importance to medals or formalities or pips or gold braid on a cap and therefore as far as we are concerned he is doing a good job for Gibraltar in London and we tend to say to people, "He is our man in London if there is any information you need, whether it is about investment or anything else", then we find that the office in London is put to best use if people know that it is accessible and that they can get whatever assistance they want. If Albert Poggio is not sure what the answer should be then he gets back to 6 Convent Place for us to supply the information from here.

ORAL

NO. 45 OF 1995

THE HON P R CARUANA

GIB OFFICES

Where do GIB Offices currently operate from; from what source have they been funded and in what amount, in respect of each office, since its establishment?

ANSWER

THE HON THE CHIEF MINISTER

There are two Gibraltar Information Bureau Offices currently operating, one in London and one in Washington which are funded by the Government. Other offices in other parts of the world are funded by private firms in the relevant countries who are involved in promoting and generating inward investment into Gibraltar and there is no direct Government involvement in any of these.

As regards the two offices, the current budget in this year is of the order of £125,000 each. The amount since the establishment of the offices has been that order of costs has not changed very much from year to year since 1989. The comparable operating cost for the London Office alone in 1987/88, when it was just operating for tourism purposes excluding promotion and advertising, was of the order of £175,000. It has therefore been possible for the London Office to carry out its present work within the cash ceilings in line with other Government expenditure over the period.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1995

HON P R CARUANA:

Whilst I make no comment about the value for money of the London Office because it has so many different functions, is the Chief Minister satisfied that the Washington Office is proving value for money? If not, does he think that the cost of that plus a bit more might not be usefully employed in engaging for Gibraltar a public relations consultancy firm to co-ordinate Gibraltar's media public relations effort in the face of the onslaught to which we have recently subject?

HON CHIEF MINISTER:

Well, to be absolutely honest, Mr Speaker, I am not sure that we would continue with the Washington Office if we did not have Perry Stieglitz. I certainly think that the contacts that Perry Stieglitz has got as a former employee of the US State Department, the fact that he is recognised by the US Government as an agent formally of the Government of Gibraltar, the work that he does lobbying for us in a UN context in between my visits, as far as we are concerned all make it a worthwhile expenditure for a political objective. In a situation such as ours, frankly, it is the man that makes the job, if we did not have the right person it would not necessarily be worth it, we would review it if he was not there not otherwise.

NO. 46 OF 1995

THE HON LT-COL E M BRITTO

EU FUNDS

For what projects will the £9 million of EU funds for Gibraltar, recently announced by Mr Tom Richardson, be used?

ANSWER

THE HON THE CHIEF MINISTER

The amount of nearly £9 million referred to in press reports following Mr Richardson's visit in early December, is the amount shown in the Estimates of Expenditure as total project cost of £7 million which has been increased to £8.66 million or 11.5 million ECU. As was stated at estimates time, individual projects still need to be approved. When each new project is started it will be publicised in accordance with Community requirements. The EU contribution to the Objective 2 projects amounts to 5 million ECU or approximately £3.8 million.

NO. 47 OF 1995

THE HON P R CARUANA

BANKING SUPERVISOR AND INSURANCE SUPERVISOR

What obstacles exist to the appointment of a Banking Supervisor and an Insurance Supervisor?

ANSWER

THE HON THE CHIEF MINISTER

The Government are not aware of any obstacles existing to the appointment of a Banking Supervisor and an Insurance Supervisor.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1995

HON P R CARUANA:

I find that answer surprising and, indeed, a source of some concern. Presumably the Chief Minister is aware of the exchange recently in the House of Lords between Lord Merrivale, batting so to speak on behalf of Gibraltar, and the Parliamentary Under-Secretary of State at the Ministry of Defence Lord Henley, batting in a sense on behalf of the British Government, in which the non-appointment of those two officers is cited as the reason why the Chancellor of the Exchequer has not, according to Lord Merrivale and indeed to us in Gibraltar, yet delivered his side of the bargain which hon Members will recall involved us accepting and passing the Financial Services Ordinance contrary to our liking to give the UK Government control of it. When Lord Merrivale asked in relation to building societies which is the subject matter of the next question and therefore, Mr Speaker, if we cover the ground in this one I would simply withdraw the next question, but he says, "My Lords, my Rt Hon Friend" - I am quoting from page 1196 of Hansard in the House of Lords - "the Chancellor of the Exchequer will consider this issue further when all the provisions of Gibraltar's amended Financial Services Commission Ordinance are fully in operation." "My Lords, I thank my Noble Friend and Minister for his reply. Is it not a fact that the Gibraltar Financial Services legislation has been amended? That the Chancellor informed the Chief Minister in May that there would be four United Kingdom and three Gibraltarian members of the Commission and that Her Majesty's Government appointed the Commissioner on the 25th July? Therefore why is it that the assurance given to the Chief Minister in February in London have not yet been implemented?" It goes on, "My Lords, my Rt Hon Friend, the Chancellor of the Exchequer, applied two conditions. The first was the passage of the amended Financial Services Commission Ordinance, and the second was that the Commission and the Commissioner were operating effectively in accordance with the provisions. The first condition has now been met but we

still need to see evidence that the second condition is being fulfilled. I say to my Noble Friend that they" - "they" presumably meaning us or who - "have not yet appointed Banking or Insurance Supervisors. We want to see all of them in place in the Commission and be sure that they were operating effectively before my Rt Hon Friend goes ahead". My question is this, Mr Speaker, if that is what Lord Henley said in the House of Lords to Lord Merrivale on behalf of the British Government, if it is true that the appointment of a Banking Commissioner and an Insurance Commissioner is in our hands then obviously we are the obstacles. If, on the other hand, that has got to be appointed by the Commission and that the British Government have not yet appointed the majority of commissioners then it seems to me that we are in a cleft stick. They say that they will not honour their part of the bargain until we have appointed Insurance and Banking Supervisors which apparently cannot be done until they appoint the UK commissioners which they presumably have not yet done. Therefore will the Chief Minister accept that according to Lord Henley the obstacle is the non-appointment of Banking and Insurance Supervisors and who is responsible for that failure to appoint them?

HON CHIEF MINISTER:

First of all, Mr Speaker, I have got a detailed reply for Question No.48 from the hon Member. I accept that that appears to be the implication of the answer given in the House of Lords and if that is indeed the answer, as appears to be the case, then either Lord Henley did not have a clue what he was talking about or they have just invented another set of conditions that we have to meet because it is not one that has been previously spelt out. Certainly for mortgage indemnity insurance captives it seems a nonsense to say, "You require to have a Banking Supervisor in place". Thirdly, to my knowledge, we have a Banking Supervisor in place or on the point of being in place because the last time I had any information on that particular subject I was informed that a lady from the Supervision Department of the Bank of England was being seconded to Gibraltar to fill this post. Of course, it is true that the legislation provides that a person may be appointed as a Banking Supervisor and may be appointed as an Insurance Supervisor. It does not say, "A person has to be appointed" and the reason why it says, "A person may be appointed" is because, of course, whether the Commission or the Commissioner think there is a need to use the permissive powers in the legislation is dependent on whether they think the workload requires such an appointment. We have nothing to do with it, we did not even have before the changes, let me say, that they wanted us to introduce last year which we did, but even before that we did not interfere in telling them either to appoint or not appoint. I can tell the hon Member that there is no obstacle from the Government of Gibraltar's point of view. To my knowledge there is no obstacle from the Financial Services Commissioner's point of view. There may be an obstacle in that they have not decided that the appointment is required but, of course, I cannot really answer for what somebody says in the House of Lords, I have not got a clue what they are up to.

HON P R CARUANA:

The position of the British Government, and I do not know whether Lord Henley knows what he is talking about or not although I am entitled to assume that he speaks on the behalf of the British Government, he is the spokesman in the House of Lords on this subject, and asked by Lord Merrivale why the Chancellor of the Exchequer had not yet delivered his side of the bargain generally in relation to Gibraltar's financial services and it is not just building societies and mortgage indemnity, it is passport, licensing, recognition of Gibraltar banks, etc. The answer was, "Because they have not yet appointed Insurance or Banking Supervisors". Therefore it is implicit in that, that that is a pre-condition as far as they are concerned. Therefore if it is a pre-condition as far as they are concerned, I would like to know what is the blockage in effecting those appointments. Is it a blockage in Gibraltar or is it a blockage caused by London who have not yet nominated the commissioners to make the appointment?

HON CHIEF MINISTER:

The answer is, Mr Speaker, the answer that I gave to the original question. We are not aware that there is any blockage. All that I can tell the Opposition Member is that there is not a mandatory requirement. If we have got a law that says we may appoint a supervisor or we may not appoint a supervisor, then it makes a nonsense of that law if somebody in London says, "You will appoint a supervisory or else I will block your financial services". Because then what is the point of having a law that leaves it to the discretion of the Commissioner, it is not the Government that appoint the person it is the Commissioner that appoints the person and nobody has told the Commissioner not to do it. If he has not done it it must be because he feels there is no need to do it. All I can tell the hon Member is that to my knowledge when the question was answered in the House of Lords it had already been agreed who would be the Banking Supervisor and the person had already been selected so I do not know why they gave that answer. But I think my answer to the following question which will simply indicate the kind of no man's land we are engaged in in this area.

ORAL

NO. 48 OF 1995

HON P R CARUANA

GIBRALTAR REGISTERED BUILDING SOCIETIES

Have the Government any knowledge of when Gibraltar registered building societies will be recognised in the UK?

ANSWER

THE HON THE CHIEF MINISTER

The right to passport into the United Kingdom derives from the 1989 Second Banking Co-ordination Directive and it applies to all credit institutions without distinction including building societies.

I am not able to predict when the United Kingdom will recognise Gibraltar credit institutions and allow them to passport into the United Kingdom. Over the past four years, the Gibraltar Government has introduced all the necessary measures to satisfy United Kingdom and EU requirements but regrettably, as I shall now explain, it has become virtually a steeplechase with no finishing line in sight.

I was assured in September 1990 that the UK was prepared to notify the EU Commission that the competent authority for Gibraltar was the Financial Services Commission once the first Banking Co-ordination Directive and the Associated Consolidated Supervision Directive were implemented and the Banking Ordinance amended accordingly. In addition, preparatory work was required on the 1989 Second Banking Co-ordination Directive. This was done with the expert assistance of the Bank of England and by May 1992 Gibraltar's legislation had been amended and updated.

Having spent two years undertaking a comprehensive overhaul of the financial legislation, it transpired that Gibraltar was excluded from the UK regulations on the Second Banking Co-ordination Directive. We discovered this purely by accident and it was later confirmed that Gibraltar had been deliberately excluded. I was told that there was an on-going ministerial review looking into the question of banking and financial services generally in the context of the Single Market and that a decision on Gibraltar had not yet been taken.

I therefore took up the matter with Lord Bethell who wrote to the Minister of State and who received an answer to the effect that the UK Regulations were in draft form and that by December 1992 Gibraltar's credit institutions would have been included in the final version which would give effect to Community law on the 1st January 1993.

I was then told that Gibraltar could not be included in the UK Regulations because there was no vires, ie that there was no power under Section 2(2) of the 1972 UK Act to extend Community rights to Gibraltar institutions in the UK because the right was only given to other member States and Gibraltar was not a member State. This was discovered in December 1992, even though the UK had passed its own legislation on the European Community in December 1972, 20 years earlier. I was assured that this was a technical problem and that there was no intention to exclude Gibraltar. It would however, I was told, be some years before the necessary slot in the UK Parliamentary timetable - obviously not as flexible as ours - could be found to introduce primary legislation for Gibraltar for this to happen.

I sought independent legal advice from eminent counsel in the UK to establish whether there was scope for Gibraltar to be included by regulation. I was assured that the UK Government was committed to recognising Gibraltar's credit institutions and would have included us in December 1992 if it had been at all possible. The UK Government therefore welcomed my seeking legal advice to see whether it could be done without having to wait for amending primary legislation. The legal advice confirmed that Gibraltar could be included in the regulations. I submitted this to the UK Government but I am still awaiting a reply.

The matter was then reviewed during the inter-Government Ministerial Conference in London in February 1994. It was only at this stage that I was given a copy of a paper presented by the Spanish Government in November 1993 to the EU Banking Advisory Council which rejected Gibraltar's right to issue Community passport licences for banking and other financial services.

At the February meeting, the UK insisted on changes to Gibraltar's financial services legislation. We took all the necessary steps to satisfy UK requirements by May 1994. The UK Government have still to complete their own part of the agreement since they are required to appoint the members of the Financial Services Commission. This has not yet been done. There is no indication moreover that recognition for Gibraltar credit institutions will be forthcoming once the necessary arrangements for the appointment of members of the Financial Services Commission are completed. Parallel enquiries to secure Gibraltar's inclusion under the Mortgage Indemnity Insurance Captives Regulations, which is not an EU requirement and which is entirely in the gift of the UK, reveal that this will not be forthcoming until such time as the UK authorities concerned are satisfied with the progress over the activities of the new Financial Services Commission.

Following the changes in the Financial Services Commission and as a result of further enquiries on my part to trace the background to the Spanish position of November 1993, to which I have already referred, I was able to establish that there had been objections to Gibraltar licences on earlier occasions going back to the middle of 1992.

It is self-evident from the above that it is impossible to predict when Gibraltar's credit institutions will be recognised in the UK.

SUPPLEMENTARY TO QUESTION NO. 48 OF 1995

HON P R CARUANA:

It seems to me then that the finance centre in Gibraltar is in the clastic aforementioned by me. The position appears to be that we will not get the green light from the British Government until the Commission is up and running and according to Lord Henley makes two appointments, yet that cannot be until the UK Government appoint the majority of the Commission which they have not yet done and might not do. So how does the matter proceed from here as far as the Government are concerned?

HON CHIEF MINISTER:

Well, we have got a question on direct rule on the Order Paper, I am not sure if that is where it proceeds from here. All I can tell the Opposition Member is that the lengthy statement that I have given is to try to demonstrate how the goal posts have been changed periodically and when we thought we were there we then find we are not there. It is a difficult situation frankly because the credibility that we have in marketing the place is that if we tell people, we did not think the UK had the right to require that they should have a majority but we gave them the benefit of the doubt. Their argument was that it was in order to be able to say to people in the rest of the European Union they could vouch for the supervision in Gibraltar being as good as the supervision in UK because at the end of the day they had an overriding casting vote in the Commission. But, of course, the position at the moment is that having insisted that this was a matter that was so urgent that they actually wanted me to sign on the dotted line in February last year before I came back to Gibraltar which I refused to do, we are almost now on the anniversary and we do not even know when it is going to happen but we know already from the noises that they are making that when it happens they will still require a period of time after the appointment to satisfy themselves that it is working well and that period of time is not subject to any time limit. So how do we know how many years have to go by before - not perhaps before Mr Clarke is satisfied because I do not think he has got that many years left - but presumably we can look forward to a situation where a different administration in the UK might show greater sympathy to the future of the Gibraltarians than the present one seems to be interested in doing.

ORAL

NO. 49 OF 1995

THE HON P R CARUANA

MEETING MR HURD/MR SOLANA

Has the Chief Minister received a briefing about Mr Hurd's recent meeting with Mr Solana and, if so, will he make a statement to the House? Obviously, Mr Speaker, I do not mean the joint communiqué that we have all had.

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 50 of 1995.

NO. 50 OF 1995

THE HON P R CARUANA

"MECHANISM" TO COMBAT DRUG TRAFFICKING

What information do Government have about the intended "mechanism" to combat drug trafficking in the Gibraltar area?

ANSWER

THE HON THE CHIEF MINISTER

The briefing that I have had from His Excellency the Governor about the recent meeting between Douglas Hurd and Senor Solana was not such that I can really make a statement to the House because I am not aware of anything beyond what has come out publicly. This refers to the formal meeting, which is what I have been briefed about. This virtually concentrated on the Spanish allegations on drug trafficking and money laundering in the area. The UK was not presented with a dossier substantiating these accusations and obviously had such a dossier been presented, we would have expected to have received a copy of it and we would have been willing to explain the position publicly. There were some specific references to some specific instances where Gibraltar has, in fact, been involved in co-operation with international agencies and His Excellency obviously had had reports on such specific cases from the Royal Gibraltar Police and from the Customs Service and was able to explain fully the degree of participation that Gibraltar had provided in such cases. Beyond that the only thing that is known is the statement of the creation of a "mechanism" to improve co-operation and collaboration in this area. I can tell the hon Member that I have not received any formal proposals from Her Majesty's Government on which we could have taken a policy decision on this "mechanism" but I understand that the Spanish side is anxious for an early meeting to take place. The limited information that is available as to what is intended from this "mechanism" makes us think that, in fact, it is very similar to what was already in place and which was not discontinued by our side and therefore we see no objection to the early resumption of such contact and exchanges in order to improve co-operation in this area. I have therefore, last week, put forward the Gibraltar Government's own ideas as to how the "mechanism" should work ensuring that it is clearly understood that it is in order to enhance co-operation on the basis of international law which is the position of the Government of Gibraltar. This was made clear in the press statement issued by us following the Hurd/Solana meeting.

I think it is worth bringing to the notice of Opposition Members, who may not be conscious of it, that in fact a similar mechanism was the result of the meeting between Douglas Hurd and Senor Ordonez held in Madrid in February 1990 and that that meeting led to the setting up in July 1991 of a joint forum as opposed to a trilateral forum. The launching of that particular forum in July 1991 was on the basis that the Commissioner of Police, of the Royal Gibraltar Police, participated as part of the United Kingdom delegation which was led by Mr Price, head of the International Drugs Investigation Unit in the UK - now called the National Criminal Intelligence Service. In fact, on the opening of that particular meeting the two items on the agenda were the question of money laundering and the question of drug trafficking. Indeed in the media coverage of the meeting the Foreign Secretaries in Madrid, I can tell Opposition Members that the headlines, prior to that particular meeting in 1990, were very similar to the headlines that we have seen in December 1994. It would have been quite easy to remove the year and substitute 1990 and one would not have known the difference between the two years in terms of the banner headlines where Gibraltar was portrayed in the British press as being accused by Spain of being the centre for drug trafficking and money laundering. I think it is worth reminding the House and the public of this because, of course, we tend to forget after a few years that we have all been down this route before.

The last meeting that was held of the previous "mechanism" was in Algeciras in February 1993 and in fact that meeting was described as being in order to discuss co-operation and collaboration in the fight against drug trafficking in the area of Gibraltar. So again it appears to us that the meeting between the two Foreign Secretaries in London was simply one which led to a reaffirmation of the commitment that exists on the part of the three Governments, not just the two Governments, to the international obligation that we all have to cooperate in the fight against drug trafficking. We have made clear, as I have said in the proposals that I have just put to Her Majesty's Government, our commitment in this area and the basis upon which we will be participating. It would seem to us that to the extent that anything has emerged from the London meeting it is the description of the "mechanism" as being trilateral as opposed to bilateral and the choice of words by the British Foreign Secretary in calling it a "mechanism" which will have three voices and two flags. By contrast the one that got on the road in July 1991 was not one that was made subject to the agreement of the Gibraltar Government. On this occasion the Foreign Secretary has made clear that the Government of Gibraltar has the final say as to whether the "mechanism" proceeds or does not proceed and we indeed have taken the initiative of suggesting how it should proceed in the light of the fact that nothing concrete has emerged so far from either of the other two parties.

One of the things that the Foreign Secretary said was that this should be dealt with in a non-polemical fashion. The Government of Gibraltar itself said that the best way to deal with effective co-operation in this area is to depoliticise the issue. Although we are somewhat sceptical that this indeed will happen, given the way the Spanish Government chooses to make use of this and has done for many years, we nevertheless think that that is the way we should deal with it and therefore I would not wish to go into any more detailed explanation of the functioning of the "mechanism". Indeed I feel we have to wait and see what transpires after the first meeting takes place but what I can confirm to the House is that we have responded positively to Her Majesty's Government and given the fact that nothing formal as to the composition has been put to us, we ourselves have put forward our own ideas.

SUPPLEMENTARY TO QUESTION NOS. 49 AND 50 OF 1995

HON P R CARUANA:

I welcome the fact that the Government have seized the initiative on this issue and responded positively. It follows from that, does it, and this is one of the two supplementaries that I have, that the Government do not subscribe to the stalking horse theory that appears to be worrying some people in Gibraltar that the "mechanism" may be a device which may result in Spain gaining a foothold in the internal affairs of Gibraltar which of course would be entirely an anathema and unacceptable, I presume, to all the members of this House and that therefore I think it is implicit, is it, in what the Chief Minister has said that that is not a fear that he shares?

HON CHIEF MINISTER:

No, it is not that I do not share that fear because, in fact, we have made the point already of drawing attention to the way the "mechanism" has been described already in the Spanish press as being an unprecedented breakthrough by Spain allowing it to have a say in Gibraltar's affairs. I can, in fact, tell the House and the people who are listening to us at home that we have no fear of that happening because we would veto such a development and therefore it will not happen because we have been given a commitment in public that the mechanism will not work without our support and therefore the position is a very clear one and I think it is one which we are all agreed upon here in Gibraltar. Frankly, in the absence of any indication we thought it was better for us to take the step of proposing how the mechanism should work to obviate such a danger than be put on the defensive of having to reject something and then being accused that we were rejecting it not because it was an infringement of our internal affairs but because we had something to hide on money laundering or drug trafficking and that is why we have taken the line that we have taken.

HON P R CARUANA:

And, indeed, Mr Speaker, that is why I welcomed at the beginning of my first supplementary that the Government had taken the initiative precisely to pre-empt that eventuality which has been foretold in some sectors of the press which takes me to my second supplementary. Given that the talks between Mr Solana and Mr Hurd took place under the Brussels Agreement, does the Chief Minister derive some or any comfort in relation to talks under the Brussels Agreement from the fact that Mr Hurd's position was that no progress on this matter could be made without the participation and consent of the Government of Gibraltar?

HON CHIEF MINISTER:

Well, the Opposition Member knows how I feel about the Brussels Agreement and I enjoy telling him, if he wants I will tell him all over again although it would take quite a long time. But let me say that we have had this kind of situation before and like everything else it is a two-edged sword. I remember that when the 1987 agreement on the airport was announced we all see it as positive that it was stated that the agreement would not proceed without the approval of the elected Government of Gibraltar because it showed that even in an area where the UK could have argued that it was borderline between domestic and foreign affairs because it was international civil aviation, even in an airfield which they could argue was military property, they were giving the Government of Gibraltar the final say. That was seen as a positive thing by all of us, including those of us who sat in the Opposition and who opposed the Brussels Agreement. So the fact that we opposed the Brussels Agreement did not prevent us, in opposition, from recognising the value of giving the elected Government of the day a say even in an area which went beyond defined domestic matter and one could argue that international co-operation against drug trafficking is also not a defined domestic matter and borders on foreign affairs and therefore, again, we are being given the opportunity to have a say even in an area which is not defined domestic matter. The other side of the coin, of course, is that we have seen how the Airport Agreement has been used since 1987 to accuse us of being the niggers in the woodpile that are preventing something which would be very good for the Campo Area and very good for us from coming into effect and we have been blocking it. So we must not be unaware of the downside potential of people getting themselves off the hook by passing the buck of the responsibility down the line and that is something that I think is what makes us be more hesitant today than we were in opposition in 1987 in coming out immediately welcoming the say of the Government of Gibraltar in the decision making process. I think the other aspect is, of course, that the definition of the trilateral meetings as being 'three voices two flags' has made some of our citizens worry as to what is meant. Are we talking about the possible replacement of the Brussels process by a new forum where the Government of Gibraltar will be an equal partner with the UK Government and the Spanish Government although not a Sovereign State? Some people in Spain

would like to interpret it that the two flags is really as if we were talking about a condominium and therefore there are going to be three voices but the two flags are because we are going to be told by the two of them what we have to do as if it was not enough to have one of them telling us. So I think, Mr Speaker, those thoughts have crossed our mind I think like they have crossed the mind of everybody else in Gibraltar. I think we have to wait and see where this is leading us before we pass judgement.

HON P R CARUANA:

But if this trilateral proposal were to result in a development of a structure of talks albeit under the Brussels Agreement, that resulted and developed into trilateral talks on a broader front, would the Government continue to withhold their support from that initiative simply because it was under the auspices of the Brussels Agreement, for some reason other than the fact that they are not trilateral?

HON CHIEF MINISTER:

These are meetings, I do not know whether they would be described as being under the Brussels Agreement simply because they were agreed at a Brussels meeting in London, but they are certainly meetings which will not involve political participation. They will be involving people who are technicians in the Government on what is a technical thing where the Government of Gibraltar has got a commitment politically, irrespective of the commitment of anybody else. It is the philosophy of the Government of Gibraltar that we have got an obligation to keep up the fight against drug trafficking and that we do not want our financial institutions to be used to launder the proceeds of drug trafficking. That has been our view since we got elected in 1988. We do not need to be pushed by anybody down that road. Whether we would politically participate in a trilateral forum which was not out with the Brussels process is highly unlikely. There is no indication that that is currently available and therefore we would pass judgement on it if somebody proposed it. There is no indication that that is likely to happen between now and the next general election.

HON P R CARUANA:

I think there is progress in that last answer. I shall think about it carefully when I study the transcript but I think that there is progress.

NO. 51 OF 1995THE HON P R CARUANA**DIRECT RULE**

What measures have Government taken to "prevent and pre-empt" direct rule from London?

ANSWERTHE HON THE CHIEF MINISTER

According to a Foreign Office official in London on 20th December, the same day that Senor Solana and Douglas Hurd met, it was only a matter of weeks then rather than months, before Britain took punitive measures which could involve direct rule. Since I am not aware of what these imminent measures are, the countermeasures we as a Government have prepared to pre-empt and prevent the former, are based on a range of possible options. I imagine the Opposition Member does not really want me to spell these out unless what he wants is that direct rule by Britain should have a better chance of success than if our countermeasures were effective through their not knowing them.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1995

HON P R CARUANA:

I will accept the offer of confidential information which the Chief Minister has expressed on a number of other occasions. The position is this - I have taken the words from the Chief Minister's public statement, Mr Speaker - if the Government of Gibraltar believe or believed at that time [*HON CHIEF MINISTER: We still do.*] that the situation has reached a position where they, as a Government, need to prepare the barricades, so to speak, I think, firstly, we have a right to know the nitty gritty of the dispute although we have heard everything that he has said about the finance centre but is there anything else? And secondly, I think we need to know what the barricade consists of. If he tells me that it might dilute their effectiveness for it to be announced in public then fine, but that should not be a reason for not conferring and extending offers such as was extended to the Opposition in relation to other matters in the past in relation to the those pre-emptive measures. Frankly, I hope we do not have to wait to wake up one morning to see to which particular barricade each of us has been detailed before we know what these measures are.

HON CHIEF MINISTER:

Let me say that we are taking this for real and seriously. It may sound like a joke but we are taking it seriously. The hon Member has said what is it that is likely to cause them to do it apart from the financial services. Well, in terms of the strategy the hon Member has to accept that we will decide which bit of the possible areas which could trigger it, we will decide ourselves to push the button on or not as an when we decide that it is necessary to do it. It is something that, frankly, the last time they came not as close as this although, in fact, the article of the 20th December and the article in the Independent on the 14th December claimed that this was on the cards already in February last year. Here we have a senior man in the Foreign Office telling serious senior journalists, this is not a junior, this is the diplomatic editor of a national daily being told officially, because it is in quotation marks, "We warned the Government of Gibraltar on direct rule in February" - which is not true, they did not warn me - "and we have warned the Government of Gibraltar on direct rule in September and we decided to make the September warning public". It is not true that they warned me on direct rule and it is certainly not confirmed by Douglas Hurd that they decided to make it public because when it was made public and I wrote to him a letter before I left London telling him I was disgusted with the reports in the British press, given that the reports did not reflect the warmth and friendship of the meeting we had had. He told me that in politics we had to live with the tendency of journalists to invent things and exaggerate. I do not believe the British press from the Glasgow Herald to the Evening Standard were all inspired simultaneously and telepathically to invent the same story. Given that the conclusion that we have come to is that the placing of these stories in the British press can only be explained logically by serving a number of different objectives. It could be to try and pacify people in Madrid that the British had taken a tough line with us to get them to cool down; it could be that they have really been contemplating such a move and before taking the step they were flying a kite to assess the kind of opposition they would face; and it could be that it was a shot across the bows of the Government of Gibraltar intending us to run for cover. Well, it is not cover that we are running for. We are running to the countermeasures that we are going to put in place to prevent them from being successful. It may never happen. We have asked for official confirmation of these reports and we have not had an answer. If and when we get official confirmation or otherwise, if it is totally denied then we will clearly come out saying that it has been a false alarm and we have got nothing to worry about. But at the moment we are working on the assumption because we believe it is safer to work on that assumption, that it is for real and that it is imminent because if it was only a few weeks away on the 20th December well it must be some time in January.

ORAL

NO. 52 OF 1995

THE HON P CUMMING

PERCENTAGE ANNUAL GROWTH RATE

What do the Government calculate the percentage annual growth rate of our economy to be?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 53 OF 1995

THE HON P CUMMING

JOINT ECONOMIC FORUM

What level of impact can the Joint Economic Forum be realistically expected to have on our economy?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 54 OF 1995

THE HON P CUMMING

THINGS GETTING BETTER

At the recent opening of the new Peralta's supermarket the Hon Mr Feetham said that if we continued to have faith in ourselves things were going to get better. Could the Minister specify the exact course of events by which he foresees that things will get better?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 55 OF 1995

THE HON P CUMMING

BALTICA CASE

Will Government now make a statement on the Baltica case?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 56 OF 1995

THE HON P CUMMING

"MECHANISM" TO CONTROL ILLICIT ACTIVITIES

How far are the Government prepared to cooperate with the "effective mechanism" to be put in place to control the so-called "illicit activities" in the area of Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 57 OF 1995

THE HON P CUMMING

FAST LAUNCH ACTIVITY

Is it the Government's intention to continue to treat the fast launch activity as a licit export industry?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 58 OF 1995

THE HON P CUMMING

FAST LAUNCHES

Will the Government now legislate to ban fast launches from our territorial waters?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 59 OF 1995

THE HON P CUMMING

SECONDARY CONTROLS AT FRONTIER

Can Government quantify the damage done to our economy by the secondary controls imposed at the frontier?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63 and 64 of 1995.

ORAL

NO. 60 OF 1995

THE HON P CUMMING

DIALOGUE WITH CAMPO MAYORS

When will Government resume dialogue with the Campo mayors?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63 and 64 of 1995.

ORAL

NO. 61 OF 1995

THE HON P CUMMING

ECONOMIC EXPECTATIONS

Will Government now begin to link economic expectations with the state of relations with Britain and Spain?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63 and 64 of 1995.

ORAL

NO. 62 OF 1995

THE HON P CUMMING

BACKLOG OF EU DIRECTIVES

What are the points of political differences with the UK arising out of the backlog of EU directives awaiting local implementation?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63 and 64 of 1995.

ORAL

NO. 63 OF 1995

THE HON P CUMMING

IMPROVEMENT OF INTERNATIONAL IMAGE

In view of the many damaging articles recently appearing in the international press about Gibraltar, will Government now take steps to improve our international image?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 64 of 1995.

NO. 64 OF 1995

HON P CUMMING

CONSTITUTIONAL CRISIS

Will Government take steps to avoid a constitutional crisis?

ANSWER

THE HON THE CHIEF MINISTER

At the last meeting of the House of Assembly the House carried a resolution censuring the Opposition Member and calling on him to resign from the House.

The Opposition Member has clearly stated that he proposes to disregard the resolution of this House. As far as the Government are concerned, we are clear that resolutions of the House are intended to have a binding effect and in some instances can actually be made legally binding, where there is provision for matters to be determined by resolution of this House. Certainly, we would expect, in the many resolutions of this House that we put calling on the United Kingdom Government to take a particular position, such as the resolution before this House on self-determination, we would expect the UK Government to accept such a resolution as representing the views of the people of Gibraltar as expressed through the House of Assembly and not simply to ignore those views. In those circumstances the Opposition Member has, as far as the Government are concerned, lost all his legitimacy by continuing here and by not testing the support he claims to have by going back to the electorate for a fresh mandate. We will therefore no longer accord him the privileges that he enjoys as a member of this House. He will not receive answers to his questions nor have any response to any intervention that he may make in any legislation or motions before the House. He should not therefore expect that any views that he expresses will be taken into account. He ought to do the honourable thing, give up his seat and stop taking advantage of a position he no longer has any right to exercise.

SUPPLEMENTARY TO QUESTION NOS. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 AND 64 OF 1995

HON P CUMMING:

Mr Speaker, this answer is entirely expected by me. Can I call upon you to repeat as you did last time, the legitimacy and the legal right and the constitutional right that I have in my seat in this House?

MR SPEAKER:

Undoubtedly under the Constitution you have a right to be in this House.

HON P CUMMING:

Thank you. Mr Speaker, you also ruled, on a previous occasion, that whatever answer the Government give is the answer. That presumably does not deny me the right to ask supplementaries?

MR SPEAKER:

No, certainly not.

HON P CUMMING:

The Chief Minister accuses me of a democratic deficit. That is to say, that I have to receive a new mandate to be here because of the things that I am saying and yet, Mr Speaker, is it not true that what I stand for is dialogue and co-operation which is the platform on which I stood and is this not a case, Mr Speaker, of the pot calling the kettle black because if anyone has gone back on election promises it has been the GSLP that offered open Government and gave close Government; that offered economic success and is giving economic failure; and has offered accountability and never tells us where the people's money goes. And above all, Mr Speaker, is it not true that in their manifesto they have claimed that economic viability has to come before self-determination? And is it not true that they have totally departed from their manifesto on this issue? Therefore it seems to me that the answer the Chief Minister has given brings shame on this House and it is also most convenient when really it is my questions in this House today that have sought to shed light on the present crisis in which we are engulfed and therefore as the Chief Minister does not wish to shed light on this crisis or the way that he is going to approach it, it is much more convenient to deal with my questions in this way. Of course the electorate will have to decide on who is right.

HON CHIEF MINISTER:

Precisely, Mr Speaker, this is what we want him to do, go back to the electorate and let them decide. He is not wanted by the members of the House and he is not wanted by the people of Gibraltar and he knows he will not survive a bye election and he will not survive a general election. He knows it and everybody knows it in Gibraltar.

HON P CUMMING:

And the Hon Mr Bossano conveniently likes not to answer my questions.

HON CHIEF MINISTER:

It is not that I conveniently do not want to answer, it is that he has been told to leave the House and he refuses to accept the wishes of the majority in the House and therefore he has ceased to have the right to expect answers to anything because he should not be here; he is persona non grata.

HON P R CARUANA:

If the Chief Minister will give way. Speaking for the official Opposition that I lead, I have to disassociate myself from the sentiment that he has just expressed. In calling upon Mr Cumming to test the electoral support that he enjoys for the views that he has expressed subsequently to leaving the party with which he was elected to this House, it was certainly not the intention of the Opposition nor do I think it is the effect of the motion to deprive his continued presence from this House of legitimacy *[Interruption]* nor does it contribute to the legitimacy of the House for the Government to interrupt when I am making a statement of this kind. The fact of the matter is that whether Mr Cumming chooses to go or not is a matter for him. The House has expressed a view, certainly that he is not expressing views which were on the electoral platform with which he was standing. That, in my opinion, is the reason why he should test those views. Whilst he chooses to ignore that call and remain in this House, as far as I am concerned, he remains a member of this House fully entitled not only by reason of the dignity of this Chamber but, indeed, by the rules of this House to be entitled to all the privileges that are accorded to an hon Member. I would go further, to make the observations that the Chief Minister has made - it is a matter entirely for Mr Speaker - is almost and I would put to him, capable of constituting a contempt of this House. It is not for the majority of the members of this House to decide for a minority. Even a minority of one should be treated within this House. That is a matter for the Standing Orders and not for the majority to decide on the basis of the Chief Minister's statement.

MR SPEAKER:

I have made it quite clear that the legitimacy of the hon Member is definitely constitutionally correct. Whether the Government wishes to answer questions or not is entirely a right of theirs and if that is the way they wish to answer the question there is nothing I can do.

HON CHIEF MINISTER:

Mr Speaker, it seems to me the Leader of the Opposition wants to run with the hare and hunt with the hounds. If we passed a resolution here asking the hon Member to resign and if the Leader of the Opposition sees nothing wrong with a member of this House continuing to defy the rule approved by the majority, I would have thought that if one talks about the contempt for Parliament it must be the contempt when one passes a law or one passes a rule and it is blatantly ignored. Presumably if the United Kingdom were to ignore the resolution asking for self-determination to be included in our Constitution they would be doing nothing more than one of the members of their own House of Assembly is doing in ignoring the resolution that has already been passed. It may well be that we will have to bring further legislative measures to the House to deal with Mr Cumming and then we will give the Leader of the Opposition and his colleagues the opportunity to decide where they stand.

HON P R CARUANA:

I can tell the Chief Minister where I stand and it is certainly not with the hares and with the hounds. I exercise my democratic right to express my views on the conduct of a member of this House insofar as the rules of this House permit me, namely, by how I cast my vote on a motion and I did that and my opinion in support of that motion clearly expresses the view that I hold. But I also adhere to the basic principle of democracy that the majority cannot put up a minority against the wall and shoot them simply because they are in a minority. Having expressed my view by which I stand and which I would repeat if I was called upon to make it again today, the effect of that view is not "And therefore as of now we the majority decide that you are no longer a member of the House of Assembly" because that is, in effect, what the Chief Minister's statement means and that is why I have taken issue with it. Not that I do not agree that Mr Cumming should test his views, not that I dilute in any sense which I do not, I reaffirm my vote, but that the effect of that vote is not that we collectively decide to expel him from this House. That would be a different matter and the fact of the matter is that whilst he remains a member of this House and until some mechanism, which the Chief Minister has said exists, is implemented that has that effect, we the majority have got to respect the fact that he is still a member of this House otherwise I believe that the democratic credentials of this Parliament will have been tainted

HON CHIEF MINISTER:

He is still a member of this House in flagrant disregard for the resolution passed by the House and therefore if a member of the House can simply disregard a resolution of the House why should any other citizen be bound by resolutions of this House? Why should the British Government be bound by resolutions of the House? Therefore the hon Member ought to accept the decision and go. Since he has not done it we are certainly not prepared to continue treating him as if he was in the right and the majority were in the

wrong. It is as simple as that and therefore we are making it clear to him that he is entitled to put all the questions he wants provided he goes back to the people and they re-elect him on whatever ticket he wants and if he gets re-elected on a ticket which allows him to say all the barbaric things he constantly says, however insane they may be, we will answer his questions but not otherwise.

MR SPEAKER:

I think that both sides of the House have ventilated their view. The position still remains that the Hon Mr Peter Cumming is a member of the House constitutionally so and therefore he has got every right as any other hon Member.

GIBRALTAR
HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

24TH APRIL, 1995

No. 65 to No. 154

OFFICE COPY

24TH APRIL, 1995

No. 65 to No. 154

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ORAL

NO. 65 OF 1995

THE HON P R CARUANA

PUBLIC ACCOUNT

Are the Public Accounts of Gibraltar for the year ended 31st March 1994 complete and has the Principal Auditor submitted his report thereon to His Excellency the Governor?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Public Accounts for the year ending 31st March 1994 were presented to the Principal Auditor by the Accountant General, as required by statute, before the end of December 1994. I understand that the Principal Auditor has not yet finalised his report thereon.

SUPPLEMENTARY TO QUESTION NO. 65 OF 1995

Mr Speaker, can the hon member explain why between the years 1983 and 1988, which is as far back as I have searched, the public accounts of Gibraltar were laid before this House almost without exception about 12 months after the closing of the period in question and that since the hon Members came into government the practice has risen where they invariably take 18 months? Indeed, the period was first enlarged in respect of the accounts for the period ending 31st March 1988 which the hon Gentlemen did not lay on the table until July 1989 and thereafter it has always been in October or November, save for last year when it was September. But in all cases they have added at least five months to the period that all previous governments had taken to lay the public accounts before this House. Can the Financial and Development Secretary explain why that should be so?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is not for me to explain, Mr Speaker. The Accountant General, an officer who has some responsibility towards me and the Government, as far as I am aware, completed his audit within the statutory period and thereafter it is a matter for the Principal Auditor and as the hon and learned Gentleman will be well aware, it is a requirement of the Constitution that no one interferes with the Principal Auditor's report.

HON P R CARUANA:

Mr Speaker, I do not for one moment accept any of what the Financial and Development Secretary has said. The fact of the matter is that I am not concerned in my supplementary with the last account in respect of which his answer to my original question related. There is a pattern, beginning precisely in March 1988, which is the very month in which the hon Members first came into government and there has been no change in practice by the Principal Auditor or by the Accountant-General. Between 1983 and 1988 accounts were promptly filed within 12 months. Since the Government came into power it has taken between 17 and 19 months and I say that for the Financial and Development Secretary to seek to blame the Principal Auditor or the Accountant-General for that, is shameful.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I was not trying to blame the Principal Auditor, Mr Speaker, but it is very clear to me that the hon and learned Gentleman is certainly trying to blame me.

HON P R CARUANA:

The Financial and Development Secretary may think that. It is his constitutional responsibility is it not to lay the accounts before the House? He is the Financial and Development Secretary; he has constitutional responsibility for the good financial management of the public administration. It is his; that is why he is in this House. If he does not take responsibility even for the prompt laying of the public accounts of Gibraltar before the legislature, I think he ought to ask himself what use he thinks he serves in this House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Ignoring the rhetoric and in trying to answer that question, Mr Speaker, I think I ought to point out that I lay the account as soon as I am instructed by His Excellency the Governor and not before. That is required by the constitution. I am not responsible, indeed no one is responsible in the Government, for the time which it takes the Principal Auditor to prepare what is usually a very well thought out report.

HON P R CARUANA:

Does the Financial and Development Secretary not consider it even worthy of comment that before 1988 the Principal Auditor had no difficulty in being more diligent with the preparation of the public accounts? Does he not also agree that it is clear to all who look at the dates that

the delay in finalising the accounts is a political decision to simply make the figures even more historical by the time they are produced?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I do not draw that construction at all, Mr Speaker, and I think I would resent, on behalf of the Principal Auditor, an officer for whom I have the highest regard, the suggestion that he made not of acting with due diligence.....

MR SPEAKER:

Order, order, I must draw attention of the House that reflecting on the character or conduct of a Member cannot be done at Question Time. It must be done by a motion giving notice.

NO. 66 OF 1995

THE HON P R CARUANA

GROSS PUBLIC DEBT

What was the gross public debt of Gibraltar as at the 31st March 1995 and what was the balance as at that date of:-

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, at 31st March 1995 the public debt of Gibraltar was £99.3 million. At the same date the balance in the General Sinking Fund was £15.3 million and the balance in respect of one other sinking fund £671k.

NO. 67 OF 1995

THE HON P R CARUANA

LIQUID RESERVES

What were the liquid reserves of the Government as at 31st March 1995?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the liquid reserves of the Government at 31st March 1995 were £4.8 million.

NO 68. OF 1995

THE HON P R CARUANA

SPECIAL FUNDS

What was (a) the fund account balance and (b) the cash balance (where different), of each special fund as at 31st March 1995.

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, this information is not yet available.

SUPPLEMENTARY TO QUESTION NO. 68/95

HON P R CARUANA:

The information requested is not audited and do the Government not carry a running balance; 23 days after the event, of public special fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Some information is available, Mr Speaker, and without anticipating what I am to say in response to the hon and learned Gentleman's sub-sequent questions I would say no more except to add a comment to that. Some of the special funds which are not entirely within the control of the Accountant-General, that is to say where they are invested and there may be returns from, for example, the Crown Agents, or other assets and liabilities which are not immediately discernible, they cannot be prepared immediately at the end of the financial year. We do, after all, have quite a lot of special funds. It may be that that is why it takes the Principal Auditor such a long time to audit them.

HON P R CARUANA:

The fact of the matter is that the question asks in part, Mr Speaker, for the cash balances. The position appears to be not that the Financial and Development Secretary cannot tell us what it is in respect of all the funds, it appears to be that he cannot tell us what it is about any of the funds since he gives no information in answer to questions. Will he agree that it is an extraordinary state of affairs that the Financial and Development Secretary cannot tell this House, 22 days after the 31st March 1995, what the cash balance is in a solitary special fund? I have not asked for it in an audited

basis, I have just asked him to look in his books if he keeps any and tell me what the current running balance is if he knows.

HON CHIEF MINISTER:

Mr Speaker, if the Leader of the Opposition had the remotest clue of what he was talking about, which he does not, he would know that the cash balances of all the special funds are included in the figure in answer to Question 67 which he has already had answered because the cash position of the Government, as is obvious from all the audited accounts which he does not read when he gets them however late he gets them, clearly show that the cash position includes all the cash everywhere not the cash, for example, in the Consolidated Fund. The allocation of the cash to any one of the special funds out of the £4.8 million which he has already been told in answer to Question 67 is the process that takes place in the closing of the books which the Accountant-General is required to complete by statute. [Interruption] It is not absolute rubbish, it is clearly absolute rubbish to try and educate the Opposition Member because he refuses to be educated. The position, therefore, Mr Speaker, is that the cash that the Government have of £4.8 million is the liquid reserves of the Government which is clearly described there, if he cares to look at some of the previous accounts which he has been looking at. It is not the Consolidated Fund, and it is the balance of the cash in all of them. If he looks at the Principal Auditor's Report for 1992/93 he will find on page 20 a comment on the closing of the books which shows that the allocation to individual funds is done by December of this year when the accounts are sent for auditing. The information that he is seeking is information that we in the Government have not requested and have not told people to produce for us either this year or in any previous year, nor is it information that ever, in this House, has been provided in respect of the financial year 23 days after the end of the year. Since I have been in the House in 1972 has there ever been that information provided at this point in time, if he wants to go back and look.

HON P R CARUANA:

Will the Chief Minister accept that the difference is that when he was in opposition the Government of the day did not make it their business to systematically conceal the public finances and much of the information that I am seeking today was contained in the public estimates such as have been laid today and it is a whole series of questions that he accepts that I am not seeking answers to, is to cobble together in a composite fashion the

information that he has thought to reply. Mr Speaker, does he agree? The fact of the matter is, Mr Speaker, that it is a well known tactic of the Chief Minister that when he wishes to conceal and to confuse the manouevering that he has done to make the public finances of Gibraltar as untransparent as possible, he thinks that by becoming offensive with his questioners that somehow he deflects the matter. Mr Speaker, I have asked for the balance on each fund. To tell me what the net position is and to tell me that I am an idiot, because I have just been told what the liquid reserves of Gibraltar are, is a red herring of which the Chief Minister is a master and which is beginning to wear thin and ineffective in this community. I want to know what the balance is of each fund and, Mr Speaker, he should not tell me that it does not exist because in the public accounts of Gibraltar that is one of the figures given. It is the last figure given and therefore it is a meaningful accountancy figure which I ask him for and he is not willing to give it to me, it is as simple as that.

HON CHIEF MINISTER:

No, Mr Speaker, it is not as simple as that. The fact that the Opposition Member made in his question, because I am not asking questions I am giving answers. [Interruption] Yes, I am answering the question. He may not like the answers I give him and he will have to put up with it for as long as he remains on that side and when he is not on that side he will not be in the House at all, so that is the only prospect in future for him. The hon Member seems to forget that he brought a motion to this House and the first meeting of the House after a general election that he lost, that he lost the general election using all those arguments and that he is going to lose the next one in 1996 using the same arguments. If he wants to keep on bringing the same subject up throughout the four years he is entitled to do it but what he is not entitled to do is to expect the Government of Gibraltar to adopt the policies of the GSD. The information that he is seeking in Question 68, Mr Speaker, has never, ever been provided after the end of the financial year in any financial year at this time of the year since the House of Assembly was created in 1969 and I am making that as a statement of fact for which I hold myself responsible. The information in the subsequent questions that he is asking will give him more information than was ever provided in the estimates of expenditure and forecast outturn in any previous year because he is asking information in subsequent questions which includes some information that used to be there and includes some information that was never there and he is getting that information. What he has not got is that we will not provide him with the information which we do not

provide for ourselves. I am certainly not prepared to have the administration of the Government working for him. It works for us.

NO. 69 OF 1995

THE HON P R CARUANA

SALE OF PROPERTIES

Into which account or fund do Government pay the proceeds of the sale, by tender or otherwise, of Government properties to members of the public?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The Improvement and Development Fund, Sir.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1995

HON P R CARUANA:

Mr Speaker, can he confirm that that is to the exclusion of all other funds? It always goes into that fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, as far as I am aware, Mr Speaker, it has always gone into the Improvement and Development Fund.

HON P R CARUANA:

Is that an important caveat as far as he is aware?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Not as far as I am aware, it is not an important caveat.

NO. 70 OF 1995

THE HON P R CARUANA

GIBRALTAR INVESTMENT FUND

In respect of the Gibraltar Investment Fund what were:

(a) its receipts from:

- (1) Commercial loans;
- (2) Receipts under Section 4(1)(e) of the Gibraltar Investment Fund Regulations, 1992
- (3) Profit on sale of Shares;
- (4) Interest earned;
- (5) Other sources; and

(b) its new or increased investments and advances or other payments, identifying each such investment, advance or payment during the year ended:

- (1) 31st March 1994 (on an unaudited basis, if not yet audited)
- (2) 31st March 1995 (on a forecast outturn basis)

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

(A) <u>RECEIPTS</u>	<u>At 31.3.94</u>	<u>At 31.3.95</u>
(1) Commercial loans	Nil	Nil
(2) Section 4(1)(e)	£10.1m	£14.3m
(3) Profit on Sale of Shares	Nil	Nil
(4) Interest	£271k	£262k
(5) Other sources (Debentures and Bond)	£5.0m	£7.5m
(B) <u>PAYMENTS</u>	Nil	Nil

There was a net adjustment to the written down value of shares of £621k for the year-ending 31.3.95.

(C) PURCHASE OF SHARES

Gibraltar Land Holdings Ltd	£17.1m	-
Gibraltar European Investment Trust Ltd	£ 5.9m	-
Gibraltar Investment Holdings Ltd (Redeemable Preference Shares)	-	£83m

(D) SALE OF SHARES

Gibraltar Industrial Cleaners Ltd	-	£ 4k
Lyonnaise des Eaux (Gibraltar) Ltd	-	£ 1.372m
Gibraltar European Investment Trust Ltd	-	£ 8.9m
Gibraltar Residential Property Co Ltd	-	£12m
Gibraltar Land Holdings Ltd	-	£31.9m

(E) ADVANCES

There were no net increases in advances. The advance of £10 million to Gibraltar Commercial Property Company Ltd outstanding at 31.3.93 was repaid during 1993-94.

NO. 71 OF 1995

THE HON P R CARUANA

In respect of the Gibraltar Electricity Fund, what were:

- (a) its receipts from
 - (1) Sale of electricity;
 - (2) Other sources; and
- (b) its payments in respect of:-
 - (1) Electricity department expenditure;
 - (2) Purchase of electricity
 - (3) General Sinking Fund Contribution
 - (4) All other payments in aggregate

during the years ended:

- (1) 31st March 1994 (on an unaudited basis if not yet audited)
- (2) 31st March 1995 (on a forecast out-turn basis)

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

(A)	<u>RECEIPTS</u>	<u>At 31.3.94</u>	<u>At 31.3.95</u>
(1)	Sale of Electricity	£7.4m	£7.8m
(2)	Other Sources	£100k	£500k
(B)	<u>PAYMENTS</u>		
(1)	Electricity Department Expenditure	£4.6m	£4.9m
(2)	Purchase of Electricity	£3.3m	£3.8m
(3)	Contribution to Sinking Fund	£12k	£12k
(4)	All other payments in aggregate	£1.1m	£1.0m

NO. 72 OF 1995

THE HON P R CARUANA

SOCIAL ASSISTANCE FUND

In respect of the Social Assistance Fund what were:

(a) its receipts from:

(1) import duty receipts (net of administration costs pension and social insurance contributions) including interest earned thereon;

(2) other sources (identifying each one); and

(b) its payments to:

- (1) Gibraltar Community Care Trust;
- (2) Grant to Gibraltar Health Authority;
- (3) Contribution to Gibraltar Health Authority re: Social Assistance to unemployed persons;
- (4) Supplementary Benefits;
- (5) Family Support Benefits;
- (6) Rent relief;
- (7) Elderly Persons Allowance;
- (8) Management Charge;
- (9) Retirement Allowance;
- (10) Relief Payments abroad;
- (11) Miscellaneous Payments;
- (12) Any other payments

during: (1) the year ended 31st March 1994
(on an unaudited basis if not yet audited)

(2) the year ended 31st March 1995
(on a forecast out-turn basis)

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

(A) <u>RECEIPTS</u>	<u>At 31.3.94</u>	<u>At 31.3.95</u>
(1)	£20.4m	£25.6m
(2)	None	None

(B) PAYMENTS

(1)	£15m	£15m
(2) & (3)	£6m	£6m
(4)	£1.4m	£1.6m
(5)	£934k	£860k
(6)	£271k	£259k
(7)	£237k	£226k
(8)	£168k	£169k
(9)	£ 12k	£ 17k
(10)	£ 3k	£1.9k
(11)	£ 4k	£ 4k

Social Assistance payments are included with
Supplementary Benefits (4).

NO. 73 OF 1995

THE HON P R CARUANA

GIBRALTAR TELECOMMUNICATIONS FUND

In respect of the Gibraltar Telecommunications Fund what were:-

(a) its receipts from:

- (1) Gibtel dividend
- (2) Gibtel Licence fee
- (3) Telephone service charges
- (4) any other sources (identifying same); and

(b) its advances, transfers and payments identifying same by aggregate amounts and recipient during the year ended:

- (1) 31st March 1994;
(on an unaudited basis if not yet audited)
- (2) 31st March 1995
(on a forecast out-turn basis)

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

(A) <u>RECEIPTS</u>	<u>At 31.3.94</u>	<u>At 31.3.95</u>
(1) Gibtel Dividend	£1.1m	£1.3m
(2) Gibtel Licence Fee	£153k	£148k
(3) Telephone Service Charges	£20k	£2k
(4) Interest Earned	£147k	£425k
 (B) <u>ADVANCES</u>		
Advance to Social Assistance Fund	£2m	
Advance repaid by Social Assistance Fund		(£2m)

NO. 74 OF 1995

THE HON P R CARUANA

REVENUES

What is the forecast out-turn revenue for 1994/95 and the estimated revenue for 1995/96 for each of the following:

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the forecast out-turn (1994-95) for the first seven items is as follows:-

(1) Import Duty (net)	£25.6m
(2) Company Tax	£14.3m
(3) Exempt Company Fees	£ 2.3m
(4) Stamp Duty	£ 1.9m
(5) Ground and Sundry Rents	£ 1.1m
(6) Premia on Assignments	£11k
(7) The Workers' Hostel	£100k

The Government did not receive any income from Lyonnaise Des Eaux. There are no available Estimates of Revenue in 1995-96 from these items.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1995

HON P R CARUANA:

Mr Speaker, will the Financial and Development Secretary agree that the figure for which he now says there is not available estimate for 1995/96 was information that used to be included in the Estimates and that when that information did include that information by now such figures would have been available in estimate form?

HON CHIEF MINISTER:

Mr Speaker, the figures that the hon Member has asked for and obtained for 1994/95 if included in the Estimates of Expenditure would have been provided today at the same time. He is getting the same information at the same time. As regards estimates for next year, I can tell him, as I have told him in the past when he has asked for similar information, that we do not produce estimates for these figures because in fact this exercise of estimating these things are totally meaningless. The assumption that we make is that unless we know something to the contrary, i.e. that the money is not going to be collected over the 12 months that come ahead of us, or that there is going to be a dramatic change one way or the other in the goods that we import and sell, we work on the assumption that there is no change. There are no genuine estimates based on anything other than we assume that if there have been £2 million of company tax in the last 12 months, it is going to be £2 million of company tax in the next 12 months. It is an assumption that he can make as easily as we can based on this information. It has no significance because it is not based on an analysis saying we know how many more new companies are going to come in in the next 12 months. In all these areas I can tell the hon Member, for example, premia on assignments is determined by the number of assignments. It could be any figure but ground and sundry rents, he will see from year to year that we can expect that there will be no change if he goes back over a number of years. If we were to produce estimates which we do not, what the estimates would show would be a repetition of those figures.

NO. 75 OF 1995

GIBRALTAR SAVINGS BANK

What was the Reserve Account balance of the Gibraltar Savings Bank as at:

- (1) 31st March 1994.
- (2) 31st March 1995.

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The balance in the Reserve Account of the Gibraltar Savings Bank at 31st March 1994 was £8.8 million. I regret that the figure for the balance at 31st March 1995 is not yet available.

SUPPLEMENTARY TO QUESTION NO. 75 OF 1995

HON P R CARUANA:

Will the Financial and Development Secretary undertake to provide it to me as soon as it is available? Can he give me an indication of when he expects that might be?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I will certainly raise this with the Principal Auditor. I am not sure that he may feel that until he has produced his report on the accounts of the Savings Bank which he by statute is required to submit. In the first place the accounts of the Savings Bank I think I am right in saying have been presented to His Excellency by the end of August so they have to present it to the Principal Auditor some time fairly soon. He may feel that to reveal this information before he has produced a report for His Excellency is out of order. I shall certainly undertake in reply to the hon Gentleman's request, to discuss the matter with the Principal Auditor and if he sees no objection to giving advance information on this I will let the hon and learned Gentleman have it.

HON P R CARUANA:

Does the Financial and Development Secretary accept that the function of the Principal Auditor is to audit the public accounts? He is not the keeper of the management information. I am not asking for audited information, I am asking the Financial and Development Secretary, as the public officer responsible for the financing and the financial arrangements of the Gibraltar Savings Bank, to

tell me by reference to the bank's own books, not by reference to audited accounts or to Principal Auditor's report, what the balances were. I do not see that he needs the Principal Auditor's permission to reveal management information.

HON CHIEF MINISTER:

This particular information is information that was never provided ever before at all as I mentioned earlier that there were some things that the hon member was asking for which he would be getting, i.e. the information that he already had about March 1994 normally would not have been made public until the publication of the Principal Auditor's accounts for 1994. We do not have the information as to the balance in 1995, partly because if the hon Member cares to look at the audited accounts and, indeed, at the six-monthly figures published in the Gazette, he will see that much of the money of the Savings Bank is re-invested in London by the Crown Agents and therefore this is information that eventually gets back to the Accountant-General. The Accountant-General has got a statutory period within which he has to submit the information for audit and the only thing that the Financial and Development Secretary has said is that the Principal Auditor may feel that to provide information other than what is provided under the law, which is a six-monthly information, publicly available, published in the Gazette and then annual information available when audited. If the Principal Auditor feels that it is when the law says it has to be provided that it should be provided, then that is the answer that he has got. It is not that we are saying that the Principal Auditor determines what should be available or not available in the House, what we are telling the hon Member is that we will provide him with information that we ourselves get. We will not actually put people to produce information that we do not normally have provided to us.

HON P R CARUANA:

Does the Chief Minister accept that whilst it is true that the Reserve Account balance in the Gibraltar Savings Bank is not information that has historically been given in the Estimates, and I accept that, it is also true that the Gibraltar Savings Bank since he has occupied that seat has obtained a significance that it has never had historically because part of what used to be public debt of Gibraltar raised in the form of Gibraltar Government bonds and therefore included in the public debt of Gibraltar is now not raised to Gibraltar Government bond but to Gibraltar Savings Bank bonds and therefore excluded from the public debt, or are they not included in the figures for the public debt of Gibraltar and that

therefore the arithmetic of the Gibraltar Savings Bank is now more significant than it was in relation to the general financial disposition of the Government of Gibraltar because the use that the Government is making of the Gibraltar Savings Bank is different to what it was historically when that information has never been provided? Does he accept that?

HON CHIEF MINISTER:

No, Mr Speaker, it is quite obvious now what is the purpose of the question which it was not obvious from reading it originally and it is quite obvious that again it is due to a lack of understanding on the part of the Opposition Member and I can assure him that the public debt of Gibraltar is the public debt of Gibraltar as it has always been the public debt of Gibraltar and that the deposits made in the Savings Bank are the property of the depositors and not the property of the Government. The revenue of the bank is not the revenue of the Government and that will be obvious when the Opposition Member gets the answer to Question 76 which he next has on the Order Paper. He will then see, when he gets the answer to that question that he is working on a misapprehension. It is true that the Savings Bank today is a much more important institution in terms of providing a home for savings than it was when I was elected in 1988 and I am glad that at least it is something that I have done since 1988 that the hon Member thinks is right because, of course, it is important that that money should be saved by using a Gibraltar institution, which is a statutory body which employs local people and that the money should not be as it used to be in many cases in Jersey, Guernsey or the Isle of Man. It is better that it should be in the Savings Bank but it is not Government debt.

HON P R CARUANA:

Mr Speaker, will the Chief Minister accept that he has misled the House when he said that it is not true that the public debt of Gibraltar is different to what it has ever been? The Principal Auditor in his report to the accounts to the 31st March 1995 thought it fit, necessary and proper to point out that, of course, because money is now raised not through Government debentures excluding obviously the publicly-quoted one that because money was no longer raised through Government debenture but through Gibraltar Savings Bank bonds, the effect of that being that whereas what had previously been raised as Government debentures formed part of public debt, subsequent to the new arrangement coming into effect raised through Government Savings Bank bonds was not included in the public debt of Gibraltar and therefore the composition of the public debt is no longer the same

and the question is part of a series of questions to extrapolate figures to see whether there is any public monies or any reserves available to the Government in the Gibraltar Savings Bank. The Chief Minister should not try to second guess my motive for asking the questions and therefore get a self-erected platform to try and sound as clever as possible which is also his style, also wearing very thing now in this community. Certainly what he has to do is just give me the information in answer to the question if he is willing to do it and not comment or jest about what he supposes is my reason for wanting the information.

HON CHIEF MINISTER:

I cannot help being clever, Mr Speaker, and therefore I am sorry if the Opposition Member is upset by the fact that I am. I have to say to him he has misunderstood what he has read in the Principal Auditor's Report. The Principal Auditor was not saying the public debt is no longer what it used to be. The Principal Auditor said that the composition of the public debt has changed. The composition of the public debt is not changed, the public debt is the debt incurred by the Government as a Government to finance government spending. The fact that the Savings Bank accepts deposits on one week notice, on one month notice and on one year notice, does not convert deposits in the Savings Bank into the debt of the Government. [Interruption] Or in bonds. The fact that there are building societies and banks that provide saving instruments does not mean that the bank that the Government own cannot provide competing saving instruments. The reason why it is not public debt is because the money that is raised by the bank from the public is not spent by the Government. It is re-invested by the bank and there is a matching of the liabilities to the public and the assets of the bank and if the bank takes £1 million from the public by the sale of a five-year debenture and then invests that £1 million in the London Stock Exchange in buying British Government bonds, that does not make the £5 million from the public the debt of the Government of Gibraltar, if anything it is the debt of the British Government. I am afraid he has misunderstood it. The public debt of Gibraltar is covered by the Loans Empowering Ordinance and it is the money that is raised directly by the Government. The money that is raised by the Savings Bank are the assets that the bank has to meet the liabilities to the public and that money is treated by the Savings Bank exactly the same as is treated by every other bank in Gibraltar or building society or anybody else that matches the money that it owes its depositors with the money that it has available re-invested. There is no way that the Government of Gibraltar can borrow more than £100 million

pounds without raising the ceiling laid down in the law. If in fact what the hon Member was saying was true and if the interpretation of the audited accounts of 1992/93 - and not 1995 like he said because it will be a long time before he sees the 1995 ones so he cannot already be telling me what is going to be there - if his interpretation was correct then what the Principal Auditor would have to say was that what the Government was doing by inviting people to subscribe to bonds and debentures issued by the Savings Bank was contrary to the provision of the Loans Empowering Ordinance because it was public debt. It is not public debt, it is not money available to us and I have told him that if he waits till he gets the answer to Question 76 he will see that I am telling him the truth.

QUESTION NO. 76 OF 1995

THE HON P R CARUANA

GIBRALTAR SAVINGS BANK

What advances (if any) were made during the year ended 31st March 1995 by the Gibraltar Savings Bank Fund to:

- (a) the Government;
- (b) any other special fund;
- (c) any other entity (excluding bank deposits and quoted investments)

specifying the amount and the recipient of each such advance.

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

None, Mr Speaker.

NO. 77 OF 1995

THE HON F VASQUEZ

DUTY FREE SHOP - WATERPORT

Is the duty free shop located at Waterport currently allowed to sell duty free goods to coach passengers or anybody other than passengers leaving Gibraltar by sea, and has it been allowed to do so at any time over the last twelve months?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the answer to both questions is no. There has been no change since the answer I gave the hon and learned Member in reply to Question No. 1 of 1994.

NO. 78 OF 1995

THE HON F VASQUEZ

TRIALS DELAYS

What steps do Government intend to take to improve the severe delays experienced in bringing cases to trial in the Supreme Court.

ANSWER

THE HON THE ATTORNEY GENERAL

The extent to which Government can take steps to improve the severe delays experienced in bringing cases to trial in the Supreme Court is limited principally by the accommodation available. This accommodation consists of one full court room and the Supreme Court library which can, when necessary, be used for civil matters not involving multiple litigants.

Trials involving prisoners on remand are always given priority over trials of those on bail.

The limitation of court accommodation invariably limits the number of judges, any increase in which would, apart from necessitating additional court space, require additional staff accommodation to house the increase in manpower which would be required to service an extra court.

SUPPLEMENTARY TO QUESTION NO. 78/95

HON F VASQUEZ:

Mr Speaker, I am grateful for that answer and I take the opportunity to welcome the Attorney-General to this chamber. The answer provided really raises a few questions. What, I think the Attorney-General has conceded is that in fact there are severe delays but she is claiming that the action the Government can take as a result is limited by the limited amount of space and the limited amount of staff available. It is precisely that question which the Opposition is attempting to question because surely it is a matter of allocating further monies and expenditure to this head. In the past it has been mooted that the present Magistrates' Court will, in time, become an additional court of the Supreme Court. Could the Attorney General confirm that that is still a

plan which is at least in its planning stage or is it an idea that has been dropped altogether?

HON ATTORNEY-GENERAL:

Mr Speaker, I can confirm that this is being given consideration. I cannot confirm the outcome of this consideration. What I can confirm is that measures are being looked at to decongest the block in the courts system as it is at the moment. I can say that Government accept that we need to provide the necessary resources. Another way of looking at the problem is to look at the volume of work and to see whether in fact some of the work that at present there is in the Supreme Court might be moved elsewhere and taken out of the Supreme Court as we know it at the moment. Looking at what is done in the UK and in that context, there has been on-going discussion with the United Kingdom and I say with the United Kingdom because of its constitutional responsibility for the administration of justice, to see how new legislation can be brought in to deal with small claims and the setting up of a small claims court which would in fact go a long way to alleviate the present congestion. These discussions are still on going.

HON F VASQUEZ:

Mr Speaker, I am grateful for that indication and clearly a small claims court would go some way to alleviate the severe burden and strain which at the moment exists on the staff and the resources of the Supreme Court. One other idea which I put to the Attorney General. I would ask whether this has been given any consideration is an idea that has been mooted by the Opposition previously and that is perhaps the appointment of a master of the Supreme Court might be considered to relieve the burden on the two existing judges who might need to take what is really relatively straightforward chambers application, inter-locutory applications and the delays in which at the moment are severely disrupting the procedure in court. I shall give one example of a case recently that applied for an order 14 summons that is the summon which is to be heard urgently and which has just received a return date of April next year. A year to bring a straightforward summary application to the Supreme Court. These are delays that can be ameliorated by the appointment of a master which in itself would not be a terribly expensive appointment on the part of Government and is that an idea which has been given any thought in the Supreme Court?

HON ATTORNEY-GENERAL:

Mr Speaker, I think consideration was given to this last year, or two years ago, when the Registrar was empowered to do some work as a master. Again constraints on time have not allowed for this to come in to full effect. The Registrar of the Supreme Court does some chamber applications now and there is room for more to be done. Again, it is a staffing problem as that chamber has to be serviced by staff.

NO. 79 OF 1995

THE HON H CORBY

DRG TRAFFICKING TALKS

Will Government say when and where the next round of tripartite talks on control of drug trafficking in the Gibraltar area will take place?

ANSWER

THE HON THE ATTORNEY GENERAL

Mr Speaker, in London on 27 April 1995.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1995

HON H CORBY:

Will the Attorney-General say if there is in this meeting a fixed agenda.

HON ATTORNEY-GENERAL:

Mr Speaker, I am not aware that there is a fixed agenda.

HON H CORBY:

What steps will Government take to ensure that these meetings do not become a regular show trial on Gibraltar by Sr. Brana?

HON CHIEF MINISTER:

Mr Speaker, when the proposed mechanism was announced in December, the position of the Government of Gibraltar was to support it and welcome it on the basis that it would provide a way of depoliticising this issue and we believe that it is essential that that should be done. It is quite obvious that there is no way of controlling the gloss that is put on the purpose of these meetings in the Spanish media. It is something totally beyond our control. However, we feel that it would be a mistake to pull out because of the misrepresentations that may be made on this and that our unhappiness, shall we say, with the way this is being used for propaganda purposes should be recorded in the minutes but that we should persevere with the mechanism.

HON H CORBY:

Will the Attorney-General say whether the Gibraltar Delegation questions the effectiveness of Spain's anti-drug measures in that forum?

HON CHIEF MINISTER:

I have to say, Mr Speaker, that one of the things that we have felt important throughout - and I have just talked about de-politicising it - is that it should be seen as something which is not subject to political control from any of the three countries involved in the cooperation mechanism except of course that there has to be a political will to give instructions to officials to be cooperative. Our officials go with that instruction because they are there to put, if you like, proposals and ideas which will improve the success of the fight against drugs trafficking in the Straits of Gibraltar. We are the ones that are putting most of the things on the table in that respect, that is all I can say. There is very little coming from the other side and therefore we intend to carry on doing this because the record eventually will be there if the states ever..... and I hope they will not, where we have to say that this is not getting anywhere and then at least we will be able to say it is documented that these are all the positive things that we put forward and that nobody else put anything forward to it. For example, in some respects, let me give the hon Member some examples so that he can understand the difficulties of this, the question of money laundering has been brought up again and again. We have said to them, "We have got legislation. If it is that you do not understand what our legislation is then we are prepared to let you have copies, if what you need is translation we are prepared for you to have translations, if you need explanations the Law Draftsman is heading the delegation and she can explain anything you do not understand." If there are suspicions then there is methodology that has to be followed which is the reflection into the Law of Gibraltar of Directive 91/308 and of the Vienna Convention and therefore what we have said to Spain is, "This is the mechanism." It is Spain's choice, for example, to go through London rather than direct to Gibraltar. We have pointed out to them that that carries a penalty because if somebody is suspected of committing an offence and there is the situation where the person that suspects the offence in the Campo Area has to inform Madrid who then has to inform London who then has to inform Gibraltar, Gibraltar then has to respond to London who then has to respond to Madrid and then Madrid responds to the person in the Campo Area, unless the guy is waiting patiently for the bureaucracy to catch up with

him so that he can be caught, the odds are that he is less likely to be caught. That point has been made but at the end of the day what we say to them is, "We are here to respond, equally you need to tell us if it happens in the opposite direction. We are entitled to make similar requests to you, so to the extent that we are examining how that mechanism should apply what we need to be clear is that at no stage are we saying there is a special mechanism which applies the law as between Spain and Gibraltar." We may need a special mechanism to apply the law between the United Kingdom and Gibraltar as we do in many other areas because we have bilateral relationships which are caught up in this business as to whether we are the same Member State or a different Member State, but as regards Spain our position is that we will deal with requests from Spain without discrimination. They cannot expect preferential treatment nor inferior treatment, they can expect normal treatment.

HON P R CARUANA:

Mr Speaker, one of the purposes of putting this question and one of the reasons why the formula that set up that tri-partite process of dialogue was acceptable to Gibraltar was that it did not focus in on Gibraltar as a particular problem area. It did not speak of a committee to discuss the problems of drugs in Gibraltar. It spoke of the Gibraltar area which, by definition, includes the Spanish hinterland adjacent to us. What we are concerned about is whether our delegation goes and makes points or asks questions or makes suggestions even to Spain in connection with their law enforcement about the drugs that are imported into Europe through the Gibraltar area but through Algeciras, not through Gibraltar for example. In order to make the point and in order to make it clear that it is not forgotten by anybody and certainly not by the media who might report proceedings, this is not a kangaroo court set up to try Gibraltar. If it is a kangaroo court at all, it is a kangaroo court set up to try the Gibraltar area which includes vast chunks of Spain, through which the majority of drugs that enters this part of the world actually enters and not Gibraltar. Our delegation should be armed with instructions, not necessarily political instructions but technical instructions, to make sure that this is an even handed process and that it does not focus on Gibraltar to the exclusion of other parts of the area of Gibraltar which is the remit of the committee.

HON CHIEF MINISTER:

I think, Mr Speaker, that that is a point already taken on board by both the Gibraltar delegation and the United

Kingdom delegation, but what I will do is I will make sure that the remarks that the Leader of the Opposition has made are transmitted to the members that are participating in the meeting of the 27th so that they bear that in mind in the way we present our position in that meeting.

HON P CUMMING:

Mr Speaker, is it not true that there is a danger here that in trying to be patriotic we should be illogical and hypocritical about the heart of the matter that is being questioned now? Is it not true that the Commissioner of Police is on record as saying that the network of fast launches has been known - 30 per cent to 40 per cent of it - to be carrying drugs and therefore if we are genuine in our attempt to do away with drugs we should try to do away with the network of fast launches?

HON CHIEF MINISTER:

Mr Speaker, as the hon Member well knows we do not answer his questions in the House but I have no doubt that the question that he has just put is a question that Sr. Brana will be putting on the 27th.

HON H CORBY:

Mr Speaker, why is Morocco not represented in these talks? It is one of the largest exporters of hashish around the Gibraltar area. I think it would be a good idea to bring them in in as far as what they have to offer.

HON CHIEF MINISTER:

I think it is a good idea. All I can tell the hon Member is that the proposal that was put to us after the meeting between Douglas Hurd and Sr. Solana was for tripartite talks and that is what we responded to but I do agree with him that the effectiveness of stopping the movement of drugs across the Straits of Gibraltar as an obvious fact would be incredibly enhanced if there were four parties engaged in cooperating rather than three because frankly, the UK is cooperating to the extent that it is the Member State responsible for Gibraltar and because Spain will not talk to us without the British presence. That is what they are really doing there but I think the hon Member has got a very valid point and I believe it would not be a bad thing to raise that question on the 27th.

QUESTION NO. 80 OF 1995

THE HON H CORBY

FAST LAUNCHES:

What controls by the relative relevant authorities are exercised on fast launches returning from Spain or Morocco?

ANSWER

THE HON THE ATTORNEY GENERAL

Mr Speaker, if they are suspecting of having been involved in drug trafficking, they are intercepted.

SUPPLEMENTARY TO QUESTION NO. 80 OF 1995

HON H CORBY:

I fail to see the relevancy of the answer because launches come into Gibraltar from everywhere at any time during the day or night. Have the fast launches got to report to the Port Authorities once they come into Gibraltar from Spain and Morocco? How is it monitored?

HON ATTORNEY GENERAL:

Mr Speaker, I think I can say that the intelligence network would tell us when there is a requirement for interception.

HON P R CARUANA:

Mr Speaker, is it not the position that if a Gibraltar-based, or indeed any launch, goes from Gibraltar and leaves territorial waters that there is an obligation on their return to report to the Yacht Reporting Berth? Is there no such enforced obligation to report to Gibraltar Customs when they return back into Gibraltar jurisdiction from abroad, from having left? In other words, if one has entered the territorial waters of a foreign country, when one comes back to one's own does one not then have to report to the Yacht Reporting Berth as does, for example, a bona fide visiting yacht? The purpose of the question is to elicit whether there is any parallel between the practice that is required of fast launches and that which is required of bona fide yachtsmen.

HON ATTORNEY GENERAL:

I have no knowledge, Mr Speaker, that they do not.

HON P R CARUANA:

Can I give the Attorney General that knowledge? My reliable information is that the launches certainly do not report to the Yacht Reporting Berth when they come back in the evenings. It may well be that there is no such legal requirement. My understanding is that there is and I would ask her to look into the question of whether there is any breach of the Imports and Exports Ordinance in fast launches not reporting to the Yacht Reporting Berth when they return to Gibraltar waters from having had contact or visited foreign waters.

HON ATTORNEY GENERAL:

Mr Speaker, I undertake I will look into that.

HON H CORBY:

Would the Attorney-General please tell me how many of these launches have been searched in the past year?

HON ATTORNEY GENERAL:

Mr Speaker, I have no knowledge of that but I undertake I will find out.

HON H CORBY:

My question, Mr Speaker, on this one is that if at the early hours of the morning, and I do not say this from hearsay, I do my homework and go there myself, they come in..... [Interruption] I do, I do, the Chief Minister has always scolded the Opposition Members that they must do their homework. I do my homework very well and I have stayed at a flat in Watergardens until four o'clock in the morning precisely because of this question. I do my homework and I know what I am talking about, probably better than the Government Members. If it is suspected that these launches are pursued by the Spanish launch and seek shelter in Gibraltar, if they are not searched they can bring in drugs or whatever. Another of my worries is on the immigration side where people come in in launches which are Spaniards, Moroccans, and if not detected, how is the control of immigration undertaken in as far as launches coming in to Waterport or Queensway Quay?

HON ATTORNEY GENERAL:

Mr Speaker, I will undertake to look into that as well.

NO. 81 OF 1995

THE HON LT-COL E M BRITTO

BUSKING IN MAIN STREET

Will Government take steps to ensure a curtailment of busking and similar activities in Main Street and elsewhere in Gibraltar?

ANSWER

THE HON THE ATTORNEY GENERAL

Mr Speaker, there are a number of activities relating to behaviour in public places which may be offences against statutory provisions which are intended to secure that the wellbeing of the public is protected. Where such offences occur, it is a matter for the police to take the appropriate action.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, one can walk down Main Street on any day of the week and come across half a dozen places in which such activities are taking place. Will the Attorney General accept that the police are not taking any action and can she give an indication of why no action is being taken?

HON ATTORNEY GENERAL:

Mr Speaker, I am sure that if the police receive a complaint from the public if there is an obstruction to the free passage of members of the public along the pavement or if they receive a complaint about nuisance or begging, I have looked up the difference between begging and busking, it is up to the police to move beggars cum buskers on. If they refuse to move on then it is up to the Police to book them if they do not move on after a request. As far as I am aware the police are aware of this and the police do it but they do it acting on complaints, maybe no one has ever made a complaint.

HON LT-COL E M BRITTO:

Mr Speaker, our concern is not so much on the technicality of whether the police are or not carrying out their duties as they ought to do but more from the impression that visitors to Gibraltar gather from these activities on our main thoroughfares. I am frequently,

because of my civilian commitment, in Main Street and continuously I hear comments from visitors to Gibraltar that it is detrimental to our image. Will especially the Minister for Tourism take on board the situation where in summary the sort of comments that I hear or that are communciated to me is that in the eyes of visitors, Gibraltar is a place and I quote "Which is full of beggars and pavement artists." Do we want that sort of image to be taken away by visitors to Gibraltar and if we do not whether Government ought to do something to get the police to stop these activities by people who, by and large, if not 100 per cent, are people who are not Gibraltarians and who are not even resident in Gibraltar? They are resident across the frontier and whatever their economic situation, whatever little money, forgetting the bad image they give us, or large amounts that they collect they actually spend it in Spain and not in Gibraltar. It is inconceivable in the Opposition and will the Government agree with us that the activities should be allowed to carry on unimpeded and we ask them to do something about it.

HON J PILCHER:

Mr Speaker, yes, I agree with the hon Member and obviously it is a police matter. The matter in question has already been looked at by the Litter Control Authority, and I say the Litter Control Authority because they take on board a wider aspect of not only litter in conjunction with as the hon Members knows, with the Chamber of Commerce and other Government departments and we are at the moment in contact with the police in order to try and expedite matters in this area. It is not true to say that this has not been done in the past. In the case of beggars, and I think the police are certainly very active when it is brought to their attention or even if they notice it on patrolling, but certainly from the point of view of street buskers, perhaps not as much action is taken but I agree with the hon Member and I assure him from the Government policy point of view we will take this on board with the Commissioner of Police.

QUESTION NO. 82 OF 1995

THE HON H CORBY

COLLECTION OF PENSIONS

When will Government offer Gibraltarian Senior Citizens a more sheltered and adequate venue for the collection of pensions?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, as was stated when this matter was raised by Question No. 95 of 1993, changes in paying arrangements have taken place since then as a result of the winding up of the Social Insurance Fund. Senior citizens now have the choice of collecting monthly payments either by receiving cash at the district post offices, directly by cheque, through transfer to their personal bank accounts, or by cash payments at the Haven. In the latter case several paying counters are in operation on these occasions and payments are effected expeditiously. The Government have monitored the situation and have found these arrangements have proved effective.

SUPPLEMENTARY TO QUESTION NO. 82 OF 1995

HON H CORBY:

Mr Speaker, old people have old habits and it is very difficult for a senior citizen who lives off his pension to have a bank account because as we all know a bank account carries with it bank charges if the balance is not in the region of £500. It is unlikely that most of these pensioners leave £500 because they live on the pensions or on the benefits of Community Care. I have monitored the situation myself and there are large queues reaching up to the front end of the Haven on the John Mackintosh Square side. These are very old people. They are senior citizens who are exposed to the elements both in winter and in summer. They are out in the street with the rain and the scorching sun and the Minister has said that there are tills. Would it not be an idea to shelter them inside another building or under shelter or put something on it so that they have not got to be in the rain and the hot sun, that more counters are manned in order to expedite queues?

HON R MOR:

Mr Speaker, I have said in answer to the original question, the queues are dealt with as expeditiously as possible. There is room available for about 60 persons within the building and if the queue continues beyond that, in fact the queue could carry on within the building itself. There is a staircase which would provide a shelter as the hon Member is so concerned with, but there is a limit.

My information is that within a short period of a couple of hours the queues that the hon Member is so concerned with disappear and all the people have been dealt with and within the building and in the shelter. As I say, I am told that some people start queuing up at seven in the morning, when the tills are obviously still closed and they just keep on gathering there. I do not know for what reason but we have provided the different options. We have provided different alternatives and there is no reason why they should have to queue up, there is no reason.

HON H CORBY:

Mr Speaker, at the time when I was monitoring the queues, certainly it was not at 7 o'clock in the morning when I am still shaving up at home, it was taken at about ten. The Minister said that they can go in and there is a sheltered place, then they have to walk up stairs because it is a small area.....

HON R MOR:

If weather conditions are bad then they can be under shelter if that is the concern of the hon Member.

HON H CORBY:

Senior citizens cannot walk up the stairs. What I am saying is that we have monitored and there are still queues and there is an inadequate situation occurring there when people have to queue up to the Haven on the Mackintosh Square side. Something must be done about it.

HON R MOR:

The hon Member must be aware that the payments used to be carried out every week at one stage, now it is only once a month.

HON H CORBY:

But there are still queues.

HON R MOR:

So there is an improvement of 75 per cent.

HON H CORBY:

No, no, it is not. In my opening statement I said that old people have old habits and they want to collect the money from the actual counter. What I am saying is, that the Minister should look into it and if he can do something to shelter the people from the elements.

HON R MOR:

At the hon Member's insistence I will have another look at it.

LT-COL E M BRITTO:

That is what I was hoping he would say, Mr Speaker. I am totally in agreement with everything that my hon Colleague has said and I have seen it for myself. It is no good, as the Minister was saying in his original answer, that they have monitored the situation and that the steps taken are effective. They are not being effective. Will the Minister accept that clearly on whatever steps have been taken the queues are still there and trailing back on to Line Wall. Obviously the measures have not been effective and will he also keep in mind that the problem seems to be particularly bad on one particular day in the month. If the problem is bad on one day in the month, it should be the easiest thing in the world to solve because all they need to do is spread out the payments over a number of days. At the moment the solutions are not working.

HON R MOR:

No, because the old habits which the hon Member referred to about our elderly wanting to be paid as soon as possible right from the word go and that is why they all start queuing up at seven or eight in the morning even when the place is still closed and that is why they get such a number of people there. By mid-morning there is no queue at all, it is only once a month.

NO. 83 OF 1995

THE HON H CORBY

HANDICAPPED PERSONS' ALLOWANCES

Will Government increase the allowances for handicapped and disabled persons?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, there are no plans at present but this is a matter which is kept under review and the hon Member will no doubt see from the draft Estimates of Expenditure which have been tabled today in the House that there is a substantial increase in the contribution from the Consolidated Fund to the Handicapped Support Fund. I will, no doubt, be meeting with the newly elected Committee of the Handicapped Society and we will keep the matter under review.

SUPPLEMENTARY TO QUESTION NO. 83 OF 1995

HON H CORBY:

Mr Speaker, does the Minister consider £21 for an adult and £14.70 a week for a child an adequate allowance for the handicapped?

HON R MOR:

Mr Speaker, as I say, the matter is under review and we are looking at the claims which the Society for the Handicapped have been putting forward to Government. Whether it is enough or not enough it very much depends on the personal financial circumstances of the family and we do take steps that whenever a particular family has a problem we offer the necessary assistance.

HON H CORBY:

I do not agree with the Minister at all. It is what the family income is and it is based on family income. I have a guide here, "The guide to new benefits for the disabled people." It mentions nothing and I can give him a copy if he wants to, of all the allowances in the UK which govern care needs, which cover mobility needs. It says nothing about the income the family receives or if it is rich, poor or intermediary. This is a right that the disabled people have because they are disabled. It is not a matter of what income comes into the house.

They are disabled, they have benefits and I will for the purpose of the Minister read some of the benefits if he will pay attention to me. The question is that the Hon Mr Bossano fought for parity of wages very successfully during his campaign for parity of wages and this is an extension to that. There is care needs, there is £43.45 per week, this is on a higher rate and on a lower rate it is £28.95 a week. Added to that there is mobility allowance on a high rate of £30.30 and on the lower rate of £11.55 per week. This gives us an income of £73 and £40 on the lower rate. This makes a disabled person, not to be leaning on his parents for financial stability. It gives the disabled person financial independence from his parents so if the Minister would like to look at this and look into the matter and raise the allowances for the disabled people that might be a step in the right direction.

HON CHIEF MINISTER:

The answer, Mr Speaker, is no. We do not base the policy of what we provide or we do not provide for any particular sector of the community on the concept of parity with the United Kingdom. Parity was introduced in Gibraltar in 1978 and the Opposition Member cannot come along in 1995 and argue that because I, as Branch Officer of the Transport and General Workers' Union, negotiated parity in 1978, we as the Government of Gibraltar in 1995 have now got to follow whatever is done in the United Kingdom in the area of social services. The answer is no. We will not look at that.

HON H CORBY:

Mr Speaker, can I ask the Chief Minister if he thinks that the disabled allowance for the people of £21 an adult and £17.40 is an adequate allowance?

HON CHIEF MINISTER:

Mr Speaker, it is not my job to pass judgement on what is adequate or inadequate. I can tell the hon Member that getting an allowance at birth, which we do in Gibraltar, is something that does not happen in the UK. Does he think that the UK is adequate in not giving people an allowance at birth? I do not know, but it is irrelevant because the answer is that that is the allowance that exists. The Government in looking at them and how we distribute funds make a judgement and we answer for that judgement like we answer for every decision we take as a Government. It does not mean that we think that everything in Gibraltar is incapable of improvement. It means that there are limited resources and somebody has got the job of deciding whether a given resource is used

to do (a) or used to be (b) and we are the people who are paid to do that job.

NO. 84 OF 1995

THE HON H CORBY

DR GIRALDI HOME

Are Government satisfied that the exclusion of the Society for the Handicapped from the board of trustees of the Dr. Giraldi Home is in the best interests of Gibraltar's handicapped people?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

It has consistently been the Government's view that the Society for the Handicapped should, in the best interests of Gibraltar's handicapped people, participate in matters related to the Dr Giraldi Home. In this respect, as the House is aware, their active participation was invited to advise and make recommendations through an advisory board together with professionals in the field.

Whether representation from the Society should be included or not in the Dr Giraldi Home Trust is entirely a matter for the two parties to agree upon and does not require any Government intervention. It is therefore not my role to pass judgement as to whether the Society's exclusion from the Trust is or is not in the best interests of Gibraltar's handicapped people. The Government would be satisfied with any mutually agreed arrangements which would protect the smooth and efficient running of the Home.

SUPPLEMENTARY TO QUESTION NO. 84 OF 1995

HON H CORBY:

What then is the reluctance to allow representation on the board of trustees to a single person of the Handicapped Society? Obviously, the Government have something on that matter, they do not disassociate themselves with the Home. The Government have also input in as far as that is concerned.

HON R MOR:

Mr Speaker, as mentioned in my answer, it is entirely a matter for the Trust and the Handicapped Society to administer. It is nothing the Government need or have any intention to fill.

HON P R CARUANA:

Would the Minister who presumably has an opinion on the matter, welcome seeing the Handicapped Society represented on the board of trustees?

MR SPEAKER:

The question cannot ask the Minister to give an opinion. I have allowed this question to go through..... [Interruption] Yes, to give an opinion on a matter on which they are not directly concerned and therefore I allowed the question as of general interest but we cannot go on at that. The Opposition can always bring a motion on the matter where the matter can really be discussed.

HON LT-COL E M BRITTO:

Mr Speaker, does the Minister accept as accurate the statement in a letter written by Monsignor Caruana in recent days in the press in which he says that the board of trustees is answerable to the Minister? The letter says that the board of trustees is answerable only to the Minister, does the Minister accept that that is accurate?

HON J C PEREZ:

Mr Speaker, perhaps the hon Members are getting confused with the actual trust and the management committee. I have not read Monsignor Caruana's letter but certainly the management committee, whether it is representation from the Dr. Giraldi Trust, from the Government, from the headmistress of St Bernadette's, from the headmistress of St. Martin's and from the Society and which is designed to advise the Trust on matters relating to the Dr. Giraldi Home is what was set up after long consultation in conjunction including with the Hon Mr Corby who congratulated me later on the successful outcome of it. Really, the question of the input in the general running of the Home does not come from the Trust, it comes from a management committee chaired by the Deputy Personnel Manager of the Government of Gibraltar, Mr Albert Finlayson. What the Society or some elements in the Society have been demanding and which we have categorically, as a Government, said no, and I think the Hon Mr Corby agreed with me at the time was that they, the Society, should be in the Trust responsible for employing people and for the day-to-day decisions of the Home and we said no. On the general management and the general policy of how the Home should be run there is an input in the management committee on how that committee is structured and what input one gets. Then on the Trust it is a matter of how the church organises itself in order to run the Dr. Giraldi Home and it is certainly up to them whether they want the Society to directly

participate in it or not and it is not a matter for the Government to get involved. We negotiated direct with the Trust, it is up to the Trust. To say that the Society have not got an input on the policy decisions because they are not in the Trust is wrong and untrue. They have the same influence in policy decision making as the professionals, the therapist, the headmistress of St Bernadette's, headmistress of St Martin's and the Society are all represented in the body that decides policy for the Dr Giraldi Home which is not the Trust. The Trust is the actual body that runs the Home on a day-to-day basis.

HON H CORBY:

Mr Speaker, to put the record straight, my congratulations to the Minister was concerned when I was involved because I was worried about the rift created between the different people. That was my main aim to solve everything. They had a meeting with the Chief Minister, I believe, and with the Minister the Hon Juan Carlos Perez and from the feedback I got on congratulating the Minister for his excellent work I was told that the impression that the Society for the Handicapped had is that they were on the board of trustees and not on the consultative body. This is what I was told and this is why I said that the rift was gone, everything was going to run smoothly now, but this is the impression that they got, that they transmitted to him and this is what I thought.

HON CHIEF MINISTER:

Let me clear for the record. That is not the impression that they could have possibly got because I gave them a categorical statement that as far as we were concerned the Trust was not been asked by me to offer them a place. When they came to see me, and the people who came to see me are not the people who are there today and we do not know whether the people that are there today feel the same way as the people who are not there today but the ones who came to see me at the time asked specifically to have one or two representatives and I said they could have one or two representatives as far as were concerned in the committee that was chaired by the Assistant Personnel Manager and I was absolutely clearcut in saying to them, "The Government will not ask the Trust to have you and the Government will not ask the Trust that you should vet in the Society who is employed or who is not employed because we as a Government, if we have a complaint afterwards about the operation of the Home we are not going to hold the Society responsible, we are going to hold the Trust responsible so you cannot give somebody a contract and a responsibility and then tell them who they have to employ." It is not on so let me

make it absolutely clear that there is absolutely no possibility that they could have gained that impression because I was at pains to make it clear to them that that was not on. I think what happened was after that meeting people who were not present at that meeting did not agree with the way the meeting had finished and then they wrote me interminable letters trying to get more meetings to change the thing and I said "I have seen you to make the position clear at the end of the day that is the position of the Government, you may like it or you may not like it but that is the position."

NO. 85 OF 1995

THE HON H CORBY

DR GIRALDI HOME

Why was Mr. Irving's daughter recently denied temporary respite facilities at the Dr. Giraldi Home during his stay in hospital?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Mr Speaker, Mr Irving's daughter is suffering from a medical condition for which she is receiving treatment from the Gibraltar Health Authority and her condition is a matter of medical confidentiality between the doctor and herself which I am not free to divulge or indeed entitled to have access to. I cannot comment except to say that the reason is that the medical condition is not one that is relevant to the people who use the facilities and if the hon Member wants to find out exactly what the medical condition is, then he should approach the Health Authority and find out who is the doctor treating this patient who might give him an indication.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1995

HON H CORBY:

Mr Speaker, why then was there a form signed on the 22nd March admitting Mr Irving's daughter to the Home and then this decision was reversed? I would like to know why the form was signed and who was responsible for reversing the decision?

HON CHIEF MINISTER:

Why should we know why somebody signed the form somewhere? What does the hon Member think that has to do with the policy decisions of the Government of Gibraltar, that somebody signed a form somewhere?

HON H CORBY:

The Chief Minister has just stated that he had meetings and the Government have input into the Home in as far as.....

HON CHIEF MINISTER:

No, Mr Speaker, I have not stated any such thing. The hon Member is asking a question about an individual and I question whether that in fact is consistent with Rule 17(1)(ii) of Standing Orders which says people's names should not be mentioned unless it is absolutely necessary because the fact of the matter is as the original answer from my hon Colleague shows, is that he is referring to a particular individual with a particular medical condition and we are told that it is not ethically correct to debate over the radio the medical condition of a particular individual. He says if that particular individual is suffering from a given medical condition why did she sign the form? Well, it may be that it is because she has got the medical condition that she signed the form and the medical condition that does not make her aware of what she is signing when she signed it. I do not know what form he is talking about but the hon Member's position is why was this lady denied temporary respite at the Dr Giraldi home? He must know where she was given temporary respite. He must know that and he must know what is the nature of the illnesses of the people in the place where she was given temporary respite. What more does he want to be told?

THE HON P R CARUANA

GIBRALTAR HEALTH AUTHORITY'S ACCOUNTS

What were the Gibraltar Health Authority's:

(a) receipts from:

Grant from S A F
S A F Fees
Loan from S A F
Group Practice Medical Scheme
Hospital Fees
Laboratory Fees
Other Receipts

(b) Payments, in respect of:

Personal Emoluments
Overtime
Allowances
Gratuities
Total Personal Emoluments
General office Expenses
Running Costs of Motor Vehicles
Electricity & Water
Provisions
Laundry Expenses
Hardware Uniform Linen
Dressings & Medical Gases
G P M S Medicines
Medical & Surgical Equipment
Patients Appliances
Fuel
Funeral Expenses
Medical Books
Wages
Cleaning Expenses
Courses of Training
Expenses of Visiting Consultants
Official Visits Abroad
Sponsored Patients
Printing & Stationery
Telephone Service
Drugs & Pharmaceuticals
Medical & Surgical Appliances
Official Entertainment
Employers share of Conts. to SIS
Relief Cover
Professional Study Leave
Recruitment/Contractual Expenses

Ex-Gratia Payments
New Equipment
Minor Works

for each of the years ended 31st March 1994 (unaudited if that is what is presently available) and 31st March 1995 (on a forecast out-turn basis if that is what is presently available) and what is the estimated revenue and expenditure in respect of the above items for 1995/96?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the following figures correspond to the accounts for the financial year 1993/94 which are in the process of being audited:-

REVENUE	ACTUAL 93/94
Group Practice Medical Scheme	10,555,169
Hospital Fees	112,830
Laboratory Fees	9,200
Other Receipts	112,086
SAF	6,000,000
Loan	1,144,314
TOTAL	17,933,599
<u>EXPENDITURE</u>	
01 PERSONAL EMOLUMENTS A	6,333,096
OVERTIME B	844,862
ALLOWANCES C	1,233,280
GRATUITIES D	168,130
TOTAL PERSONAL EMOLUMENTS	8,579,368
02 GENERAL OFFICE EXPENSES	27,207
03 RUNNING COSTS OF MOTOR VEHICLES	1,035
04 ELECTRICITY AND WATER	162,779
05 PROVISIONS	234,395
06 LAUNDRY	206,670
07 HARDWARE UNIFORM LINEN	82,803
08 DRESSING/MEDICAL GASES	278,173
09 G P M S	3,309,451
10 MEDICAL EQUIPMENT	99,721
11 PATIENS APPLIANCES	35,475
12 FUEL	24,938
13 FUNERAL EXPENSES	2,330

14 MEDICAL BOOKS	5,743
15 WAGES	997,293
16 CLEANING EXPENSES	34,328
17 COURSES OF TRAINING	20,442
18 EXPENSES OF VIS CONSULTANTS	63,672
19 OFFICAL VISITS ABROAD	83
20 SPONSORED PATIENTS	1,295,839
21 PRINTING/STATIONERY	32,083
22 TELEPHONE SERVICE	70,300
23 DRUGS/PHARMACEUTICALS	583,339
24 MED & SURGICAL APPLIANCES	168,547
25 OFFICIAL ENTERTAINMENT	2,174
26 SIS	524,571
27 RELIEF COVER	237,493
28 STUDY LEAVE	14,321
29 RECRUIT/CONTRACT	33,783
31 EX GRATIA PAYMENTS	4,297
32 CASH LOSSES	127
33 NEW EQUIPMENT	347,450
34 MINOR WORKS	453,369

TOTAL GHA	17,933,599
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Section 15 of the Medical (Gibraltar Health Authority) Ordinance provides for the accounts of the Authority to be prepared 9 months after the end of each financial year in line with all other Government departments and institutions which are receiving a Government subvention. Only three weeks have elapsed since the end of the last financial year. The figures available correspond to the forecast outturn for the year in question:

REVENUE	EST 1994/95
Group Practice Medical Scheme	12,250,000
Hospital Fees	60,000
Laboratory Fees	7,500
Other Receipts	75,000
SAF	6,000,000
Loan	1,059,600
TOTAL	19,452,100

EXPENDITURE

01 PERSONAL EMOLUMENTS A	6,550,000
OVERTIME B	924,000
ALLOWANCES C	1,356,000
GRATUITIES D	143,400
TOTAL PERSONAL EMOLUMENTS	8,973,400
02 GENERAL OFFICE EXPENSES	28,850
03 RUNNING COSTS OF MOTOR VEHICLES	900
04 ELECTRICITY AND WATER	151,300
05 PROVISIONS	238,000
06 LAUNDRY	196,000
07 HARWARE UNIFORM LINEN	64,000
08 DRESSING/MEDICAL GASES	363,000
09 GPMS	3,714,000
10 MEDICAL EQUIPMENT	128,500
11 PATIENTS APPLIANCES	39,850
12 FUEL	21,300
13 FUNERAL EXPENSES	7,000
14 MEDICAL BOOKS	7,600
15 WAGES	1,035,000
16 CLEANING EXPENSES	32,600
17 COURSES OF TRAINING	15,850
18 EXPENSES OF VIS CONSULTANTS	44,700
19 OFFICIAL VISITS ABROAD	200
20 SPONSORED PATIENTS	1,727,100
21 PRINTING/STATIONERY	20,900
22 TELEPHONE SERVICE	86,450
23 DRUGS/PHARMACEUTICALS	664,000
24 MED & SURGICAL APPLIANCES	167,000
25 OFFICIAL ENTERTAINMENT	900
26 SIS	582,700
27 RELIEF COVER	310,000
28 STUDY LEAVE	14,700
29 RECRUIT/CONTRACT	204,300
31 EX GRATIA PAYMENTS	12,000
32 CASH LOSSES	-
33 NEW EQUIPMENT	270,000
34 MINOR WORKS	330,000

TOTAL	19,452,100
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The Authority expects to spend approximately £20.5m in this financial year. A breakdown of the anticipated Expenditure/Revenue against each respective item is as follows:-

REVENUE**EST
1995/96**

Group Practice Medical Scheme	14,412,200
Hospital Fees	45,000
Laboratory Fees	10,500
Other Receipts	77,600
SAF	6,000,000
Loan	

TOTAL	20,545,300
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EXPENDITURE

01 PERSONAL EMOLUMENTS A	6,977,400
OVERTIME B	924,000
ALLOWANCES C	1,356,000
GRATUITIES D	69,500
TOTAL PERSONAL EMOLUMENTS	9,326,900
02 GENERAL OFFICE EXPENSES	39,300
03 RUNNING COSTS OF MOTOR VEHICLES	3,000
04 ELECTRICITY AND WATER	200,000
05 PROVISIONS	266,000
06 LAUNDRY	203,000
07 HARDWARE UNIFORM LINEN	80,000
08 DRESSING/MEDICAL GASES	416,000
09 GPMS	4,000,000
10 MEDICAL EQUIPMENT	121,000
11 PATIENTS APPLIANCES	37,000
12 FUEL	21,500
13 FUNERAL EXPENSES	3,600
14 MEDICAL BOOKS	11,500
15 WAGES	1,040,000
16 CLEANING EXPENSES	31,000
17 COURSES OF TRAINING	39,800
18 EXPENSES OF VIS CONSULTANTS	59,300
19 OFFICIAL VISITS ABROAD	1,000
20 SPONSORED PATIENTS	1,900,000
21 PRINTING/STATIONERY	25,000
22 TELEPHONE SERVICE	72,000
23 DRUGS/PHARMACEUTICALS	650,000
24 MED & SURGICAL APPLIANCES	190,000
25 OFFICIAL ENTERTAINMENT	5,000
26 SIS	611,000
27 RELIEF COVER	267,000
28 STUDY LEAVE	29,500
29 RECRUIT/CONTRACT	190,800
31 EX GRATIA PAYMENTS	5,000
32 CASH LOSSES	100

33 NEW EQUIPMENT	350,000
34 MINOR WORKS	350,000

TOTAL GHA	20,545,300
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SUPPLEMENTARY TO QUESTION NO. 86 OF 1995

HON P R CARUANA

I am grateful to the Minister for that unusually detailed information.

NO. 87 OF 1995

THE HON M RAMAGGE

GIBRALTAR HEALTH AUTHORITY'S ACCOUNTS

What companies carried out the "minor works" to the value of £375,876.86 disclosed in the Gibraltar Health Authority's accounts to 31st March 1993?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

The works have been undertaken both by direct workers and by two wholly owned Government companies, PCS and JBS.

Approximately £200,000 of the figure was spent on direct labour and the balance in the work undertaken by the two companies.

QUESTION NO. 88 OF 1995

THE HON M RAMAGGE

GIBRALTAR HEALTH AUTHORITY'S PURCHASES

What arrangements exist for the procurement by the Gibraltar Health Authority of:

- (a) Provisions
- (b) Linen
- (c) Medical Dressings & Medical Gases
- (d) Medical & Surgical Equipment
- (e) Drugs & Pharmaceuticals
- (f) Medical & Surgical appliances
- (g) New Equipment

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as far as (a) is concerned, this item goes out to tender on a yearly basis. Items (b) to (f) are purchased in the local market as and when required by the officer in the Gibraltar Health Authority who has responsibility for the particular department that uses the supplies in question.

New equipment is normally obtained from the United Kingdom at the best available prices.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1995

HON P R CARUANA:

Mr Speaker, can the Minister say whether since she gave the answer, I think it was in 1993, in which she said that there were none, there is any arrangement whereby any of this procurement is done by or through one or more contracted agencies or suppliers as opposed to going out and purchasing in the market. In other words, is there any company that has been given a procurement contract? Is the purchasing done through any procurement agency?

HON MISS M I MONTEGRIFFO:

No, Mr speaker, it is not.

HON P R CARUANA:

Will the Minister say whether those items that are purchased in the local market are purchased through a tender process or whether the responsible officer, that

the Minister has described is the head of the department having the need, simply buys the items from wherever he/she thinks fit regardless of price or competition for price or competition for supply?

HON MISS M I MONTEGRIFFO:

It is as I answered in the original question, Mr Speaker, but it is not only as regards the price, it is also the quality of the item in question.

HON P R CARUANA:

This decision is made exclusively by the officer so there is no process of tendering except for the annual tendering in respect of item (a) - provisions.

HON MISS M I MONTEGRIFFO:

That is right.

HON P R CARUANA:

Does the Minister think that there would be a possibility of improving the value for money which she gets if there was a tendering process for some of the larger items of expenditure in the Health Authority?

HON MISS M I MONTEGRIFFO:

No, Mr speaker, because I have said in my original answer, the larger items go out to tender. The small items are actually purchased by the supplies officers of the different heads of department according to their professional knowledge.

HON P R CARUANA:

The purchase, for example, of drugs and pharmaceuticals which is a large item, that does not go out to tender locally, does it? Where does that go out to tender?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, it does not go out to tender because there is a policy which has been there in place even before the Gibraltar Health Authority was constituted. Most of the items bought under that subhead are bought from local agencies.

HON P R CARUANA:

Medical and surgical equipment appliances, which is also a large item, that does not go out to tender either? Who procures that for the Gibraltar Health Authority?

HON MISS M I MONTEGRIFFO:

It is procured as I said in my original answer by the head of that department, and most of the items are bought from local agencies.

HON P R CARUANA:

Does the Minister consider that it would be an improvement on the present system where there are a number of persons responsible for procurement for there to be a central procurement unit for the Gibraltar Health Authority so that a measure of control and policy can be applied and consistency of policy can be applied to the methodology of procurement as opposed to each head of department to buy his own supply in what is a very large budget, ought not the Health Authority to have a procurement unit?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, because as I said originally in my answer to the question, this is something that the Gibraltar Health Authority has already managed well before it was constituted and the reason why the procurement of these items do not go out on a tender basis because they are so wide ranging and so many varied items that it would be improper and time consuming and would not benefit the Gibraltar Health Authority that it go out to tender.

HON P R CARUANA:

I am sure the Minister understands that this is one of the largest budgets. In other words, this is one of the largest areas of public expenditure. If on the basis of all that she is saying, where is the management control in the Gibraltar Health Authority to ensure that the taxpayer is obtaining value for money in the procurement of what are millions of pounds worth of provisions and equipment supplies, if there is no central procurement unit? I can understand, although I do not agree, with what she has said about there not being a tender system but regardless of whether there is more widespread tendering or not. Does she not agree that the procurement ought to be done by a central purchasing unit for the Health Authority and not left to each head of department to go out and spend hundreds of thousands of

pounds as he/she thinks fit without any control as to value for money input from management in that area? Does she not think that that would be an improvement that would enable the Minister to better answer in this House for the value for money?

HON CHIEF MINISTER:

Mr Speaker, I think the answer to that is that what is projected at present in the estimated expenditure that has been given by the Minister for 1995/96 is on the basis of the system as it has existed until now. One of the things that is currently being done in the department following the value-for-money audit that was done in the police service on the initiative of the Principal Auditor is that they have been asked to look at the health service. If they make recommendations in that area then we will look at those recommendations when they have finished their value-for-money study and make recommendations but we do not know yet. This is something that is only very recently been put in place, that is to say, I am not even sure that they have actually started on it but the same exercise that was done in examining the expenditure of the police vote is going to be done in respect of this expenditure in 1995/96 and no doubt if there is merit in what the hon Member is suggesting it will be reflected in that report.

NO. 89 OF 1995

THE HON M RAMAGGE

MATERNITY WARD

Will Government explain why patients at the Maternity Ward are asked to supply their own essential maternity items during their stay?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, it is not true that patients in the Maternity Ward are being asked to supply their own essential maternity items.

SUPPLEMENTARY TO QUESTION NO. 89 OF 1995

HON P R CARUANA:

I do not know, Mr Speaker, if we can argue here about what is essential and what is not essential. The fact of the matter is that when I started having children which was before.....

MR SPEAKER:

I take it that the Leader of the Opposition means his wife was having children.

HON P R CARUANA:

I take note. As I say, Mr Speaker, when I first started having children which was in the time of their predecessors in office, patients in the Maternity Ward were not required..... If the Minister wishes me to list particular items I will but she knows jolly well what the question is designed to. When they arrived in Government it suddenly became necessary, two or three years ago, for mothers entering the Maternity Ward to take with them a whole lot of paraphernalia like sanitary towels, and powders, and children..... The Minister who has not had children like me will not know necessarily that this is true but I can tell her that it is exactly the case and that this suddenly happened and it clearly was a matter of policy. What I ask the Minister is that she knows how much money the Gibraltar Health Authority has saved as a result of no longer providing for expectant mothers and mothers after they have delivered what they were expecting that the health service no longer provide for them the paraphernalia necessary for women and babies

after childbirth. I can be much more specific than that if she really wants me.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have not had any children myself as the hon Member has, I mean his wife, but I can certainly assure him that the Maternity Ward at St Bernards provides a whole range of items which are not usually provided by maternity wards, for example, in a comparable hospital in the United Kingdom. The hon Member has not ventured to say what it is that the Maternity Ward does not provide for example but I am prepared to inform him of the items that are provided by the Maternity Ward. List of items provided: nightgowns, dressing gowns, sanitary towels throughout labour and also when and if required, bath towels; babies are supplied with the following: feeding bottles, sterilisation equipment, milk feeds of own choice, emergency nappies, baby clothes in cases of emergencies, a range of baby toiletries are also stocked in Maternity and are supplied as and when required.

HON P R CARUANA:

Yes, Mr Speaker, of course, she provides much more than that. She is far too modest and she also provided forceps and all sorts of medical implements. We are not discussing what she provides, I would like to hear that she does not provide absolutely nothing. What we are discussing is what used to be provided and is no longer provided and my question is the items that are no longer provided that used to be provided, how much money has the Health Authority saved in its annual budget? For example, I know that she said emergency nappies, I remember when I did not have to rush up to the Maternity Ward carrying nappies. That is no longer the case now all the expectant mothers have to take their nappies. The Minister was careful to say emergency nappies, why did she say emergency nappies and not nappies as used to be the case and there were powders and sanitary towels. Is it Minister's position that since 1988 there has not been a change of policy whereby items that used to be provided before then are no longer provided, will she answer that question categorically?

HON MISS M I MONTEGRIFFO:

Mr Speaker, there has been no change in the policy since 1988.

HON P R CARUANA:

As to what is provided or not?

HON MISS M I MONTEGRIFFO:

As to what is provided, Mr Speaker.

HON P R CARUANA:

I put to her three items and the list is much longer I did not think it would be necessary to cover the shopping list but the Minister is mistaken. She is **absolutely** mistaken and she must know that. I have given her three items that used to be provided and which no longer are. Is she saying that nappies, powders and sanitary towels are still provided?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, that is what I am saying.

HON P R CARUANA:

I tell the Minister that she is bringing to this House information which is not correct.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I do not agree with what the hon Member is saying and I will investigate what he is saying but what I am saying is that I am there on a daily basis and I know what Maternity Ward is being provided with.

NO. 90 OF 1995

THE HON M RAMAGGE

ADDITIONAL OPERATING THEATRE

Do Government intend to establish another operating theatre at St. Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1995

HON M RAMAGGE:

Mr Speaker, will Government say to what extent, if any, does not having another operating theatre contribute to the waiting list?

HON MISS M I MONTEGRIFFO:

At the moment the question of the operating theatre is not an issue with the Gibraltar Health Authority and I will remind the Member of the question that I answered to the official Opposition No. 37/94 where I gave a comprehensive itemised account of all the routine operations that were being carried out by the Gibraltar Health Authority.

HON P R CARUANA:

Is it the Minister's position then that such waiting lists as exist would not be ameliorated if there was another operating theatre? Will she say whether there has been a proposal put to the Government whereby the Ministry of Defence would fund the capital expenditure of providing such an operating theatre?

HON MISS M I MONTEGRIFFO:

The answer to his first question is no. His second question is a totally different question which had to do with negotiations with which we have no prior notice, that is being negotiated between the RNH and the Gibraltar Health Authority.

HON P R CARUANA:

Is there a proposal, Mr Speaker, of which the Minister is aware, I suppose she would be aware of it if it existed, whereby operating theatres may be **established** on the top floor of the Mackintosh Wing in what has until recently been used as the Maternity Ward.

HON MISS M I MONTEGRIFFO:

Mr Speaker, again that is the subject of negotiations that would be carried out between the Gibraltar Health Authority and the MOD with which we have no previous notice but it does not in any fact alter my answer to his previous question which is no.

HON P R CARUANA:

But with the greatest respect to the Minister it does. She is saying in the answer to her original question that there are no plans to **establish** another operating theatre. She is now saying that she is involved in negotiations involving the establishment of an operating theatre in the Mackintosh Wing.

HON MISS M I MONTEGRIFFO:

No, no, he said that it was the subject of negotiations between the MOD and the GHA but it does not alter the fact that the Gibraltar Health Authority does not consider it a priority or a need to have a second theatre.

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NO. 91 OF 1995

THE HON M RAMAGGE

NURSING STAFF LEVELS

Are Government satisfied with the number and grades of nursing staff at St. Bernard's Hosital and the level of training and in-service courses available to them?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in the course of the debate on the Estimates of Expenditure, I will, as I have done in previous years, be commenting on the health service. I will include in that an explanation as regards the nursing staff position and training facilities.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1995

HON P R CARUANA:

Mr Speaker, does the Minister accept that the complement both in its numbers and in its composition does not comply even with the recommendation of the Rocca report which they said in answer to question No. 140/93 in answer to a question put by my then colleague, Mr Peter Cumming that they are committed to.

HON MISS M I MONTEGRIFFO:

Mr Speaker, how can the hon Member ask me that sort of question when I have replied that I will include in my explanation at budget time all matters relating to staff position and training facilities, and that is the reply he is going to get.

HON P R CARUANA:

If the answer of the Minister is that she will not answer the question because she wants to include the materials in a speech to be given in due course then that is fine but let her understand that what she is doing is declining to answer a perfectly simple question. Does the Minister need further notice of that. She is the Minister for Health, she must know what her Government committed themselves to in terms of establishment, she must know whether that commitment has been complied with and indeed she must know that it has not been complied with and she must know why it has not been complied with and I am asking that question now not later for her talk.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I do not agree with what the hon Member is saying. I am not shying away. The question that I am being asked and what I am saying is that at budget time I have a very comprehensive reply to give to hon Members as regards staffing levels and training facilities for the nursing grades in the hospital and I am telling the Opposition that at budget time I will be elaborating and giving them a comprehensive reply.

MR SPEAKER:

Order. The answer has been. It may not be a satisfactory answer to the Leader of the Opposition but that is the answer. Next question.

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NO. 92 OF 1995

THE HON LT-COL E M BRITTO

AMBULANCE SERVICE

Will Government make a statement concerning the state of the ambulance service?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, there are two ambulance services, one is operated by the Royal Gibraltar Police and the other by the St John's Ambulance Brigade.

The Royal Gibraltar Police is responsible for providing a 24 hour emergency service, and a transfer service which is available during normal working hours.

They have a fleet of 3 ambulances.

The way the emergency ambulances work, is one standing by outside Central Police Station, whilst the other is off the road at the Police garage for servicing and repair and are changed over every three months, to ensure that wear and tear is equal and that simultaneously they are maintained in a road worthy state.

One operates on a daily basis by two officers, whose job is to transfer persons mainly the elderly from their homes to the hospitals and vice versa.

The emergency service is available 24 hours a day with a two man crew. It attends to house and street calls, Health Centre, Mount Alvernia, KGV, Airport, Jewish Home, hotels, bars and Police Station and the Royal Navy Hospital.

The second service transfers persons, mainly the elderly, from their homes to hospitals and vice versa.

Both emergency ambulances are equipped with relatively new basic ambulance equipment. I have been informed that there is liaison between the Royal Gibraltar Police and the Gibraltar Health Authority and whenever equipment needs to be purchased they exchange views on the type which is required.

Up to two years ago patients were required to pay a fee but the service is now available free of charge.

A new ambulance was catered for in last year's estimates and it is expected to be in use shortly.

The level of emergency calls for 1994 were the lowest since 1989. The number of transfers have remained practically unchanged for the past 3 years.

With regard to the St John Ambulance Brigade it provides Gibraltar with a high quality cross border road ambulance service and the following sections describe the standard provided.

The brigade responds to:

Emergency calls

Urgent calls

High dependency transfers

Major incidents

Calls from doctors, dentists or authorised personnel to transport patients for surgical, medical X-ray or Pysiotherapy treatment where the patient is unable to travel by any other means.

Cross border transfers of a non urgent or high dependency reason.

Appropriately trained first aiders man ambulances and the personnel are prepared to be called out at any time of the day or night.

Personnel are uniformed subject to a code of conduct covering professional ethics, confidentiality, etc.

All volunteers that man the service, use badges or rank and insignias appropriate to the order of St John.

The minimum number of vehicles required to provide the present service are:

2 Accident and emergency ambulances

2 Transport vehicles

In order to ensure there are always the correct number of vehicles available the service relies heavily on the good offices of the City Fire Brigade who repair and maintain the vehicle fleet.

As part of its service to the community the Brigade still continues to carry out public duties which also requires the attendance of vehicles and staff.

All ambulances are fully equipped and maintained as necessary for the transport of various categories of patients and are all interchangeable with each other.

In order to maximise use of resources and provide the most efficient response the Brigade maintains an Ambulance Control Centre which can be manned when required with appropriate telecommunication and radio equipment.

The area covered is the land area of Gibraltar and selected areas tested for adequate signal reception in the nearby land of Spain with an expected distance of 30 miles.

A bleeper service to call out personnel is also provided and initiated by the duty officer. This service is also extended for other essential personnel who may require instant recall, to provide an emergency cross-border service as and when required.

The St John Ambulance Service believes that quality of service does not depend solely on measurable factors such as the standards of vehicles, staff training and speed of response, but on the personal attention given to each individual patient by the volunteers of the Brigade. These volunteers are drawn from a wide-ranging section of our community.

Analysis of work carried out this year is as follows:

CROSS BORDER TRANSFERS

	ALGECIRAS	MALAGA	CADIZ
January	18	2	0
February	15	2	0
March	18	4	2
TOTAL FIRST QUARTER 95	<u>51</u>	<u>8</u>	<u>2</u>
	—	—	—

Dialysis transfers are carried out three times a week on Mondays, Wednesdays and Fridays, in total five patients are taken in the morning and returned from the dialysis centre some four hours later. Two vehicles are used in the transfers, a service which is also undertaken during public holidays.

Sponsored patients travelling to the UK are also catered for if they require moving from the hospital to the airport or if they require collection at the airport for transfer to the hospital.

In the first three months a total of eight patients were moved.

SUPPLEMENTARY TO QUESTION NO. 92 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, I assume that after that the Minister has no intention of mentioning ambulances in her contribution at the budget. Just to clarify something, the Minister is then saying that there is a police ambulance permanently on the road and one permanently in garage and changed every three months and is she also saying that St John's have a total of four vehicles available on a daily basis?

HON MISS M I MONTEGRIFFO:

That is right, the Royal Gibraltar Police have three and the St John's Ambulance have four.

HON LT-COL E M BRITTO:

I am sorry, I am confused have the police got three vehicles or two vehicles?

HON MISS M I MONTEGRIFFO:

The Royal Gibraltar Police have three vehicles.

HON LT-COL E M BRITTO:

Of which two are on the road and one is in garage?

HON MISS M I MONTEGRIFFO:

That is correct.

HON LT-COL E M BRITTO:

So we are at a situation now where we depend fairly heavily on the ambulances provided by St John's?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON LT-COL E M BRITTO:

Purely then for the transfers and for emergencies.....

HON MISS M I MONTEGRIFFO:

Emergencies and transfers are usually carried out, in the main, by the Royal Gibraltar Police Force. St John's Ambulance comes in to play as far as cross-border emergencies and transfers are concerned.

HON LT-COL E M BRITTO:

Is the Minister satisfied with the conditions of the vehicles and how often are vehicles scrapped and changed over?

HON J C PEREZ:

Mr Speaker, I have intervened because the Support Services garage manager is the one that receives requests from different departments for new vehicles and every time a request has come from the police for the replacement of an ambulance it has never been turned down. Every time the police have asked for a new ambulance the Government have provided the funds and the order has been placed and it has come. We have never told the police at any stage, since 1988, that they cannot have an ambulance.

HON LT-COL E M BRITTO:

Praiseworthy as that is, it does not answer the question. Do I take it then that there is not a policy of changing one ambulance every X number of years?

HON J C PEREZ:

The policy is that when the people that use it think that they need a new one and they apply for it we have granted them the funds to be able to purchase one, that is the policy.

HON LT-COL E M BRITTO:

Are there any plans to privatise the ambulance service?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, when my hon Colleague asked that question a minute ago, the answer was no, and subsequently it turned out that there are negotiations to provide a new operating theatre in St Bernard's so I will rephrase the question and say are Government aware or have any proposals been made to Government, has there been any discussions, has there been any talk, has the Minister heard on the grapevine or is there in any shape or form any, in the air, possibility that at some time in the future, the ambulance service will be privatised?

HON MISS M I MONTEGRIFFO:

I cannot talk about the future but as far as I am concerned the answer is no.

HON J C PEREZ:

In fact, Mr Speaker, one of the things in the audit of the police that we looked at was that from the onset with the discussions of the police they were told categorically that the Government have no intention of changing that and they knew that from the onset of the negotiations when we looked at the audit on the police. There is nothing in the air and the atmosphere is clean and nothing is going to happen to the ambulance service.

NO. 93 OF 1995

THE HON LT-COL E M BRITTO

VICTORIA STADIUM

Will Government say whether there is excessive sand in the Victoria Stadium artificial surface and if so whether this is a cause of injury to users?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister aware of any complaints from stadium users or from correspondence in the press claiming exactly this?

HON MISS M I MONTEGRIFFO:

I am aware of a letter that was published by one of the daily newspapers.

HON LT-COL E M BRITTO:

Has the matter been investigated and has there been no grounds for the complaint?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the matter has not been investigated as far as the letter was concerned because it was not addressed to the Victoria Stadium but as a result of the question that the hon Member has brought to the House, we have investigated the matter fully and that is why my answer is no to this House of Assembly.

ORAL

NO. 94 OF 1995

THE HON P R CARUANA

DISPUTE WITH GTC

What steps is Government taking to resolve its current disputes with the GTC in relation to privatisation and with the TGWU in relation to the generating station?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, with regard to the dispute at Waterport Power Station I would refer the hon Member to Government press releases numbers 10/95 of 23rd March and 18/95 of 12th April. Government have nothing further to add to that already stated.

With regard to the dispute with the GTC which the hon Member claims is about privatisation, I would refer him to press releases numbers 11/95 of 24th March, 12/95 of 31st March, 15/95 of 4th April, 16/95 of 5th April, 19/95 of 18th April, 20/95 of 19th April, 21/95 of 20th April, 22/95 of 20th April and 23/95 of 21st April, and although it is not included in the question and if he has had an opportunity to read it I would refer him to the article in the Chronicle on Saturday where it carried an interview with me.

SUPPLEMENTARY TO QUESTION NO. 94/95

HON P R CARUANA:

Mr Speaker, it is clear to everybody in Gibraltar that the Government have a dispute with the two unions mentioned. I do not know why he does not think that it is about privatisation. The impression given by the trade unions from their public statement are that one of the major issues in this dispute as far as they are concerned is that they feel that they are not adequately consulted when it comes to privatisation and contractorisation. The question is not what Government's position is in relation to the dispute which is what those press releases deal with but what steps Government are taking. In other words, are Government willing, in the interests of putting an early end to the dispute, to sit down and talk these matters through with the GTC in the case of one of the disputes, and with the TGWU in the case of another, and see if solutions can be found or is

it Government's intention just to sweat it out until they get bored with it.

HON J C PEREZ:

Mr Speaker, the Personnel Manager of the Government, who with his department is responsible for the day to day negotiations with the union, has his door open, I would venture to say, 24 hours a day. He is open for discussions of any type with either the GGCA or the TGWU if there is anything in relation to the dispute that pertains to his office to discuss that. If there are issues which are not strictly of an industrial relations nature and people tend to start pushing them up front as an objective and taking industrial action in pursuance of objectives which are not of an industrial relations nature there is nothing to negotiate. The negotiating machinery is there open and willing to sit down and talk with the unions on matters related to industrial relations. If people place, as objectives, issues which are other than industrial relations issues and they start taking industrial action for matters which are not in pursuance of those objectives, then the hands of the Personnel Manager are tied. It is not a matter which he can negotiate. The hon member mentioned privatisation in his question. Mrs Elery Surrey said on television that the question of privatisation was not a matter for the union to negotiate. It was a matter of policy and a matter for the Government to decide; a political decision. She acceded that on television, when she said that it was a matter of consultation. When she was challenged and told that the last process of consultation with her directly had taken five months, she came back and she said "No, no the dispute is not about that, it is about something else." No one really, not even the members that are taking action are clear in their minds of what the dispute is about, it changes daily.

HON P R CARUANA:

Mr Speaker, as far as I can gather from reading the press, it seems that as far as the unions are concerned, they believe that they have a legitimate grievance over such areas as lack of consultation, lack of accountability of privatised companies, manning levels and the lack of what they consider to be adequate youth training measures. How times change in Gibraltar! Is the Minister saying that as Ministers they do not propose to intervene in matters which are industrial disputes and that the union should deal with the Personnel Department? That used not to be their position when they were doing what the unions are doing now.

HON J C PEREZ:

Yes, definitely, we used to negotiate with the then Mr Harry Murphy and Mr Freddie Origo, the Industrial Relations Officers, and the Assistant Industrial Relations Officer when we were in the union. We never met with Ministers to discuss matters of this nature and we never asked to meet with Ministers. The proper negotiating machinery which the GGCA is asking us to protect is the Personnel Manager's department and they have always been happy with that. They are not asking to see Ministers. They are actually in dispute. We do not know why yet. We are not clear. The objective is unclear and people are taking industrial action. Most of the issues that have been raised have been replied to and some which are not negotiable as an industrial relations matter. That is the situation today. The Personnel Manager's office is open to receive anybody that wants to discuss anything relevant to industrial relations at any time. I would dare suggest that in these difficult times his door would be open 24 hours a day. At the moment, in the same way as the GGCA approached him and we were able to resolve the question of the hunger strike, it will be perfectly legitimate on matters of that nature to continue to resolve any other issues they may have. We do not think that there is one sound legitimate objective which the union is pursuing.

HON P R CARUANA:

Mr Speaker, it seems to me that trade unions all over the world consider that it is an industrial dispute over such issues as privatisation. Those are clearly political party areas but does the Minister agree that not because something is a political policy area that it ceases to be the subject matter of an industrial dispute. Now I do not, from this position, get involved into where the merits lie of the industrial dispute. Ministers know that we ourselves as a political party have raised political issues about matters of accountability and the absence of accounts of privatised companies and that sort of thing but what I am asking the Minister is whether he or any member of his Government intends to try and seize the initiative and open a process of dialogue with the GTC to see if what they think is a non-dispute can be resolved because in the meantime the public service is affected.

HON J C PEREZ:

The Government will take any steps that we deem necessary in order to maintain the public services functioning to the general public. We have not taken those steps yet

but if it comes to it and we have to take measures we shall take them. We hope not to arrive at such a stage in the future. I am telling the hon Member that that is not the issue. The issue is that the unions have embarked on the question of privatisation, that he was saying. We have replied to questions on those matters at length in this House. In January alone the Chief Minister gave a statement saying what the policy of the Government was and the policy of the Government is that it has no specific plans to privatise anything. What we are looking at is at proposals being put to the Government by the union members themselves and the problem the union has is that the union members themselves take the initiative without consulting them. We have informed the union officially that these discussions are taking place. We cannot but do more than that. Mrs Elery Surrey was informed by me personally with the Personnel Manager in front on a visit that she did to my office that the Department of Trade and Industry were talking directly to the Government about the possibility of privatisation. The Government might not accept those proposals. We might think that those proposals are not suitable but she has been informed that her members are talking to the Government. In this respect they are talking to me about contracturisation of the department. The issue is not that. We have, ad nauseum, explained to Mrs Surrey the process of consultation that takes place. She herself knows it. We have got minutes where different unions have accepted different things at different times. It is all written and agreed. The whole thing is black upon white. Open dialogue exists between the Personnel Manager and the trade unions on normal day to day affairs. The issue of privatisation which the union itself agrees is a political issue does not arise per se other than groups of workers wanting to make proposals to the Government for the consideration of the Government.

HON P R CARUANA:

My final supplementary on this issue is, given that the Minister thinks that the position is quite as simple as he has just explained, would it not strengthen Government's position in the public eye if they simply engaged the unions in a process of dialogue directly and then said "Look, we have engaged you in a process of dialogue". Does the Minister accept that there is a lack of comprehension in the street as to how there can be a state of unrest such as there is and that the Government of the day is not engaged in a process of dialogue to try and sort out the problem? How long on the basis of the Minister's analysis this situation will continue until the unions decide to tackle something else and just drop the whole position?

HON J C PEREZ:

I do not necessarily agree with the hon Member but let me tell the hon Member that when we replied to the list of points that they raised with us, the Personnel Manager offered this process of dialogue directly with the Government and it was turned down. They came out and said they wanted to start industrial action. Before they started the action we opened a process of dialogue with them. It has been done already. It has been rejected and they have opted for industrial action and I do not think what the hon Member thinks. I think people will see the effect it has on themselves. At the end of the day they can only damage themselves in the long run and no one is clear why they are doing anything. There is a lot of confusion amongst the rank and file.

HON P CUMMING:

Mr Speaker, is the Minister claiming that Government do not understand why the union complains about divide and conquer with the question of privatisation? Would it not be the very simple answer for them to say "Look, we are interested in hearing from members of departments about projects for privatisation on one condition, that they clear it with the union first"? The the union would be consulted and would come forward with the backing of the union instead of the antagonisation of the union. Furthermore, the Minister has said that in his days in the union they went to the Personnel Manager and access was to him. Surely they would not deny that the Chief Minister as Branch Officer had instant access to Sir Joshua Hassan whenever he wanted it and free access to every member working in a government department. I would like to ask the Chief Minister whether he remembers an occasion where on a problem that I brought to him as shop steward he brought Sir Joshua out of a meeting with the Governor, on a minor matter, to attend within minutes to a problem coming from the union. Is it not true that the trade union expects at least equal treatment to the one that Sir Joshua gave him, if not better? The question of access surely this is a question now of the gamekeeper turned poacher, that all those Government Members who were involved in trade unionism now are like the gamekeeper turned poacher.

HON J C PEREZ:

Mr Speaker, we do not think the hon Member should have a seat in this House and we do not reply to questions from him.

HON LT-COL E M BRITTO:

Mr Speaker, just to clarify something. The Minister said that the Government had proposed discussions and that these had been turned down by the Gibraltar Trades Council. I have here a statement by the Personnel Manager of the Government to the Gibraltar Trades Council which, in the last paragraph, says exactly what the Minister said, "The Government agrees with the proposal by the Trades Council for setting up a forum similar to that in operation in the Ministry of Defence" etc etc. I also have the reply by the Trades Council to the Government where it says on page one "We are willing to discuss this in the joint forum", this being the previous point. I fail to see how the.....

HON J C PEREZ:

It is all very well to be willing to discuss this in the same forum and in the same breath declare themselves in dispute and start industrial action. Let the hon Member ask them. I do not speak on behalf of them. I am afraid that is not something I do.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister I think has gone slightly off at an angle. This is a response by the Gibraltar Trades Council and he led us to believe earlier on that the unions had declined dialogue and had gone on industrial action.....

HON J C PEREZ:

Yes, we have said we agree to this dialogue but we are going in dispute and going on industrial action. What dialogue? One does not agree to the dialogue and go on industrial action. The hon member might have.

ORAL

NO. 95 OF 1995

THE HON LT-COL E M BRITTO

ELECTRICITY GENERATION

Will Government say when it expects that Waterport Station will resume electricity generation at full capacity?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government are unable to predict when normal duties will be resumed by the employees engaged to generate electricity at Waterport.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the Minister will no doubt correct me if I am wrong, but based on one of the many press releases which he quoted as reference numbers earlier on (that of 18/95 of 12th April of this year) the press release says "The shutdown of the three engines was as a result of industrial action taken by the station's plant operators in attendance" and subsequently goes on to say "the union agreed the present pay and conditions of the grades in dispute in 1989. Since then there has been no change whatsoever in the job content. Claims for upgrading have repeatedly been rejected by the Government since 1993". My understanding of the situation is that these grades have been presenting a claim since 1993 which Government do not entertain and have turned down because the job conditions have not changed and hence that is the primary cause of the shut down of the three engines at Waterport, is that correct?

HON J C PEREZ:

Mr Speaker, the claim has been put without substantiating this. They want more money and we do not see why they want more money. What justifies wanting more money? They have refused to carry out duties which they have been carrying out not since 1989, since prior to 1989 before the new conditions came in. Before becoming non-industrial these people were craft grades and labourers and they became non-industrial on shift with a 20 per cent shift disturbance allowance. No substantial arguments have been put to the claims and the Personnel

Manager has been rejecting them every time that they have been repeating the same one. No new arguments have been put.

HON LT-COL E M BRITTO:

Mr Speaker, I am surprised to hear the Minister say no arguments have been put for the claim. If that is the position then the notes that I have here would appear to be unfounded. My understanding is that the basis for the claim is that these grades are upset that another group of workers who are now called the shift maintenance mechanical workers were themselves upgraded in 1993 and in that upgrading the basis of which Government can probably explain to us better than I can. I certainly do not know the basis on which..... [HON J C PEREZ: 1989! He has missed a year.] No, I think in 1989 something else happened, this is the second upgrading. In 1989 when they were made non-industrials they went into the shift system but it is in 1993 when their names have been changed. I do not pretend to be an expert on trade union matters. Government members are more expert than I am. Will the Minister confirm or say no to this? Those grades who are now on industrial action and who have effectively shut down Waterport are doing so because they are upset that other grades who were prior to 1989 or 1993 on conditions of service inferior to them have certainly been upgraded in 1993 and are now on better conditions of service and employment than these grades who are taking industrial action are. Therefore the people are aggrieved that persons who were below them in conditions of service as it were have been upgraded and they are saying "If these people have been put on higher pay bands than we have been, we want to maintain the differential and we want to go back to being above them and to go back to where we were". I use the terms loosely because I cannot specify exactly but in principle is that not what the real cause of the problem is?

HON J C PEREZ:

No, Mr Speaker, I do not pretend to negotiate over the floor but let me explain once only for the benefit of the hon Gentleman what that argument which is one argument entails. That is not the substantive argument put on minutes but it is one argument. In 1989 they were all renegotiated into the shift. The union made a proviso on the agreement of the mechanics that because they were earning as much as industrials with a productivity agreement introduced by the previous Government at 45 per cent, that on going on shift they thought they were going to earn less take home pay by becoming non-industrials than going on shift than by taking what they continued to take with the 45 per cent. They made the proviso that

the mechanical section should be reviewed three years afterwards, their take home pay looked at and compared to their take home pay were they to have remained the same to see whether they lost money over the three years or not. If it was found that they lost money they ought to be regraded up. The union made this proviso for only that grade because it was conclusive that all the other grades put in the shift earned more in the new conditions than in the old ones. The only doubt cast was over the mechanics so the union signed that agreement. The union opened the negotiations for the mechanics, the mechanics renegotiated their pay, they went up a couple of points more in the spiral cord as a result of the comparison made. Mr Netto signed that agreement and the other one and they are agreements signed with the same District Officer and they are agreements which the union itself is breaching. Those are the conditions put by the union at the time. That of all the grades that came into the shift, the only one that needed to be reviewed was the mechanics section three years hence because there was doubt whether they alone would earn less than what they were getting before going into the new shift. Since the doubt was expressed only on that group of workers, that is the one that was looked at, compared and seen that they were earning less take home pay than if they had stayed in the old conditions whereas there was no doubt that the others were better off.

HON LT-COL E M BRITTO:

Is it or is it not a fact that the differentials that existed previously have been lost?

HON J C PEREZ:

Previous to 1989 the mechanical section always earned more than the workers concerned. They begun earning the same in 1989 but with this proviso put on the mechanics, that three years hence they would be reviewed and if it was found that they were taking home less money than before they would be reviewed upwards.

HON LT-COL E M BRITTO:

That is the review that occurred in 1993?

HON J C PEREZ:

That is right.

HON P R CARUANA:

Is the Minister able to give an indication of what the cost to Government is of the fact that all the

electricity is now being supplied from the private source? How much more expensive is..... [Interruption] but on the other hand the Government are carrying overheads that they are not..... [Interruption] What is the cost to the taxpayer of the fact that no electricity is being produced by Waterport Power Station?

HON J C PEREZ:

We have to do some figures but that is about it, about £0.25 million a year on the people that are doing nothing; the rest are working. The mechanics are actually doing the overhaul of the engines whilst they are stopped and the switchboard engineers are taking the electricity from OESCO. The OESCO electricity is cheaper than the one we produce. Obviously, we are carrying the expense so really it is £0.25 million of the people that are doing nothing.

HON P R CARUANA:

Yes, fine, but that is a fixed overhead unless we start chopping the generating capacity at Waterport. The fact of the matter is that Government are now having to purchase electricity from OESCO that it would not have had to purchase from OESCO had there not been this problem. Therefore, the additional expenditure on the purchase of electricity which would not have been incurred had there been generation. What is the value of electricity.....

HON J C PEREZ:

We are saving fuel and we are saving lubricants and we are saving spare parts on the engines at the moment. The labour element is the one we would carry anyway so there is not much difference.

HON LT-COL E M BRITTO:

Mr Speaker, coming back to the question of the industrial dispute, I have seen that there seems to be two different interpretations of what the situation is. Can I ask why it is that the question of a staff inspection as a means of coming to an agreed solution has been turned down by the Government?

HON J C PEREZ:

The Personnel Manager has had a meeting with Jaime Netto to try and decipher exactly what it is that he meant with his recent public statements because he said three things. One of them, he said that he wanted the mediation of Mr Holliday and since we have gone through

that before we wanted to make sure whether it was meditation, arbitration or what exactly is it that he meant because a mediator is one that brings both sides together but Mr Netto and the Personnel Manager talk to each other daily so there was really a need for it but we are trying to clarify (a) and (b) what he means by a staff inspection because for me a staff inspection has to compare with something. If we are staff inspecting a grade we are comparing it on pay policy, pay policy is parity, either we are comparing the grade with the United Kingdom or we are comparing the grade with a comparable grade within the MOD in the economy which is the two areas we can compare a grade of that nature. If we are comparing one grade in Gibraltar with that of the United Kingdom it is one thing, if he wants a comparison between one grade and the other in the station it is another. We are trying to verify and clarify what he stands for. The third thing he said was, something very weird that if we took apprentices in the generating station he would be prepared to withdraw the claim. We are trying to clarify what the position is and look at that clarification and then seek, once we decipher the message, to look at whether that is a possible way of responding to that clarification.

ORAL

NO. 96 OF 1995

THE HON LT-COL E M BRITTO

CAR PARKING SPACES

How many car parking spaces have been lost in Reclamation Road as a result of the recent changes to the traffic arrangements in that road?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, some 40 car parking spaces have been lost in the Reclamation Road as a result of the new arrangements introduced by the Traffic Commission on the introduction of new bus route 10. An extra 35 parking bays for motor cycles and pedestrian access has also been provided.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, do Government agree with the introduction of the two lanes along Reclamation Road, one mainly for the bus, which has necessitated such a drastic loss in parking spaces?

HON J C PEREZ:

Government have not taken a policy decision on the matter. The matter has been decided by the Traffic Commission as stated in their press release and is under review by the Traffic Commission. The Government do not take a view on the matter other than the ones that the professionals take on the ground.

HON LT-COL E M BRITTO:

When bodies like the Traffic Commission make decisions do Government monitor those decisions and if they do not agree with those decisions do they make representations to such bodies or do they just sit back and not get involved at all whatever the circumstances?

HON J C PEREZ:

As I said to the hon Member in a previous answer in this House, the matters which the Traffic Commission refer to the Government are matters which necessitate the provision of funds for traffic lights and for works in

different areas. The Government do not interfere and do not monitor the decisions of the Traffic Commissioner or their implementation.

HON LT-COL E M BRITTO:

On the basis that the decision to have a bus route along that road must have been a policy decision of the Government in the first place, then the change in the traffic arrangements which cause losses in parking spaces because of that bus route arises out of that policy and should therefore be monitored by the Government who should have an opinion whether the loss of parking places compensates for the exclusive use of one land for the bus.

HON J C PEREZ:

I do not agree with the hon Member.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has referred to the matter being monitored or by implication that a final decision has not been made. Can we have any indication of what the time scale of that thinking is?

HON J C PEREZ:

I am only repeating what I read in a press release issued by the Traffic Commission a short time ago that they will continue to monitor the implementation of the new traffic lights and the new traffic arrangements in the area.

ORAL

NO. 97 OF 1995

THE HON LT-COL E M BRITTO

PARKING AT RECLAMATION

Is it Government's policy that no parking be allowed in the roads in the Reclamation area near Westside?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No Sir, Ministers are not involved in the decision making of what area, and what are not parking areas.

The hon Member was informed of this in my reply to Question No. 68 of 1994. He was told that the responsibility for such decisions lie with the Traffic Commission. There has been no change from that position.

SUPPLEMENTARY TO QUESTION NO. 97/95

HON LT-COL E M BRITTO:

Mr Speaker, the Minister said that the fact that parking was not being allowed along those roads was "because of interests of the developer and because of the Tenants' Association". The Tenants' Association have subsequently, in public statements, denied that they had had any input into requests for no parking in roads other than immediately outside the entrance to Harbour Views on the west side. Can the Minister then say what were the interests of the developer he was referring to when he made that answer?

HON J C PEREZ:

Yes, Mr Speaker, he has not read the total reply that I gave notwithstanding the fact that he did mention it to the Chronicle and tried to assert that I had said something different to what he was quoting himself. I said, "I am not sure of it. I need to check back." I did not say categorically this arises out of a decision. I have not had sufficient time to investigate the matter and I think that the reason is connected with the question of the tenants' rights in the development. As it happens, what the tenants had asked of the Traffic Commission as that Harbour Views Road, which is the road which goes along the seafront, should be completely free of parking. The Traffic Commission, in their press release, replied saying that they had actually taken the

steps of keeping Harbour Views Road clear at their suggestion. They never mentioned the area that the hon Member was mentioning but since it was also mixed up in the press one could pick and choose out of the things that have been said. I told the hon Member and I have got the reply here that I thought that it had to do with that, that I was not sure. I can now, having checked back, tell the hon Member that the decision to keep Europort Avenue clear had been taken by the Traffic Commission mostly on the grounds of safety to pedestrians and to motor vehicles alike.

HON LT-COL E M BRITTO:

Mr Speaker, first of all, to get the record straight, what the Minister has said is not correct. The mention of Harbour Views Road was entirely by the Tenants' Association and not by myself in releases to the press. I may have taken it up subsequently but I did not initiate, simply because I did not know about it. The statement - and they did not say in the whole of the Harbour Views Road as the Minister has said - from the Tenants' Association said "in the area immediately in front of the west entrance to the Estate", not the whole of Harbour Views Road. Immediately to the front of the west entrance to the Harbour Views Estate to allow access by ambulances and emergency vehicles. Secondly, the Minister said at the time that he had not had enough time to look at it and that he sought..... Fair enough, I would have thought that for a parliamentary question in which the Government choose the time that they give us to answer questions it would have been enough for him to have the time, but if he has not, he is giving it to us now. The question then is is the Government then saying that on decisions of parking on roads in Gibraltar that they wash their hands completely, that they have no policy and that the matter is entirely for the Transport Commission where parking is allowed?

HON J C PEREZ:

Yes, Sir, I have told that to the hon Member in reply to question 68 of 1994. I told him previously to that at the last budget debate. I am telling him today. I have made arrangements on several occasions for the hon Member to put all his parking and traffic problems to the chairman of the Traffic Commission. I have asked the chairman to make time available for the hon Member. He has chosen not to take up that offer. [HON LT-COL E M BRITTO: That is not true, Mr Speaker.] He rings the chairman of the Traffic Commission from time to time but has not sat down yet and talked to him at length on the problems that bother him and he continues to raise them here. He can continue to raise them here. He will get

the same answer from me. The policy of the Government is that the Traffic Commission, who are professionals and people who know about these matters, and the police, are the ones that decide the question of parking and traffic matters in Gibraltar. That is the policy of the Government and we shall continue to defend that.

HON LT-COL E M BRITTO:

Mr Speaker, what the Minister has just said is the part which I am going to refer to now, is untrue and I ask him to withdraw it. He has on one occasion offered me the facilities of talking to the Transport Commission which I do not think I need talking anyway because if it is an independent body and not officials of the Government I do not need his authority to contact them. I have spoken to the chairman of the Transport Commission on a number of occasions arising directly out of the time that he mentions and on several other occasions, the last one being the matter of Reclamation Road so it is not true that I have not taken it up and that I have not spoken to the chairman. It is also difficult for me to accept the Minister getting up and saying that the Government do not interfere, that they leave it to the Transport Commission, that they do not get involved at all when from other sources I get that the Transport Commission make all the decisions but at the end of the day it has to meet with the approval of the Government otherwise the decisions are not carried through. The Minister may not sit on the committee but there is no doubt in my mind that matters are referred to him before final decisions are taken.

HON J C PEREZ:

Mr Speaker, if the hon Member wishes to believe rumour rather than what I categorically tell him in this House, it is up to him, but he should not be asking questions if he does not believe what I tell him.

ORAL

NO. 98 OF 1995

THE HON LT-COL E M BRITTO

CLAMPING

Will Government say whether clamping and towing away of vehicles on the public highway will be privatised or contractorised?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the matter in question has been the subject of a contractual relationship since 1988. The Royal Gibraltar Police have a contract in place with Gibraltar Security Services Limited.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the Minister deliberately chooses to misunderstand the question. I am well aware that there is a contract with GSSL. The thrust of the question, and surely the Minister appreciates it, is whether it will be privatised or contractorised to a private company which is totally independent of the Government?

HON J C PEREZ:

Mr Speaker, I do not choose to do that. The hon Member chooses not to put the question clearly. If what the hon member chooses to find out is whether it is changing from a wholly-Government-owned company to another private company he can ask the question as it is. But one does not contractorise or privatise something that has never been part of the Government service and what the hon Member is asking is whether it will be privatised or contractorised. The answer is it has been a contract with GSSL since 1988. If he wants to find out whether it is going to another private contractor, GSSL has already shed some of the activities it had on to other contractors. Some arrangements have been with the workers themselves, others have moved. People that used to be in security have moved to areas in the airport and the former immigration and those that are left behind on clamping and towing away are looking at proposals. I know that there are two local security companies prepared to bid for the work and one company from abroad and the

shareholders will have to look at the proposals that are received and will be looked at in that context.

HON LT-COL E M BRITTO:

Mr Speaker, without getting into the technicalities of the meaning of privatised or contractorised, the way the Opposition understand it is that clamping was originally, despite what the Minister has said, a Government responsibility through the police and subsequently it was contractorised to a wholly-owned Government company so in that sense it has remained up to now a Government responsibility, even though it is carried out by a commercial company if that commercial company is fully owned by Government it is still under the Government. As I said, without trying to be more argumentative about the meaning the thrust of what I am trying to get at is whether the facilities of clamping will be put into the hands of a privately owned commercial company. We hear from the Minister that proposals are being studied and I therefore ask the Minister if suitable proposals are put forward - by suitable I mean on a commercial basis - are Government prepared to accept the principle that..... In other words, are they prepared to give it to a wholly owned private company and therefore accept the principle that profit making arising directly from the enforcement of Gibraltar laws should be put into the hands of a commercial company.

HON J C PEREZ:

I find it strange that the hon Member should come up with that one since he was actually accusing a couple of years ago the Government of doing exactly that with the company. So if he is accusing the Government of making profit out of the contract that we have with the police in its onus of GSSL. If that were true it would be the same if it is transferred to another company but since it is not true, the responsibility for clamping and towing away continues to be the responsibility of the Royal Gibraltar Police whether it is carried out by policemen or it is carried out by a private contractor. The conditions in the contract placed on it by the Royal Gibraltar Police are such that it will inhibit people placing clamps indiscriminately in order to make a profit. it will continue to be under the supervision of the Royal Gibraltar Police as it is today, under their supervision and under responsibility of the Royal Gibraltar Police.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has said that I have criticised something in the past and I want to clarify that point.

I have criticised the concession of powers of clamping to GSSL in the past and we still disagree with that, in principle. Will the Minister accept that I have said publicly, that at least whilst such clamping was in the hands of GSSL, such monies that were collected were for the benefit of Government? The moment it goes into the hands of a private company then the profits go directly into the hands of individuals who are not connected with the Government and who are not for the benefit of the Government. On that basis, will the Minister accept that whereas in theory what he has just told us that supervision and responsibility for clamping will remain in the hands of the police, in actual practice human nature being what it is, when we have traffic wardens entrusted with clamping employed by a commercial company who depend on the figures on the bottom line of a balance sheet at the end of the year, if that traffic warden is not producing X number of clamps during the course of the week or the month to satisfy the directors of that commercial company, then that commercial company is making a profit then that individual traffic warden will be under pressure to use less flexibility and to clamp more in the interests of the profit making of the company. Whereas the supervision in theory by the police may be there, in practice what it will mean is that clamping carried out by a private company will end up with greater hassle of the motorist and a greater number of clamps being placed and less flexibility is shown by the people concerned.

HON J C PEREZ:

Government are aware that the hon Member thinks like that, has thought like that and will continue to think like that for evermore. The Government are confident and have full confidence that the Royal Gibraltar Police is able to control that aspect of the contract and we are happy with the way they have done it with GSSL and we are happy that they will continue to do it in the same manner.

QUESTION NO. 99 OF 1995

THE HON LT-COL E M BRITTO

REPAIR OF HIGHWAYS

Is Government satisfied that it is fulfilling its municipal responsibilities to keep the highway, and other public areas in an adequate state of repair and maintenance?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government considers that the provision of public funds set aside annually for the repair and maintenance of highways and other public areas is reasonable.

During the current financial year which ends now, the Roads and Highways Section has completed the following works programme. I shall only be highlighting the major works, since mentioning the day to day minor repairs undertaken would be a tedious exercise:

- 1) Completion of the construction of what is known as Safeways roundabout which entailed the realignment of the pavements, construction of the centre island, drainage, planning and resurfacing of that part of the roadway.
- 2) The resurfacing of the newly reclaimed land at Coaling Island and some of the existing roads and reinstating of double concrete channels at the entrance to Coaling Island.
- 3) The reinforcement of part of the podium and the construction of pavements and road along the Western boundary of Harbour Views now called Harbour Views Road. Also the construction of the pavements around the new supermarket and the paving around lamp posts at Europort.
- 4) The re-enforcing and resurfacing of Europa Advance Road.
- 5) The preparatory work and the application of slurry seal which resulted in the following roads being resurfaced.

- a) Line Wall Road junction with John Mackintosh Square and the square itself.
 - b) Line Wall Road junction with Casemates Hill, Casemates Hill and Casemates along the part of the Health Centre.
 - c) Trafalgar Interchange.
 - d) Ragged Staff.
 - e) Part of Rosia Road.
 - f) Willis's Road.
 - g) Part of Corral Road.
 - h) Reclamation Road.
 - i) Waterport Roundabout.
 - j) Hospital Ramp.
 - k) South Pavilion Road.
- 6) The construction of ten new bus laybys including the construction of new pavements and the re-alignment of others.
 - 7) Alteration to pavements at Casemates Square and the preparations for the creation of a new taxi rank in the area including the placing of bollards and markings and the moving of the cabin of the car park attendant.
 - 8) Widening of exit from Europort Avenue into Queensway on a southerly direction.
 - 9) Infrastructural works for the Traffic lights at Europort and the pelican crossings.
 - 10) Reinstating trenches for services contractors such as are Nynex, Lyonnaise, etc.
 - 11) Reinstating of trench at Camp Bay from Nuffield Pool Car Park to the tunnel exit.
 - 12) The commencement of works for the extension and completion of Europort Road.
 - 13) The commencement of preparatory work on a number of roads for the laying of slurry seal which is to take place shortly.

Not included here, although appearing in the same vote in the estimates are works related to sewers because they did not form part of the question.

As far as other public areas are concerned, this financial year has also seen the following projects which, although unconnected with my ministry fall within the ambit of the question of the hon Member.

- 1) The complete refurbishment of the Piazza.
- 2) Continued improvements to existing tourist sites and the Upper Rock and the opening of Nelson's Anchorage at Napier of Magdala Battery.
- 3) The continued improvements and extension to public planted areas and the maintenance of existing ones.
- 4) Improvements to the Alameda Gardens and its continued upkeep which has attracted many favourable comments from residents and tourists alike.
- 5) The commencement of works at the boulevard.
- 6) The commencement of works at Moorish Castle Estate for the creation of a private car park and the introduction of a one-way system.
- 7) The commencement of works at the General Post Office for its partial refurbishment.

These two last items do come under my responsibility. The hon Member will note that in the estimates that have been tabled today, provisions for highways has been increased for this year. I shall be explaining the programme for 95/96 during the course of the debate in the Appropriation Bill.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, it is nice to see that contrary to the impression given at the last debate on the Appropriation Bill the Road Maintenance Section of the Government does get around and do work. We seem to have been given the impression the last time that most of the work was being done by contracted companies from outside Gibraltar. However, the major works, as the Minister has called them, are fair enough but it is also the minor areas which are being ignored by this Government which are the cause of complaints by people. Areas like Landport Tunnel, areas like the steps leading down from Line Wall

Promenade down to Queensway, areas like on the roads resurfacing, East Side Road, which is a promise by the Government of resurfacing now for about two years, areas like Engineer Lane where to drive down by car is like driving down on a fairground ride, the amount of bumping up and down one receives and I could go on, North Mole Road, etc, etc. I have not tried to produce a list as lengthy as the Minister has done although without too much thought I could easily put down something like 10 or 12 areas. It is those areas where I asked the Minister what plans there are for regular maintenance and regular cleaning, Landport and Line Wall Road. Not the areas where cars have to be moved to clean as they are done on a weekly basis but the areas where there are no cars to move but where they need to be cleaned and are not.

HON J C PEREZ:

Mr Speaker, the only thing I can tell the hon Member is that I have already told him, that there will be a programme of work for 1995/96 to be announced at the Appropriation Bill and certainly if I gave the impression at the last meeting that the people in the Highways did not undertake any work, I am sorry that I gave him the wrong impression. I thought he had suggested it and I was the one defending, saying that they did and I would be prepared to give a specific list of the jobs to the Member to which he remarked "ah".

HON LT-COL E M BRITTO:

I did not remark "ah", I said yes I will accept the list of the jobs that they are doing dating back as he originally offered to the beginning of the year and he said "No, I will give it to him from now till the end of the year" and I am still waiting for the list. We did not provide it.

HON J C PEREZ:

I have just read it for him, I read him the list.

HON LT-COL E M BRITTO:

But he offered to provide it last year in terms of the works programme.

HON J C PEREZ:

I have provided it in this financial year.

ORAL

NO. 100 OF 1995

THE HON H CORBY

LIFTS AT ESTATES

What programme of maintenance is in place for lifts at the Government estates?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, lifts at Government estates undergo maintenance on a monthly basis. This is carried out by the electrical section of Support Services Section.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1995

HON H CORBY:

There is no company which undertakes maintenance of lifts at all?

HON J C PEREZ:

Not in Government estates.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister put in "not in Government estates". What is the position on lifts in non-Government properties?

HON J C PEREZ:

They make their own arrangements. What have Government got to do with non-Government property? In Westside, in Montagu, they make their own arrangements with whoever they want to for the maintenance of their lifts. Government have nothing to do with it.

HON LT-COL E M BRITTO:

But is there any statutory obligation for someone to check that such maintenance is carried out?

HON J C PEREZ:

No, Mr Speaker. We have got a guideline. We have the review done on a monthly basis, not necessarily have to do it on a monthly basis but usually the manufacturer is

the one that recommends guidelines depending on the usage, on the type of maintenance that the lift should have and they usually get them replaced in periods of between 12 and 15 years.

LT-COL E M BRITTO:

But my question is, Mr Speaker, it applies equally to Government and to non-Government properties if there is a lift and Government as a responsible landlord maintains it on a regular basis and another landlord in the private sector who is less responsible maintains his less regularly, is there any provision in the legislation for a third party to check that such maintenance is being.....

HON J C PEREZ:

The hon Member is saying whether there exists legislation to ensure that lifts in non-Government estates are regularly checked. I do not know. He should give notice of the question. The question is specifically about lifts in Government estates.

ORAL

NO. 101 OF 1995

THE HON P R CARUANA

BID FOR GBC

What bid proposals were received from Maxfield Productions for GBC?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, no bid proposals were received from Maxfield Production for GBC.

Mr Arthur Maxfield, managing director of Maxfield Production, contacted me personally to explore the possibility of contracting part of the existing television service. I informed the board of GBC of the approach and they accordingly authorised me to continue the dialogue and inform them if any proposal were to materialise.

After several meetings, it became clear that none of the plans which Mr Maxfield had in mind, were sufficiently attractive to be worth pursuing. I informed the board and the matter was not progressed any further.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1995

HON P R CARUANA:

Mr Speaker, is the Minister aware of any other proposals which are still on the table and not yet projected. In other words, are the Government entertaining any other proposal in relation to GBC from the private sector.

HON J C PEREZ:

There is one more long shot proposal which I have been told is going to be put to the Government and to the board by a company from abroad. I am not sure whether it is connected to GBC directly itself or whether it is connected with the development of a second channel if that were possible but it is something that has not been put to us yet. We have been informed that proposals are going to be put to us but they have not been put to us yet.

ORAL

NO. 102 OF 1995

THE HON F VASQUEZ

NEW HARBOURS

What Government offices, stores or workshops are presently located in the New Harbours, and what is the total amount of rent paid for that accommodation?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1995

HON F VASQUEZ:

Mr Speaker, is the Minister saying that there are simply no Government departments or Government agencies located or hired.

HON J C PEREZ:

None, Sir.

NO. 103 OF 1995

THE HON P R CARUANA

MOROCCAN NATIONALS

Will Government inform the House of what the Minister for Trade and Industry said to the Moroccan Minister for Human Rights in relation to the claims of the Moroccan nationals involved in the permanent demonstration outside No. 6 Convent Place?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, I recently visited Morocco to establish contact with the Moroccan Authorities with the purpose of promoting commercial educational and cultural links.

During the course of the visit the opportunity arose in discussion with the Minister for Human Rights to meet a committee of the Moroccan Defence of Human Rights and this was taken up in order to appraise them of the real background. The explanation given to this delegation was basically a restatement of the Government's position which has already been put to Rabat, to the Minister for Overseas Workers on 2nd April 1992 by the Chief Minister when the whole issue was explained in detail.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1995

HON P R CARUANA:

:

Mr Speaker, can the Minister tell the House what the reaction was of that committee to that exposition, which was, as he says, a restatement?

HON M A FEETHAM:

Mr Speaker, the delegation received the information I gave them frankly noticing that the fact that Gibraltar's resources are limited and there are areas where perhaps matters can be resolved and others cannot be resolved and that is the reality of the situation. I think there was a genuine recognition of the situation and if the matter became less politicised I think that a lot of progress could be made.

HON P R CARUANA:

Do the Government or the committee that the Minister has mentioned consider that there is any fault attributable to Gibraltar as a whole or to the Government in particular. Did they express their views as to where they thought responsibility for the solution lay?

HON M A FEETHAM:

No, Mr Speaker. They did not specifically put the blame on the Government of Gibraltar. I think the realities are that they recognise the circumstances were such. A number of events have taken place in Gibraltar which are beyond the responsibility of the Government of Gibraltar. In many areas, particularly the rundown of the MOD, the accession of Spain into the Community, the opening of the frontier, all that has led to a number of circumstances that we have had to face that unfortunately may have put the Moroccan labour force in Gibraltar at a disadvantage.

HON P R CARUANA:

Mr Speaker, and is the Government's position as it was (I do not remember the number of the question I last asked last year) but really as far as the Government is concerned and to the extent that it is up to the Government, that they are quite happy to tolerate that permanent fixture there at No. 6 Convent Place. I ask this question without comment on the merits but the fact of the matter is that regardless of the merits which I think we must all be agreed that that permanent demonstration and specifically the form it takes does absolutely nothing for the good touristic image of Gibraltar in a place which really is at the centre of institutional life in Gibraltar. It could not be more strategically located near the Governor's residence and the principal Government building. Is it Government's position still that, as far as they are concerned, they do not care whether this continues or not or is it not now time either to relocate the demonstration or to put an end to it taking place on a permanent basis? There are laws about permanent demonstration. There are laws about static demonstrations and I am sure that the Government Members do not consider that that demonstration in that place in the form that it takes does anything good to our image with tourists. Am I right or am I wrong in thinking that they agree with that?

HON CHIEF MINISTER:

Obviously, Mr Speaker, if the Government could persuade the demonstrators to relocate to Irish Town it is something that we would welcome. The Leader of the Opposition would do something about having them removed and I would be able to ask him what he was doing. The position as I explained the last time is that, not that we welcome the fact that they are being there, but the fact that they are there does not alter the basic nature of the problem that the people who are there face which is that they are people who have lost their employment but quite apart from anything else they are in the difficult situation of being at an age where it is difficult to find re-employment and that in any case there has been a reduction in the number of jobs in the economy in the last couple of years. Many of these people, for example, were either ex-MOD or ex-construction industry which is where the reduction has taken place. Notwithstanding that indisputable fact they feel that by demonstrating where they are, they will further their cause although it is manifest that that is not going to happen because it cannot happen. Whether they ought to be allowed to stay there or ought to be removed is an area in which the responsibility of the Government of Gibraltar has to be seen in its constitutional context, as to who is responsible for public order in Gibraltar under the Constitution and who is responsible for the activity of the police under the Constitution. We have had one situation in 1993, let me remind the hon Member, where out of the entire Moroccan workforce one person had a deportation order signed. It was somebody that had arrived in Gibraltar in 1988. We felt as a Government that there was some basis for the argument of a Moroccan worker who had been here prior to the opening of the frontier in 1985 who would argue that he had been here at the time that Gibraltar needed him, that he had been brought here by the British Government to replace the withdrawn Spanish labour and that now the frontier was opening and he was being displaced by Spanish workers. That argument cannot apply to people who were new entrants after the re-opening of the frontier, who came in on the very clear knowledge that they were coming in after the entry of Spain into the EC in 1986 and consequently behind the Spaniards in the employment queue under Community law. One individual who had come in in 1988 who had in fact worked for 18 months out of four or five years in Gibraltar, who had been out of work for several years even though the established practice until 1988 was that they were only allowed six months residence in Gibraltar to seek re-employment. One deportation order signed and what happened was that there was an occupation of the airfield. The flight to Morocco

was grounded. The pilot would not take off on grounds of safety. We had a major public order problem and the police had great difficulty in coping and at the end of the day the deportee was never deported and he is still happily roaming around Gibraltar with a deportation order signed by His Excellency the Governor in 1993 openly flaunting the law because we are incapable of enforcing it. We certainly do not want to see a repetition of that in 6 Convent Place, opposite the Governor's residence, or outside our front door and therefore that is the truth. The truth is that the resources which at the time the Governor made clear to me that now that we no longer had a resident battalion we could not very well go to war as it were even though he is responsible for internal security. We have to face that fact and certainly I would be very hesitant of recommending to His Excellency action which would finish up creating a serious rift between the Moroccan and Gibraltarian community which does not exist at the moment, notwithstanding the discrepancies that we have with them and which we would not want to bring about.

HON P R CARUANA:

Mr Speaker, the Chief Minister misunderstands me if he thinks that I am suggesting that he should do that. What I am saying is that the Government of Gibraltar and, I acknowledge, the Government of the United Kingdom as well, for reasons that the Chief Minister briefly alluded to, have a responsibility to at least engage in a process of dialogue with people that have a grievance against the Government of Gibraltar or of the United Kingdom or both, to try and resolve the situation. The existing situation is unacceptable because it appears to be on an indefinite basis, that there are no measures, -there are no talks, there are no proposals, there is no consideration of that grievance, which creates the possibility that that might be discontinued that demonstration, is it to become a permanent feature until they get bored with coming up the Main Street every morning and going back down the Main Street? Is it to become a permanent fixture until they decide to give it up? Do the Government not consider that at least in the interests of Gibraltar's image, if not the merits of their claim, that some attempt ought to be made to try and engage them in a process of dialogue that would persuade them to discontinue the actual demonstration?

HON CHIEF MINISTER:

Mr Speaker, talking about enforcing the law which is the previous question is not about dialogue, it is about are these people breaking the law and if they are breaking the law why are they being allowed to get away with it

and if we accept they are breaking the law, then certainly it is not the policy of the Government to engage in dialogue with people who break the law in order to persuade them to observe the law. That is not the approach of the Government. The position, in case the hon Member does not know, is that when the original grievance was raised with the Government of Gibraltar and the British Government, and I went over and had meetings with the Moroccan Minister for Workers Abroad, in 1992 and we had a visit from the Race Relations Officer of the Transport and General Workers' Union in the United Kingdom, a proposal was submitted to the Government which suggested that there ought to be a formula which would provide for three elements. For the British Government to accept responsibility for its former workers, the people it had imported into Gibraltar; for the Government of Gibraltar to accept responsibility for the workers it had brought to Gibraltar in 1969, none of whom have been made redundant and all of whom are still working; and for the union to try and reach some agreement with the private sector. On the basis of the Moroccans who are saying "Look, it is not that we are against going back to Morocco because we know that Gibraltar cannot provide us with permanent homes for ourselves and our families to become residents and part of the Gibraltarian population because it is not possible to do that in the numbers that there are of us here". There are may be 50 or 60 Moroccans who have married local girls and have settled down, out of 2,000. But the Moroccans were saying "What we are entitled to expect after the time that we have been working in Gibraltar we cannot now go off and start working somewhere else. If we are going to go back to Morocco we need a golden handshake". We said yes and the result of us saying yes was that at the end of the day we found that we were the only ones saying yes. So we tried first of all to get an agreement through the British Embassy to sign with the Moroccan Government involving the Moroccan Workers' Association on a package of voluntary repatriation for those who wanted to go on very generous terms compared to other people leaving the public service in that they are getting a pension at their age, when they leave, irrespective of how young they are which is not actuarially reduced. I explained in last year's estimates that we were providing £3 million lump sum payment and £0.75 million per annum for those returning to Morocco; 250 out of 280 took that proposal. I explained to the House that that would put us in the red over a 48 month period by which time we would break even. Our position was that we would like to see us putting this package for Gibraltar Government Moroccans, the MOD doing something for their Moroccans and maybe both of us with some help from somewhere else looking at the problem of the Moroccans in the private sector. At the end of the day the Moroccan Government would not sign

because the British Government would not sign in Rabat and we finished up signing with Mr Sarsri who works for us in the Victoria Stadium. Those people left Gibraltar voluntarily with what they thought was fair treatment from the Government as an employer. Our position as regards the others is that we are not prepared to enter into a dialogue which, by implication, suggests we are accepting responsibility for the employees of others. I can tell the hon Member that I have repeatedly told Her Majesty's Government that if they want to help us over the MOD run-down it might be a less expensive way of helping us to provide an inducement for Moroccans to volunteer rather than to have a situation where Gibraltarians are made redundant and then we go to vast expense trying to generate new employment opportunities, produce re-training, it might even be in terms of their commitment to provide us with help, although of course it is not so easy to see this money coming from the EEC and so far all the help that they have done is to ask the EEC for money for us. This is something that the EEC would not provide. One of the arguments that tends to be used is that they would not want to do something here in Gibraltar which would create precedence elsewhere. I can tell the Opposite Member that we have not ceased since May 1994 from urging Her Majesty's Government to look at the possibility of doing something for those Moroccans that they brought to Gibraltar. They have not totally discarded it and we have told the Moroccans that it has not been totally discarded but there is no indication that they are on the point of agreeing more positively to come up within a reasonable period of time with some proposals. Therefore, we are caught in a situation where, frankly, we do not want to say to the people downstairs "Call off your demonstration because we are going to sit down with you and discuss a package" because that would be misleading. We are not in a position to deliver anything and it would be wrong to get them to think we are and we are not prepared to accept that responsibility. On the other hand, we do not want to throw the book at them and say "We are going to hammer you with the full force of the law", because they are not a group that we would particularly feel animosity towards and we realise that what they are doing is something that they are doing in defence of their interests and not because they want to go out to flaunt the law and because in fact it is a responsibility where..... It is all very well for the British Government to remind us when it suits them of the constitutional division between foreign affairs and internal affairs and so on. Well this is more than just a grey line, this is a very clear line as to who is responsible for internal security. If there is a security problem because we have got 20 Moroccans with placards what would happen if we had 2,000 Moroccans there and who would handle that security problem. I have

no confidence that we can guarantee public order in that situation and I would not want to put myself in a position where we finish up there.

ORAL

NO. 104 OF 1995

THE HON P R CARUANA

EU STRUCTURAL AID

Why is there a special committee chaired by the Deputy Governor to oversee the implementation of the £4 million EU structural aid for Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

All Objective European Community regions require to set up a Monitoring Committee to oversee the programme (in accordance with article 25 of Council Regulation (EEC) No. 2082/93).

SUPPLEMENTARY TO QUESTION NO. 104 OF 1995

HON P R CARUANA:

Mr Speaker, why is there not a committee then of the Gibraltar Government? What I am saying is are these not funds made available through the UK to the Gibraltar Government and therefore why does this supervision have to be done by the Deputy Governor? Why cannot these funds be made available to a committee created by the Gibraltar Government in its own right?

HON M A FEETHAM:

Mr Speaker, I would venture to add that it is a committee put there by the Government of Gibraltar.

HON P R CARUANA:

But not under ministerial control?

HON M A FEETHAM:

Not under ministerial control.

HON P R CARUANA:

I am asking why that should be so? Is there an element, to ask the question directly, of not wishing to put the funds at the local Government's disposal? Is a distinction being drawn between Gibraltar Government

supervision of the funds and UK Government supervision of the funds through the office of the Deputy Governor?

HON M A FEETHAM:

No, Mr speaker, we are carrying out to the letter of the word the application under the procedural agreement which has been set up in the European Community.

HON P R CARUANA:

In the British Government's case when they receive funds there is a monitoring committee of the British Government, not a monitoring committee of....., let me use the example of, chaired by the US Ambassador [Interruption] entirely appropriate analogy. When there are funds made available to Gibraltar for use in Gibraltar, the decisions as to what those funds are going to be used for..... The original proposal was put together by the Gibraltar Government yet and presumably approved of by the British Government although they have not sponsored it or allocated their regional funds or Objective 2 funds for that or sponsored the application but yet when it comes to the implementation there appears to be a more hands on approach to the monitoring of the application and I just ask whether there is something in that structure, whether it could have been possible for the monitoring committee to have been an entirely GOG, as opposed to GOG chaired by an HMG man committee?

HON CHIEF MINISTER:

Although I would agree with the Leader of the Opposition that the Deputy Governor is an HMG man and not a GOG man, I am not sure that he himself would agree with either of us. Therefore, he is there as a GOG man. The HMG has got its own man on that committee, maybe to watch the Deputy Governor as the GOG man, I would not know but I can tell the Opposition Member that the approval of the specific projects, as we have explained in the past, has to go all the way back through London to the EEC in each specific instance and therefore it is not something that there would be a politician chairing that committee. There would be an official chairing that committee. Whether it was the Deputy Governor or somebody else we think that the workload on the Deputy Governor allowed him the spare capacity to handle this task which other officers in the service did not and therefore we were quite happy to nominate him as the chairman. Her Majesty's Government have nominated their own people on that committee that come out from the UK and there are of course other people from the DTI also involved in participating and discussing the projects. The value of course of having somebody from the United Kingdom, which

is very important for us, is that we are less likely to waste time putting up projects that may not stand a chance of getting approval in the EEC because they have got previous experience of this. So the really important man, frankly, in this committee is not the Deputy Governor, who is not there to overrule the Government of Gibraltar on what it wants to put nor is he there to make sure that we are not channelling the funds into anything else - if that is another concern of the Leader of the Opposition - he is there to chair the meetings and the person that is really important is the person who tells us, as he has told us in some instances..... For example, some proposals that we wanted put in which we thought on the surface were a very good idea, we were told "Forget it because this one is not going to make it and it means that whilst we have the matter going through London and then from London to Brussels and then being reconsidered and coming back you will lose time and you are not able to put in more projects than there is money for." So the answer is that we put in the projects which on their advice stands most chance of getting approval and therefore it is very valuable to have somebody that has been dealing with regional funding because this is the first time we have done it in Gibraltar. We have never had regional funds before. These people are used to the Category 2 regional funding that has been going to places like Liverpool and parts of the Midlands and so forth for many, many years, since 1973, and therefore they are able to tell us there is a shopping list of consequences from the project. If he looks at the actual projects which the hon Member will get in answer to question 105, hon Members will see that we are talking about very small things but nevertheless we have to produce for the EEC not just the actual physical results of the investment of that money but how the investment of that money is supposed to generate potential for economic activity. As I explained at one time during the estimates on the Improvement and Development Fund, building a road to decongest Moorish Castle would not qualify. Building a road to decongest traffic across the frontier - which of course we cannot decongest because all the congestion is the result of our friend Brana on the other side however many roads we put on this side - would qualify because we would be able to argue that the road would generate eventually income for Gibraltar and therefore the Objective 2 funds are designed effectively to take us out of Objective 2. In theory what the community is doing is helping regions that have got above average unemployment to create infrastructure which will bring them out of that above average unemployment and bring them back into the norm. There is no particular significance as to why it is the Deputy Governor that chairs the committee and his input, as I said, is really on behalf of the Government of Gibraltar.

NO. 105 OF 1995

THE HON F VASQUEZ

EU FUNDS ALLOCATION

Further to the reply to Question No. 46 of 1995. What projects have now been approved for the allocation of EU funds, how much is the contribution to each project, what proportion of the overall cost of the project does each contribution represent?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the following projects have to date been approved for the allocation of EU Structural Regional Funds under the Objective 2 Programme:

	EU Allocation	% Grant
	£	
1. Apes Den	17,500	50
2. Jews Gate	10,000	50
3. Moorish Castle	5,000	50
4. St Michael's Cave	15,000	50
5. City Hall	85,000	50
6. Glass Factory	56,250	30

SUPPLEMENTARY TO QUESTION NO. 105 OF 1995

HON P R CARUANA:

Mr Speaker, can the Minister say whether the proposal upgrades the cruiser terminal facilities at the North Move, fall into the categories of this scheme as I think they do and whether that project has been approved? I think it was at the last budget debate, I do not remember whether it was the Minister or the Chief Minister who said that one of the projects in question was an improvement in the access road and terminal facilities for the cruisers and passengers. The Minister has not referred to that, is that not approved?

HON M A FEETHAM:

Mr Speaker, that and a few others are in the process of discussion at the moment. No final decision has been made on it.

HON P R CARUANA:

Mr Speaker, in relation to the glass factory, is that in the form of a joint venture? Is that a venture done by the Government? I think it is Sights Management who have recently issued a public statement of their proposals to set up a glass factory of some sort, a crystal factory, is that the same project and if so as these EU funds being used in effect for the benefit of subsidy to Sights Management's project in that respect?

HON M A FEETHAM:

Mr Speaker, no subsidies are given. A project is considered under the single programme document which is available to anybody in the Mackintosh Hall. We have made this clear and the projects committee examines the proposals and make decisions accordingly. It is not a joint venture and Government are not participating in it at all. They will put 50 per cent of the contribution and the other 50 per cent comes from the European Community.

HON P R CARUANA:

These funds are available to the private sector as well. It is not limited to public projects?

HON M A FEETHAM:

No, no, it is available to anybody who wishes to put a proposal to the Government. We have made this very clear and in fact there are a number of sectors in the private sectors that are coming forward with proposals.

HON F VASQUEZ:

I would be interested to know, Mr Speaker, how many applications have been rejected out of hand before even being referred to the European Community of the projects that have been referred to the special committee, does the Minister know?

HON M A FEETHAM:

Mr Speaker, personally I am not aware of any.

HON F VASQUEZ:

Mr Speaker, I see that of the projects that have been approved to date and who will receive from 50 to 30 per cent proportion of the cost of the project, we have received about £200,000 more or less it would seem from

this EU contribution where some £3.8 millions have been earmarked. Can the Minister confirm that there are applications in the pipeline that are being considered and have been referred that would, as it were, take the application for EU funds up to the £3.8 millions but have been allocated by the European Union or do we still have a certain amount of slack left?

HON M A FEETHAM:

Mr Speaker, there are quite a number of projects that the Government wishes to proceed with that would take up a substantial part of the money that is available. We certainly would not like to see any money being returned.

HON F VASQUEZ:

Is there a time limit?

HON M A FEETHAM:

I think this particular one goes up to 1997.

HON F VASQUEZ:

Mr Speaker, can the Minister confirm that the large projects are Government projects as opposed to private sector projects?

HON M A FEETHAM:

Yes, Government projects. On a matter of clarification the programme is from 1994/96 not 1997.

ORAL

QUESTION NO. 106 OF 1995

THE HON M RAMAGGE

ROYAL NAVAL HOSPITAL

What is the current status of negotiations between Government and MOD on the Royal Naval Hospital?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government has not entered into any negotiations with the Ministry of Defence for the transfer of the Royal Naval Hospital.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1995

HON P R CARUANA:

Mr Speaker, is it still the position as I think it was when last this House considered this subject that the Ministry of Defence is willing to hand over all or parts of the Naval Hospital but the Government will not accept it in the condition that it is in and if that is true are there any discussions going on in respect of that issue or is it just shelved on that basis?

HON M A FEETHAM:

Mr Speaker, I am not aware of any formal proposals to hand over the Royal Naval Hospital but I have made it very clear that we are aware of major structural defects that there are with that building and that I will not take responsibility for accepting it until the building is remedied by the Ministry of Defence, or demolished so we will have the Conservation Society criticising the MOD and not the Government.

NO. 107 OF 1995

THE HON F VASQUEZ

UNEMPLOYMENT

What was the level of unemployment in Gibraltar as at 31st March 1995:*

(a) Gibraltarians

(b) non-Gibraltarians

divided into under and over 25 years old age groups?

* Note: not 31st December 1994 as originally submitted.

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, the unemployment figures as at 31st December 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>
256	344	NIL	461

The figures for 31st March 1995 are not yet available.

SUPPLEMENTARY TO QUESTION NO. 107/95

HON F VASQUEZ:

Mr Speaker, we are now 24 days on from 31st March, can the Minister say when he expects the figures will become available?

HON J BALDACHINO:

Mr Speaker, if we take it as what happened in December, it was about 16 days after the hon Member asked the question which I gave him the figures. It will take about two weeks to three weeks.

HON F VASQUEZ:

Will the Minister please undertake to provide the Opposition with those figures in writing when they are available?

HON J BALDACHINO:

Seeing that he changed his views when he asked the question and seeing that it was a misprint on his part, Mr Speaker, I will try and get my Department to provide the figures almost at the same time that I did for the ones on December.

ORAL

QUESTION NO. 108 OF 1995

THE HON F VASQUEZ

JOB OPPORTUNITIES

What steps do Government take to ensure equality of opportunity for job applicants within private companies to which Government contracts public services?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, as far as the ETB is concerned, when a vacancy is opened by a private company, the suitable applicants are submitted for that vacancy irrespective of whether that company happens to have a contract with the Government or not.

SUPPLEMENTARY TO QUESTION NO. 108 OF 1995

HON F VASQUEZ:

Mr Speaker, is the Minister aware that when Immigration and Security Ltd recently announced vacancies (this is the company that recently took over the immigration role) there were in excess of 400 applicants interviewed for those 15 vacancies and it is understood that in fact a number of those vacancies were reserved for GSSL ex employees. Is this a matter that the Minister can comment upon at all or not?

HON J BALDACHINO:

Mr Speaker, I was not involved in those negotiations. The vacancies that were opened at the ETB, people were sent and were registered as unemployed. It might also have been that some people from the GSSL were transferred to the company for the immigration purposes, but that was a transfer, it was nothing to do with the ETB.

HON P R CARUANA:

Can the Minister say whether when the Government privatised or contracturised the substantial part of the public service like that, the Government make it any of their business perhaps by including it in the privatisation or contracturisation contracts as to the criteria that should be applied and the methodology that should be employed in the filling of the posts by that contracturised or privatised company for the employment

of people to fill the labour demand or is this something that is just said, "Well that is in the private sector, how Security and Immigration Ltd fill their vacancies is a matter entirely for them to be decided by the directors of that company and they can employ whoever they like on whatever criteria they like"?

HON J C PEREZ:

Mr Speaker, depending on the contract that the company has. They have certain specifications within the contract that they need to meet and then they decide the level of people that they need to meet the tasks under that contract. On this specific one there was not a straight transfer of GSSL employees from one company to the other. They had actually to apply for the jobs and pass a test and pass an interview and they needed a level of knowledge and a level of skills which were required from them and there was not an automatic transfer but obviously if there is a Government-owned company that was at risk of losing a contract at Kvaerner and therefore without employment for those people and there is another company that has jobs, preference is normally given to these people in order to pass them on to the other company and then the other vacancies were opened out to the general public.

HON F VASQUEZ:

Is the Minister confirming that various opportunities and vacancies at the new company were reserved for GSSL employees?

HON J C PEREZ:

They actually applied first and they were taken on and then other vacancies arose after that, yes.

HON H CORBY:

Mr Speaker, will the Minister say whether qualifications were sought in as far as employment was concerned? Were there any criteria for exams?

HON J C PEREZ:

They underwent an exam and I know they underwent certain standards which the new company wanted from them but that is up to the company in looking at the contract that they have got and what the basis of the contract is and what they feel the qualities and skills that they need in order to undertake that contract. It is not something that the Government directly do with them.

HON F VASQUEZ:

Mr Speaker, does the Minister acknowledge or think that the Government have a moral obligation when they are contracturising a service which previously was carried out by Government employees and they are offering these vacancies or these vacancies come on to the market, does the Minister not think that perhaps Government have a moral obligation to all Gibraltarians to have a fair crack of the whip, that all Gibraltarians who are currently unemployed should at least have the opportunity of applying for and demonstrating that they might be just as competent and capable of carrying out these tasks as employees of other Government owned companies?

HON J C PEREZ:

Government as an employer has the first obligation to its employees. Therefore, it has an obligation to pay at the end of the week the pay packet to people it has under its responsibility, whether under Government-owned companies or directly. Therefore, if there are people that are going to lose the jobs that they have as a result of losing the contract with Kvaerner which is the primary function that they were for initially when they were in GSL and they are going to be made redundant, and there is no work for them to do then if the Government is creating a number of jobs somewhere then they are given the first opportunity. It is not the first time. At the time of the restructure of the Gibraltar Broadcasting Corporation there were some people in GBC that were given the opportunity of applying to the airport for the first jobs that came out at the airport and some of them were transferred. This happens automatically and concurrently. It is a way of restructuring the Government labour resources in a way that we can have a job for everybody that is employed at the end of the day.

HON F VASQUEZ:

Is the Minister saying that the Government consider their employees at GSSL are employees of the Government?

HON J C PEREZ:

Mr Speaker, I am saying that the people in GSSL are employed by a Government-owned company and neither are the people in GBC Government employees. The only people in GBC that are Government employees is one who decided to be seconded there but that the obligation exists at the end of the day of the Government as a shareholder to look at the jobs of these people.

HON P R CARUANA:

Mr Speaker, I understand that from the point of view of an employer what the Government obviously and logically want to do is to re-deploy its own labour force so as to have to avoid making redundancies which they have promised never to do or having to pay for those redundancies if they ever decided that they had to make them. But does similarly the Minister accept that the consequences of that policy decision is that there is a whole sector of the workforce outside the Government and Government-owned and joint venture companies that really never get a look in in the job opportunities. If there is always priority for people wishing to transfer out of a Government Department, if there is always priority for somebody wishing to transfer from a Government company in which they are less required than in this one and they are constantly circulating the available pool of labour within the public service and Government owned companies, the effect of that is that people who are not already on that treadmill are really excluded from the whole and important sector of employment opportunities.

HON J C PEREZ:

That pre-supposes that it continues to happen like the hon Member is suggesting. It is not the case. It does not continue to happen like that. It happened on one occasion and that is it. Government employees have not got the first right of a job to those places, they have got within.

HON P R CARUANA:

Mr Speaker, I have understood that that was Government policy but there was no recruitment..... [Interruption] And from Government to Government-owned companies? This is part of the beauty of privatisation and contracturisation is it not?

HON CHIEF MINISTER:

Mr Speaker, let me make the policy clear for the benefit of the Opposition Member. The position is that when there is a reduction of workload in one area, the Government believe in avoiding making people redundant. We do not want any redundancies within the public service and we do not want any redundancies within any company in which we have a shareholding. That has been our policy since 1988. The inevitable consequence of that is that when there are suitable people surplus in one area, we try and get them accepted by any contractor that is taking work from us. The reality of that is, as the hon

Member quite rightly says, is that somebody that works for us has got greater protection than the rest of the population. It is a point that I have been making consistently in the current state of dispute in which the people who have got the protection of which the hon Member is very conscious do not seem to be so conscious themselves of how well off they are compared to the rest of the population who have to compete for those jobs. Therefore we do not believe in the policy, for example, that was carried out by the MOD in making people redundant and then giving the contract of the work that those people were doing to a private contractor and then letting the people who were redundant have to compete for their own jobs. In this particular case that has initiated the question, in fact the contractor insisted that although he would give the employees within the security company, who would otherwise have become redundant, the opportunity to be considered first, they would not be taken on if they were not suitable. We never insist on a contractor having to take somebody whether that contractor finds the person suitable or not because, of course, if we did that we would then be at the mercy of the contractor for any deficiency of the service because the contractor would be able to say to us "If you are not happy with the service I am giving you it is because you have forced me to take so and so who was sort of being shifted from pillar to post because nobody wanted him". We do not do that. All that we do is try and give people who are not required in a particular area, the opportunity of being given first bite of any jobs that come up to avoid redundancy. In some cases we have found that there have been employees who have said "I would rather get a golden handshake and go" and we have lost people through redundancy but in every single case it has been because the person has found the redundancy payment more attractive than, say, working in the air terminal.

ORAL

NO. 109 OF 1995

THE HON F VASQUEZ

WORK PERMITS

Will Government state how many work permits are currently in issue to workers from Far Eastern countries?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, the ETB does not keep detailed nationality figures in respect of work permits. We can only say, broadly, that out of the 2000 work permits maybe 20 or 30 might be from Eastern countries.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1995

HON P R CARUANA:

Mr Speaker, can the Minister say whether the jobs being fulfilled by the people who appear to be of oriental extraction at New Harbours, whether those are jobs that could be done by Gibraltarians? If, indeed, he knows what they are doing.

HON J BALDACHINO:

I am fully aware of what they are doing at the moment, Mr Speaker. The jobs that the orientals who are now occupying New Harbours cannot be done by Gibraltarians even though trainees will be taken on by the company to train them and therefore start reducing the workforce that they have from the Orient until, say, fairly high complement of Gibraltarians taking the jobs.

HON P R CARUANA:

Will the Minister say what that activity is and whether it is an activity that is carried out with the full knowledge and support of the Government of Gibraltar and whether it is one of the industries that they have positively encouraged to come here?

HON CHIEF MINISTER:

Mr Speaker, we do not want to announce at this stage what it is that is going to be produced there. It would be something that would be an export product and we all know the difficulties that we have in exporting things from

Gibraltar across the land frontier or anywhere else and therefore the position of the Government is that the proposals to set up an entity there which, as my hon Colleague has explained initially involves bringing people with the required skills and then alongside those people local trainees being employed. When we know that they are going to be able to fulfil the task without impediment from other sources we feel the company should make the announcement at the appropriate time.

HON P R CARUANA:

Mr Speaker, when the Chief Minister started giving that answer it was so shrouded in secrecy that I thought that they are producing some sort of nuclear missiles. I am glad that that is not his concern but if the Government are to be associated with this venture and certainly we for our part having criticised the Minister for Trade and Industry for his failure in the past to have attracted such activity, we would not seek, far from it, to criticise any such business activity that is started in Gibraltar, if there is to be a light manufacturing capability established there capable of producing jobs for Gibraltarians which is the point and not simply creating a convenient location from which Chinese gentlemen can assemble computer discs or whatever. Of course that is to be welcomed. But if the Government are to associate themselves with this project in the sense of giving facilities and of sponsoring, will the Government take steps to ensure..... and of course I have got to be very cagey in putting the question because not having answered my previous one about what it is that they are doing, I can only base myself on the rumours and it is not a good source of information. Will the Government make certain that the activity is entirely legitimate in the sense that it involves no breach, for example, of copyright laws and things like that? That may be something which the Government may wish to check. I do not know what the activity is. I am relying on the information that is being given to me as to what it is they are doing and it is the sort of activity that goes on in the country from which these gentlemen come and it would put our minds at rest if the Government would simply confirm that either it is not that activity, disk-copying and things like that, or that if it is steps will be taken to ensure that it does not bring Gibraltar into disrepute as has happened, for example, in Singapore and in other countries that have allowed themselves to be used as a copying jurisdiction in breach of other people's intellectual property rights.

HON M FEETHAM:

Mr Speaker, some times by not saying something it is better than actually saying it. First of all, the hon Minister has already mentioned what we are talking about which is not what we wanted to do in the first place, which does not help the situation. Secondly, the project itself has been approved by the Department of Trade and Industry in the UK, customs in the UK, and other European Community requirements. So far as we are concerned we are quite happy about the situation.

HON F VASQUEZ:

Is it the practice, when deciding to accept or not accept the proposal for the location of light industrial activity in the New Harbours area, to seek the approval of the DTI in England for the activity to be carried out or is this coincidental that the DTI in this case have approved the activity in question?

HON M FEETHAM:

No, it is not a question of the DTI approving, because we in terms of access to the Community we have got access to the General Systems of Preferences we therefore have to clear with member countries certain conditions.

HON F VASQUEZ:

Will the Government confirm that they are making it their business to make sure that these oriental gentlemen that are working on this project are employed because they have specialist skills and not because they are a cheap source of labour and therefore undercutting the local labour force?

HON J BALDACHINO:

Mr Speaker, I have already answered that in my original answer. Yes, they are specialists in specialist fields which they are going to do something which is of a specialist nature and at the same time, when they start their operations, they will take on Gibraltarians to be trained in those specialist skills and therefore start reducing the workforce and being taken over by more Gibraltarians. It would create employment for Gibraltarians. Obviously it is a specialised skill.

ORAL

NO. 110 OF 1995

THE HON F VASQUEZ

WORK PERMITS

Will Government say whether they have a policy of not renewing the work permits of workers involved in industrial disputes?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 110 OF 1995

HON P R CARUANA:

Mr Speaker, this question is asked because in a public report relating to the dispute recently at White's Hotel it was reported that the Government or the ETB - I do not distinguish between the two even if the Minister wants to - one of the issues was that the Government would not renew the work permits of the Moroccan workers whilst they were in dispute with the Hotel but when they were told it was not a dispute that it was only a claim then, a public statement was issued saying that "Now, it is OK, now their work permits can be renewed". That was the information given out by the union and by the Official Receiver. Therefore, it prompts the question whether it is important to the Government when considering the renewal of foreign workers' work permits whether or not they are in dispute with their employer. Therefore, because if it will not be renewed whilst they are in dispute, but it will be renewed if it is only a claim it suggests that the distinction is important.

HON J BALDACHINO:

Mr Speaker, the public statements were made in the press. They were not made by me. I was never quoted and I never made any public announcement over the issue. The question in the Bell's Hotel was not of renewals. It was a question of issuing work permits. The previous owners were the White's Hotel. The work permits did not expire until about three or four days after the dispute was resolved. The question was that the new employer who were Bell's Hotel were asking for the issue of permits to the Moroccan workers which previously were employed by White's Hotel so they asked for the issuing of work

permits and that is why the ETB refused to issue the work permits until there was a dispute under 7(5)(b) and the hon Member should know because the legal advisers of one of the parties was their chambers.

HON P R CARUANA:

The position is exactly as I have said it. Whether the question is a renewal or an issue is neither here nor there. It appears to be the policy of the ETB, which as far as I am concerned is synonymous with Government, that work permits will not be issued, even on a transfer of undertaking basis, to employees who are in dispute. If workers are being made redundant on an insolvency of their previous employers they had better not then be in dispute because if they are they have got to pack their bags and go because the new work permits will not be issued to them. Is that not what the Minister is saying?

HON J BALDACHINO:

No, Mr speaker, it was not a transfer of undertaking. There was not and that is what I was asking from both sides, from the employer and from the union to tell me that there was no dispute. There was no transfer of undertaking. If there had been a transfer of undertaking, the claim, as I understood it, from the union was that all the years service that the person had accumulated from the previous employer had to be counted and the employer as I understand it was saying "As a gesture of goodwill we are taking new employees over and we are prepared to give them 50 per cent of the years that they have accumulated." If somebody had said to me that the thing was going to be taken through the court and they were going to resolve and there was no dispute then I would have given the instruction to the ETB to issue the work permits. There was not a transfer of undertaking at that time.

HON P R CARUANA:

Mr Speaker, what is the relevance to the Minister as to whether these men were in dispute. The fact of the matter is that they were employed in a hotel and the receiver of that hotel, in order to better position himself for a sale of the asset, decided that he would inject the hotel out of the company in which he was receiver into a new company and therefore for that purely technical reason the employer of all these Moroccans that had been working in White's Hotel in recent history were being transferred from one company controlled by the receiver to another. What is the relevance to the Minister in his decision of whether or not to issue the new work permits in the name of the new company that they

were in dispute. If the new company was willing to employ them, notwithstanding that they were in dispute, why does the Minister make it his business to make sure that they have given up their dispute before issuing them a work permit?

HON J BALDACHINO:

I have not asked anybody to give up any dispute, Mr Speaker. The law states quite clearly that the issuing of work permits, if there is a dispute, the ETB should not issue and therefore there was not a transfer. If there had been no dispute then obviously the work permits were issued, when one of the parties said "I am not in dispute".

HON P R CARUANA:

But is it not therefore clear, from what the Minister is saying that it is the policy of the Government that the ETB should not issue work permits to employees who are in dispute with their employers?

HON J BALDACHINO:

Trade dispute!

HON P R CARUANA:

Whatever. Why does he carry on saying no when it is clear to everybody listening to him that it is yes.

HON J BALDACHINO:

Mr Speaker, the question was the renewal of the work permits of workers involved in industrial dispute. The answer is no to that one. If he is saying the issuing of the work permits then I would have said yes.

HON P R CARUANA:

Oh, I see, so it is Government policy not to issue work permits to workers who are in dispute with their intending employer?

HON J BALDACHINO:

No, Mr Speaker. There were two employers. White's Hotel employed a certain amount of workers. Bell's Hotel was trying to employ those same workers let us put it that way. There was no transfer of undertaking.

HON P R CARUANA:

Mr Speaker, if the Minister thinks I have got the facts wrong I implore him to correct me. What we have here is a hotel standing in Governor's Parade and it was owned by Anglo Hotels International Ltd and it got into financial difficulty with its bank and the bank put in the receiver. The receiver took over the administration of the hotel and continued to trade with the same employees as Anglo International Hotels. One fine day somebody advised him that it would be beneficial to the principal bank that had put him in as receiver if the hotel were injected or transferred out of Anglo International Hotels into a new company which I understand is called Bell Properties or something. Therefore, it became necessary to either dismiss the employees of Anglo International Hotels Ltd or to offer them new positions with the new company that was to become the owner of the same hotel and at the time that this happened these men either did not have work permits or they were expiring or it became necessary, technically, to obtain new work permits for them in the name of the new employer, namely Bell Properties Ltd. The third point, the ETB said to these men "We will not issue you with new work permits if you are in dispute with the receiver" and when it became clear to the Minister that it was not a dispute but simply a claim then the work permits were issued in the name of the new employer.

HON J BALDACHIONO:

Not to the men, to the employer.

HON P R CARUANA:

Would the Minister correct me if on the facts I have made a mistake?

HON CHIEF MINISTER:

Mr Speaker, on the facts the request for the permit to employ non-EC labour is made by an employer and not by the worker. That is a fact. Therefore no worker was refused any work permit because there are no work permits issued to workers. There was one employer, Anglo International Hotel, who summarily dismissed all its employees, generating a state of dispute with the union representing those employees and a claim against that employer for unfair dismissal. There is provision in the Employment Ordinance which was put there by the previous Government at my request on behalf of representations made by me in the union's name, that where an employer was in dispute he should not simply be given work permits

and allowed to carry on trading. That is the origin of the proviso in the law and therefore the employer was not given the permits thus strengthening the bargaining position of those affected which is the purpose for which it is there because the stage was reached very recently where the employer, faced with a state of illegality, having continued operating the hotel, because it has two choices. Either it continued operating the hotel notwithstanding the fact that it did not have a permit or it closed the hotel which would have made it very difficult to sell. So what it tried to do, if it is for the reason the Opposition Member says, to get rid of all the staff and then re-engage them the following day with a company with two £1 shares and with consequently nothing to back the liabilities to the employees. If Bell Hotel had simply taken on this workforce their acquired rights would not have been worth the paper it was written on because the entire asset of the new employer was two £1 shares. In that situation very recently the position was reached where the terms of transfer as between the old and the new entity were agreed and consequently the ETB was glad to have been helpful in solving the problem.

HON P R CARUANA:

Does the Chief Minister accept that if the receiver had called the bluff and simply said "Well, fine, I will employ new employees" the victims of the Chief Minister's philanthropy would have been the employees who would automatically have become illegal aliens in Gibraltar and presumably would have had to leave if the law had been applied? Therefore, that legal provision does not cause to the benefit of the employee if the result to him, personally, is that he becomes an illegal alien without the work permit.

HON CHIEF MINISTER:

Mr Speaker, the Opposition Member is saying what might have happened had something else happened. I cannot predict what that would have done but clearly the answer to that question is had that happened something else would have been done other than what was done. What was done was done in the context of the actions that were being taken by the prospective employer.

ORAL

NO. 111 OF 1995

THE HON F VASQUEZ

1ST JULY LAW

How many UK nationals have had applications for work permits refused under the "1st of July law" since its implementation?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, a total of 18 permits have been refused to employers wishing to fill vacancies by employing UK nationals who did not already form part of the local labour market, on 1st July 1993.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1995

HON F VASQUEZ:

Mr Speaker, I wonder if the Minister can confirm that the vast majority of English nationals who found employment in Gibraltar in the late 1980s and at whom the 1st of July law was predominantly aimed were employed in the building sector in Gibraltar? Would that be a fair statement?

HON J BALDACHINO:

I would say that was a fair statement, yes, Mr Speaker.

HON F VASQUEZ:

Can the Minister confirm that the object of the 1st of July law was to provide greater employment opportunities for Gibraltarians in that very sector?

HON J BALDACHINO:

In that sector and in every other sector, Mr Speaker.

HON F VASQUEZ:

Thank you.

ORAL

NO. 112 OF 1995

THE HON F VASQUEZ

SPANISH NATIONALS IN EMPLOYMENT

How many Spanish nationals are presently employed in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, it is not possible to say on a particular date, how many Spanish or any other nationals are employed in Gibraltar. The most recent estimate available to the Government is the one that reflects the returns of P8's by employers. On this basis the numbers in 1994 are around 550 Spanish nationals as compared to 700 in 1993.

SUPPLEMENTARY TO QUESTION NO. 112 OF 1995

HON F VASQUEZ:

And, Mr Speaker, can the Minister confirm that a good proportion of these Spanish nationals are employed in the building industry in Gibraltar?

HON J BALDACHINO:

Mr Speaker, I confirm that that statement is incorrect.

HON F VASQUEZ:

Can perhaps then the Minister state in what type of employment predominantly these Spanish nationals are employed in Gibraltar? If he is able to.

HON J BALDACHINO:

Mostly employed in the hotel and catering trade.

QUESTION NO. 113 OF 1995

THE HON F VASQUEZ

APPRENTICESHIPS

Will Government restore a system of apprenticeships in basic skilled trades?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, as has been made public repeatedly, the ETB is responsible for training in the private sector and the Government itself has no plans to undertake training other than that for existing employees.

SUPPLEMENTARY TO QUESTION NO. 113 OF 1995

HON F VASQUEZ:

Mr Speaker, the Minister I think accepts and acknowledges the fact that the Opposition do not distinguish between the ETB and the Government of Gibraltar. We consider the two to be one and the same things and the question I put to the Minister then is this: where does the Gibraltar Socialist Labour Party administration of Gibraltar imagine that the next generation of Gibraltar's skilled and semi-skilled workers are going to come to service those sectors of the economy that need to have trained employees, our bricklayers, our masons, our electricians, our fitters, our plumbers? Where do they imagine they are going to come to in the next generation in Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, I am flattered by the hon Member's thinking that we are going to be here also for the next generation and not just for the next election after 1996. Therefore, I acknowledge that we have got a long term policy because we expect to be in office for a very long time. The Gibraltar Socialist Party administration, as he has correctly said, for Gibraltar. The position is that we have been working on a programme to increase the Gibraltarian content of the construction industry - which is related to his previous question as to where the labour was coming from before - and we have been successful. Therefore there are more construction workers of the type that he has described today in the construction industry that have been trained by private sector firms with assistance, financially, from the ETB

and from the European Social Fund. The statistics indicate that there is a growing trend and there is still scope for increasing. About half of the jobs of the industry in fact are in unskilled workers, and there the Gibraltarian content is relatively small but the amount of training in that area that is required is limited although even in that area there is some training required because, frankly, a semi-skilled labourer on a building site is not simply somebody that we can pick from the unemployment benefit queue and put on a building site without having some sort of familiarity with what working on a building site entails. Part of the reason why we have been successful in the programme to which the Government refer is because we are talking about small local firms engaged in projects which are not major projects. I think we still have a problem for example in totally new building of the scale that we had in Westside I and Westside II and Queensway of getting a higher Gibraltarian content. That is a very difficult one to tackle because the kind of skills that are there are mobile skills, ie. dependency on companies like this from our experience of dealing with the sector is that on a very big project specialists are brought in that do nothing but foundations and whether they are brought in as they were for Safeways or they are brought in as they were for Westside, they do work for six weeks and then they go. We have not got a volume of an industry in Gibraltar for people to become that narrow in their specialisation. Therefore, for example, we do not tend to produce bricklayers. We tend to produce masons who do bricklaying, external rendering, internal plastering and therefore we produce versatile workers who are more inclined to be involved in property refurbishment and extensions than in major construction projects from zero. But the programmes which have been initiated since 1988 and which are going to be extended this year as the Member will find out when the estimates of expenditure are discussed, will I am sure make him very happy.

HON F VASQUEZ:

I very much hope so, Mr Speaker, but I do doubt it. The Chief Minister has referred to funding from the European Social Fund as having funded the training of young Gibraltarians. Is he referring to those young Gibraltarians that were employed in companies such as SOS 24 Ltd and PCS Ltd? Is this the sort of training that he had in mind?

HON CHIEF MINISTER:

They are only one element of the total. We are talking about several thousand people having put through the scheme who are not unemployed, who are working.

ORAL

QUESTION NO. 114 OF 1995

THE HON H CORBY

GOVERNMENT FLATS

Are all Government flats handed over to housing waiting list applicants put in a fit state for habitation before being handed over?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 114 OF 1995

HON H CORBY:

Mr Speaker, then can the Minister explain this. I have the letter here from an applicant, I will read just a few lines of it to illustrate my point. "I am asking on humanitarian grounds that I be allocated a decent house in return after a hard day's work. The ones that have been offered up to now are just as bad as the one I have and I have no money to do the substantial repairs myself.....". This is a person who has seen quite a number of flats, has gone into the number of flats and found that the flats have not been refurbished and are in a worse state than the one that he presently occupies.

HON J PILCHER:

Yes, Mr Speaker, I know exactly the origin of the letter. The person the hon Member is referring to who is unfortunately a social case, I have seen the person, the parents, the mother and the problem in this particular case is that it is a social case, which we are trying desperately to help. It is because we are trying desperately to help him that before we do anything with any specific pre-war house we advise the family to go and see it and therefore it is likely that even before we make a decision on what to do with the house, this person who is a social case, is asked to view the house first so that he can have first bite at any house, pre-war, that comes in the Government's favour obviously if the composition of the house is such that it is available to him.

HON H CORBY:

Mr Speaker, I do not know if the Minister is aware but he was told by the Housing Allocation Unit to go and see a house which was condemned by Government. They said "You are going to see this flat but you will not be able to take it because it is in such a bad condition that it is condemned by Government". Why was this offer made to this person by the Housing Allocation Committee?

HON J PILCHER:

I have already explained the situation, Mr Speaker.

HON H CORBY:

The Minister has not, not on this issue. My question was if the flats were offered in a fit state of habitation how can a house be offered if it is condemned?

HON J PILCHER:

I have already explained the situation, Mr Speaker.

HON H CORBY:

The Minister has not.

QUESTION NO. 115 OF 1995

THE HON H CORBY

HOUSING WAITING LIST

What procedure is undertaken when a flat is offered to a person on the housing waiting list?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

There has been no new procedure introduced in the allocation of flats to persons on the waiting list. The allocation is done, as it has always been, in accordance with the provisions of the Housing Allocation Scheme.

SUPPLEMENTARY TO QUESTION NO. 115 OF 1995

HON H CORBY:

Will the Minister say whether the person who allocates this flat goes to the premises himself before the house is offered for inspection?

HON J PILCHER:

I am not sure I understand the question, Mr Speaker.

HON H CORBY:

The flat is allocated. Does anybody in the Housing Allocation Unit go physically to the flat being offered in order to assess if refurbishment has to be undertaken or if the house comprised with four rooms, kitchen and bathroom?

HON J PILCHER:

Yes, Sir.

HON H CORBY:

Again here, Mr Speaker, I have a case. A family was offered a four room, kitchen and bathroom and when the flat was viewed it was found to be three rooms, kitchen and bathroom and they could not explain it. After a while they found out that one of the partitions had been done away with to make the other bedroom into a very big one. The person who was there offering the flat to this

family had not even known that there was a partition there. He just found three rooms, kitchen and bathroom, instead of three bedrooms two bedrooms because one of the partitions had been taken off. It gives me that idea that nobody goes there first to inspect the premises but go there with the family as and when the flat is allocated.

HON J PILCHER:

Mr Speaker, I have to reply as I replied to first. Obviously, Mr Speaker, every single system in the world has its failings. I do not, for a moment, say that the system is 100 per cent perfect. The hon member has mentioned one case which I know nothing about. If he cares to pass to me I will try and give him a reason why that happened but my initial answer was yes, Sir, and my answer continues to be, yes Sir. The houses are inspected before they are allocated and all I can say is if he passes me the details of that particular house I will check it but I am not for a moment saying that the system is 100 per cent perfect. What I am saying is that that the system that there is and there are reasons, perhaps, why that particular case failed the test but I obviously can answer for policy. I cannot answer for every single person in the whole of the Ministry of the Environment does.

HON H CORBY:

Mr Speaker, on one final one. The trouble is that if people go and at times they like the flat but the flat has not been refurbished and there are extra expenses to the person occupying the flat then they come under the paragraph which says that they will be taken out of the Housing Waiting List if this is not allowed by the Housing Allocation.....

HON J PILCHER:

No, Mr Speaker, that is incorrect. This is what I thought the hon Member was saying when he was going on about this specific case. Given the fact, Mr Speaker, that the Government found itself in a situation where particularly, as we have publicly stated, given the fact that on the back of 'Release of Government Accommodation' of people going to Sir William Jackson Grove (better known as Gib V) what the Government found is that we had a tremendous amount of Government housing coming back into stock that was not possible for the Building and Works Department to be able to repair hundreds of houses coming in. What then happened is that we call the person that is top of the waiting list, we show them the property and we say "We know that this property is not

totally in a fit repair and refurbishment state." If the person then says "It does not matter because I will want to accept it like this" because obviously of the problems that they have on housing then that person is allocated the house. If not, the person is told quite clearly that saying no to that particular house will not have an effect on that person's housing allocation and we have had situations when these persons have said no; the house has been refurbished and then it has been allocated but obviously that is a delay factor between the person saying "No, I will not accept it unless it is refurbished" and the refurbishment of the house because there are so many houses coming back that it is not possible for the department to do it. Therefore the choice that is given to the person is "If you are living badly, do you want to move in now and refurbish it yourself, or do you want the department to refurbish it but it could take anything between three months and a year?" Some people say "Yes, I will take it as it is" and other people say "Yes, I will wait for it to be refurbished" in which case the house is refurbished and there is no loss at all in pointage or in offers being made to those persons.

HON LT-COL E M BRITTO:

Mr Speaker, if the respective tenant decides to go for the first option and inhabit the house that is not totally habitable, does the department offer him any compensation in terms of materials, so that expenses in renovating the house are not entirely out of his own pocket?

HON J PILCHER:

No, Sir. I would just like to add that I would not..... this is why my answer to the previous question was yes because the houses are fit for habitation. What they are not is in a total state of repair but the answer is no.

HON LT-COL E M BRITTO:

But would it not make sense to do so, Mr Speaker? From the way I understand it, the system is designed to help the person with the problem but it is almost a form, although I am sure it is not intended that way, of blackmail in saying to him "Take the house as it is, it is going to cost you a number of pounds to repair it out of your own pocket or if not, continue living in your unacceptable conditions and it could take a year before the house is ready". Would it not be humane, if nothing else, to offer him at least the materials from the Housing Department, the materials which the Housing Department themselves would have to use to repair the

house? I am not suggesting that the department pay for the workforce that he needs to bring in but the very least that can be done is to provide some materials free of charge.

HON J PILCHER:

Mr Speaker, it is much more complicated than it appears at first. The reason why we have to draw a line in a yes or a no is because if we have a grey area then it is a never ending story. First of all let me explain that the houses are checked for safety purposes and anything which is major. If there is anything which is major other than in pre-war properties, because those are properties that are affected by overall policy on the way forward (there is another question on the order paper about that) it is normally minor repairs to the house which, I would say, in 99 per cent of the times the tenant would change it. So, if we put a new bath, 99 per cent of the time the tenant would come in change the white bath and put in a pink one or a brown one or a yellow one. I say it is a grey area because the moment we do that then we never end. We have to say "Yes to the sand, yes to the cement, yes to the tiles, yes to the tiles cement." I think the decision that the person has to make is do they accept it as is and spend a minor amount of money in refurbishing the house which they would have done anyway, or do they wait. I think there is no middle ground on this because it is, as I say, a never ending story.

HON LT-COL E M BRITTO:

Mr Speaker, I accept the Minister's comments that it is a grey area and I accept that it is difficult to be able to make a decision in those areas but that is what leadership and being in government is all about and I would suggest.....

HON J PILCHER:

Yes, Mr Speaker, that is why I said yes or no, depending, because that is the leadership we produce.

HON LT-COL E M BRITTO:

Yes, but leadership is providing the right answer and I am afraid in this case the Minister is giving the wrong answer which is not leadership, that is taking the easy way out. I would put it to the Minister, if he will accept it, if the Housing Department has looked at the property and has decided that certain things need to be done and is calling in a tenant and saying "We will do certain things to it" and then they know what they are going to do before giving it to the tenant and if they

draw up a list before the tenant arrives and they say "We will paint that wall but not change the ceiling, re-tile the floor but not change the bath" and give the tenant a list of what would be done and say to him "Right, you can have the house now and we will give you the bath and the paint for that wall but we will not under any circumstances give you a new ceiling even if you ask for it" then I do not see that the situation is so grey as the Minister would have us believe.

HON J PILCHER:

Mr Speaker, as I understand it the purpose of Question Time is for me to give information to hon Members. It is not for me to discuss the policy. I accept the right that I have to lead. I have told him what I am doing and the proof of the pudding is in the eating and the eating is that we now have something like 15 people in the 1RKB list, 20 on the 2RKB list, 60 in the 3RKB list, which is 5 per cent of what we had when we came in in 1988.

HON H CORBY:

Is this a change of policy once the Ministry for Housing has been changed, because in the past people were given the paint and the money for the tiles if they decided to come in on their own because it saved Government the labour side of it? Is it a change of policy now because I know that a year, two years ago, this was the policy of Government to allow these people materials in order to refurbish the house which the Minister says that they will do if the tenant does not accept it and it might take three months to one year? The policy before that was that the person going in saved the Government on the workforce and materials like baths, retiling, paint, etc was given.

HON J PILCHER:

Mr Speaker, there is one fatal flaw in that argument and the argument is the Government do not save on manpower because the Government always have to pay manpower because it employs X number of people and whether they are putting tiles or doing something else, the manpower always has to be paid but to answer the question honestly yes, it is to a point a change of policy. It is a change in the new policy produced by the Ministry of the Environment in looking overall at the role of the Ministry of the Environment which now includes the Ministry of Building and works.

QUESTION NO. 116 OF 1995

THE HON H CORBY

USOC PRE-FABS

How many families are still awaiting reallocation from the pre-fabs at USOC and Town Range and when will the Minister envisage that this will be completed?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, there are 26 (8 on offer) families still awaiting reallocation at the prefabs of USOC and 9 (1 on offer) families at Town Range. As previously stated in this House the above families are in two different categories. Town Range has been declared a decanting area and therefore the allocation is imminent and controlled by departmental reports on structural safety. In the case of the USOC area these will be allocated in accordance with the conditions of the Housing Allocation Scheme.

SUPPLEMENTARY TO QUESTION NO. 116 OF 1995

HON H CORBY:

Mr Speaker, the Minister said that this would be undertaken within six months. This is some time ago. What is the delay in taking those people out within the time lapse that the Minister said.

HON J PILCHER:

Mr Speaker, there is no delay. Obviously it is the availability of houses and this is why in trying to be honest to the hon Member I have to be careful because I may have said and I do not doubt it, a period of six months but obviously it depends on the availability of houses. I assure the hon Member that not all the ex-tenants at Town Range were in the same type of danger and this is why the imminent ones I think, about nine, were moved immediately. This is an area that we want to decant because overall some areas are structurally unsafe, others are not, but obviously to repair the building we have to get everybody out. It is imminent and it is imminent in our balancing the houses that are available with all the different categories on the waiting list. We have waiting lists on points, medical,

decanting, social cases and all these things have to be balanced by the Housing Allocation Committee. It is them who dedicate the priorities on trying to be fair on everybody because if they allocate all the houses on decanting cases then the people on the housing waiting list do not have an immediate availability of houses. In Town Range it is imminent and I hope that by the next House of Assembly we will have reduced the problem considerably but I think it is on the availability of houses.

HON H CORBY:

Will any people in the prefabs remain in as far as permanent housing at prefabs is concerned?

HON J PILCHER:

No, Mr Speaker.

ORAL

NO. 117 OF 1995

THE HON H CORBY

USOC PRE-FABS

What plans do Government have for the pre-fabs and Town Range once these are vacated by the present tenants?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

None, Sir, the future of these and other premises is the subject of an exercise being done by the Building and Works Section of the Ministry of the Environment.

SUPPLEMENTARY TO QUESTION NO. 117 OF 1995

HON H CORBY:

I know that the prefabs were envisaged with a lifespan of five years and the tenants there signed a contract for five years. If the prefabs at USOC are going to be used and this was the reply the Minister gave some time ago as a decanting centre and that is why I have asked the question. Will that not convert itself in the long run to a Filipino ghetto in the middle of town?

HON J PILCHER:

No, Mr Speaker, what I said to the hon Member last time is that the prefabs had been an expensive exercise of Government in order to alleviate a specific major problem that Gibraltar had when we came in in 1988. Having spent that money on buildings that have a life of 15 to 20 years I am not, for a moment, saying that we should have people there for 15 and 20 years, but if the buildings are there, my intention was to keep, perhaps not all of them but maybe one or two blocks as a decanting centre. Not a decanting centre to be used as part of normal decanting procedures of Government but I think if the hon Member casts his mind back to, for example, the immediate decanting of Penney House when Penney House developed overnight some cracks and we had to move 20 families, there is not anywhere that is capable of dealing with that on an emergency basis. That was what I was thinking about when I said that perhaps the Government should keep, maybe not the four blocks at USOC but maybe two blocks because having got them there it would be difficult to knock them down and find ourselves in a repetition of Penney House like we had in the past, where

we had to find - I remember it must have been a nightmare at the time for the AACR Government because there were no houses - places for these people. This is what the initial answer said, it is the subject of an exercise being done presently by Building and Works where we are going to try and see the future of a lot of the old pre-war houses that we had and how do we utilise those, whether as part of the refurbishment programme or whether we demolish them. This has to form a part of the middle to long-term future of the housing stock of the Government.

HON H CORBY:

Will the Minister then commit himself to saying that this decanting centre will not become permanent residences for people who are put in the prefabs?

HON J PILCHER:

I would guarantee that under the GSLP administration, as the Chief Minister said to Mr Vasquez we will be here for a long time, that will not happen.

ORAL

NO. 118 OF 1995

THE HON H CORBY

COELHO AND ANDERSON HOUSES

Are there plans to refurbish the facade of Coelho House and Anderson House?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The overall plans for the financial year 1995/96 are now being prepared by the Buildings and Works Section of the Ministry of the Environment and therefore at this stage I am not in a position to answer this question.

SUPPLEMENTARY TO QUESTION NO. 118 OF 1995

HON H CORBY:

Mr Speaker, is the Minister aware that Coelho House has not been painted for quite a number of years, the plaster is now falling off and there is now water penetration in some of the flats? I have had people coming to me very concerned about this matter. In so far as Anderson House is concerned I have been there myself, the balconies are in a very bad state, the shutters of this block are held by the tenants with wires and ropes attached to the inside of the house because if they did not do that these shutters would fall down on the street. It can be dangerous because there are people who walk underneath these flats and if the Minister goes there himself he will see that the balconies are in a very bad state of disrepair.

HON J PILCHER:

Yes, Mr Speaker.

ORAL

NO. 119 OF 1995

THE HON H CORBY

HOUSING ALLOCATION UNIT

Can Government state whether any functions of the Housing Allocation Unit has been privatised or contractorised since the answers to Question No. 29 of 1995?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1995

HON H CORBY:

Could the Minister please state why the people who were there before in the housing allocation side of it, are no longer there?

HON J PILCHER:

Mr Speaker, if the hon Member cares to look at his question the answer is none, Sir.

HON H CORBY:

Why was this change then undertaken of putting other people into the Housing Allocation Unit?

HON J PILCHER:

Mr Speaker, that was explained in answer to Question 29, explained in the last House and stated publicly prior to the answer to Question 29. So the question is: has anything happened after the answer to Question 29 of 1995. The answer is none, Sir. If he wants me to explain what happened before I will but that is prior to Question 29.

NO. 120 OF 1995

THE HON H CORBY

'E' BLOCK

Why is 'E' Block not being used for allocation of flats to people on the Housing Waiting List?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

In answer to question 33 of 1995, the hon Member was informed of the proposal that was submitted by a private sector developer and told that this was being considered by the Government.

As has been made public, the Government accepted the proposal in Question 33 for the reason stated therein. As the result of this development, the nine existing units will be demolished to make way for 28 residential units.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1995

HON H CORBY:

Mr Speaker, does not the Minister think that those houses which are sound and were used by the Gibraltar Regiment only a few months ago, or probably nine months ago, would be better suited for the functions of offering them as accommodation for the waiting list now that he says he has so many people for a one, two and three..... This is a sound building. There are plenty of sites that Government could allocate and leave those buildings intact, which are sound, for Gibraltarians that are living badly and need those accommodation.

HON J PILCHER:

Mr Speaker, I know I am not here to ask questions but surely that is a rhetorical question.

HON H CORBY:

It is not a rhetorical question, Mr Speaker. I am stating why this sound building and why was not this area or another area given to the private contractor when this block of flats is in perfect condition for housing allocation.

HON J PILCHER:

Mr Speaker, because if I felt like he has just explained that I should feel I would not have accepted the proposal by the private sector developer that demolishes nine houses and creates 28. If I felt like he has just explained I would have said no to the private developer and therefore it is precisely because I do not agree with him that I have accepted the private sector development which creates 28 houses and I gave him the answer to that in Question No. 53 of 1995. [Interruption]

MR SPEAKER:

No, no, order, order, I think it is clear. That is the policy of the Government and that is the policy of the Government. You are trying to persuade him to change his mind, he does not and we cannot carry on for ever. Next question.

ORAL

NO. 121 OF 1995

THE HON H CORBY

GOVERNMENT LANDS

How are plots of Government land allocated to private developers and the public?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the sale of a property by the Government is normally done by public tender unless there is a specific commitment to a sitting tenant or similar situations where it is done by direct negotiations.

In other cases, it responds to private sector initiatives where people put forward proposals which the Government evaluate in terms of the overall interest that that proposal may have and then the negotiations on the price of the land is done by the agent for the disposal of Crown Land, Land Property Services Ltd.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1995

HON H CORBY:

I take my grandchildren down to school, there is a plot of land at the end of Flat Bastion Road which is now being developed. I have seen machinery, I do not know who it belongs to but there is machinery and people working down there. This has never gone to tender or been published. Does that mean that if I want a piece of land I go to Land Properties or whoever is responsible, I submit whatever I am going to pay for the land and this is not sent to tender to see if the Government can get much more money from others that might be interested in the area?

HON J PILCHER:

Yes, Mr Speaker, the answer to the hon Questioner is yes. If he is interested or if a developer is interested in the piece of land, he then approaches Land Property Services and I said who evaluate the price of the land and then Land Property Services make a recommendation to the Government. The Government would then either accept the recommendation or as we have done in the past decide to test their recommendations by putting the land on the market. We have done it on both options.

HON H CORBY:

What I am trying to get at is that land is allocated to anybody that wants a piece of land. I see a piece of land somewhere in Rosia Dale and I say "I want this". I might not be getting through to the Minister but what I am saying is that once work starts nobody can offer anything else because nobody is none the wiser.

HON J PILCHER:

Of course, Mr Speaker, because I have just explained to the hon Member that the negotiations are conducted by Land Property Services who then make a recommendation to the Government. If the Government decide to accept the recommendations and go for a private sale then that is one method. The other method is that the Government decide that we do not like the recommendations and put the plot out to tender. We have done both of those and I believe we have done both of those successfully but, the value of the land is a matter for Land Property Services who are the experts on the valuation of land. If the Hon Mr Corby saw a piece of land and came to Land Property Services and made a proposal which Land Property Services recommended to the Government, gave the Government a very good return for the land, perhaps the offer would be accepted. If, on the other hand, the Hon Mr Corby did not make such a good offer for the land, the Government might then either directly by recommendations of LPS or indirectly by not accepting the recommendations of LPS say to Land Property Services "Well, put the plot on the market and we will determine what the market price is". We have done both of those.

ORAL

NO. 122 OF 1995

THE HON LT-COL E M BRITTO

VARYL BEGG ESTATE

What changes are being planned to the existing parking arrangement at Varyl Begg Estate and how many free parking spaces will be lost as a result of these changes?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, there are already agreed plans to build 150 garages at Varyl Begg Estate as part of an overall programme to build garages in the estate. This scheme was requested by the Varyl Begg Tenants' Association who have been fully consulted throughout the planning stage.

This will result in the loss of 78 free parking spaces which is compensated by the provision of a further 72 free parking spaces as the result of the demolition and refurbishment of the old swimming pool area. The overall loss resulting from this phase is of only 6 parking spaces.

Before any further phase is planned, the Varyl Begg Tenants' Association will be fully consulted.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the initiative for the garages and the parking spaces come from the Tenants' Association or from the Government?

HON J PILCHER:

From the Tenants' Association, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, I understand that a survey, and I appreciate that most of this happened in his predecessor's time in the Ministry, but I understand that a survey was conducted by the Tenants' Association. Would my information be correct that something like 120 tenants indicated that they wanted garages and something in the order of about 150/200 preferred paying parking spaces as opposed to free parking spaces? I have not seen the

survey myself so my question is was the survey conducted on the basis of an either or? Do people want the garage or a paying parking space? Or was it 120 want garages plus another 150/200 making a total of 300 odd, want garages and the others want parking spaces?

HON J PILCHER:

Mr Speaker, there was no survey carried out as such. The whole process was done in a general meeting of the Tenants' Association and what it did was that an allocation of the garages or the parking spaces should be carried out by the tenants themselves, in this case the Association. I have not seen the figures but the figures quoted by the hon Member must be more or less on those lines. I think there was 120 that said wanted garages and I think in the other figure of parking spaces there were some who said that they wanted a garage and a parking space so in the figure of the parking space there might have been some who said that they wanted a garage. The whole question of the Tenants' Association was that if somebody had a garage then he could not have also a parking space because that was preventing other people who did not have a garage from having a parking space. The whole idea of paying a rent for the parking space was based that this was being carried out in other Government estates before my time, before 1988. There is, for example, St Jago's do pay I think about £7 a month for a parking space and the whole idea why the proposal was made to the Government was that the Tenants' Association were saying that the overflow from Westside I and Westside II were parking in Varyl Begg. I do not know if a survey was carried out or not. But they would prefer to pay a nominal fee for a parking space and have their own parking space rather than have other people coming in from other estates and parking in their parkings and therefore it would become a private parking rather than a public parking like it is now in Varyl Begg.

HON LT-COL E M BRITTO:

I thank the Minister for that detailed information, Mr Speaker. What concerns, and that concern is to a great extent alleviated by the original figures given by the Hon Mr Pilcher that in actual terms by the loss of the swimming pool, not a loss of parking spaces which is I appreciate a minimal figure. What concerns me is that out of some 600 tenants in the Varyl Begg Estate if less than half of those indicated that they wanted parking space or garages, by implication the other half did not want a change. Therefore there are going to be and there are obviously for the people who have approached us saying that they feel aggrieved that where they park now someone is going to build a garage.

HON J PILCHER:

Mr Speaker, the hon Member himself has agreed that the figures are clear that there will be no overall loss of free parking spaces. The real loss is six. I am not convinced yet - I am meeting the Varyl Begg Tenants' Association - that we necessarily should go to paying parkings unless, like for example in Sir William Jackson Grove, everybody was entitled to one parking space and if the area in question does not fit that bill then I think it is difficult. I agree with the hon Member I think it is difficult to go down the path of hiring out every single car parking space and every single garage only to find that half of the people in the estate have not got access. I am not saying no because obviously at the end of the day it is really up to the Tenants' Association in relation and in conjunction with the tenants to advise the Government what they feel is the best possible solution but always taking into account the feelings of everybody not just necessarily the majority.

HON LT-COL E M BRITTO:

I am glad the Minister makes that distinction, Mr Speaker, about taking into account the feelings of everybody because the other point that I wanted to make, speaking in terms of the 300 people who do not attend meetings. My information is a little bit confused but my understanding is that following the initial meetings with the Hon Mr Baldachino the proposal was made to one meeting of tenants where my information is that the attendance was in the region of about 100. A survey was then carried out and there were further meetings between the association and the Minister but then the subject agreement and proposal which the Minister has mentioned has not been ratified, according to my information, even by a general meeting and contrary to what the Minister said, by a meeting of tenants. We have a situation where, in theory, an association has said yes but the majority of the tenants are finding a solution imposed on them which some of them have not heard about and others have heard once the decisions have been taken to proceed. What I would ask the Minister is to ensure that when they deal with a tenants' association which may be democratically elected but that does not, if I may say so, absolve the Government from the responsibility of ensuring that the Tenants' Association on something as major as changing parkings, which affects all tenants, is speaking, one on behalf of all the tenants, and secondly that they ensure that all tenants have been informed and have had an opportunity to express a view before the decisions are made.

HON J PILCHER:

Yes, Mr Speaker, I think that that is reasonable and logical and I think when I said that we would take account of the minority, what I meant is of course the Government of Gibraltar as a landlord has a responsibility which obviously it just cannot shed off because the Tenants' Association wants one thing or the other. But the Tenants' Association are a very important factor in bringing to the Government the feelings of the tenants and what I meant by majority or minority is that obviously we have to ensure that everybody is informed and if we have 98 per cent of people in favour and two per cent of people against that I think is as unanimous as we can get it but if we have 52 per cent in favour and 48 per cent against, then from the point of view of trying to coordinate what the tenants feel in this specific instance is something we would have to monitor. Having said all that there is no consequential loss in free parking spaces in this phase so none of that applies.

NO. 123 OF 1995

THE HON F VASQUEZ

ARREARS OF RATES

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the forecast rates arrears owed to the Government of Gibraltar in respect of commercial premises for the period ending 31st March 1994 was approximately £4.9million. This figure is still subject to final audit. It is anticipated that there will be no major changes to this figure during the course of the financial year 1994/95 as there is a balanced position of billing and receipt during the course of this year.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1995

HON F VASQUEZ:

A couple of questions, the first question: does that figure include penalty rates or just rates?

HON J PILCHER:

Yes, Sir, it does include penalty rates.

HON F VASQUEZ:

Can the Minister explain why for the current year there seems to be a balance between the bills and the receipts which obviously has not been matched in previous years?

HON J PILCHER:

Mr Speaker, because the Government immediately following the last audited accounts and the comments of the Principal Auditor, felt that it required to do more on the arrears side and has put various mechanisms during the course of the year which is now producing some results for the Government.

HON F VASQUEZ:

Can Government confirm then that there are mechanisms in place now whereby Government actually chase current arrears? As soon as people get into arrears people are sent reminders and attempt is made to recover those immediate arrears?

HON J PILCHER:

Yes, Sir, there is a parallel structure to follow up arrears, i.e. historical arrears and normal arrears which is what the person is technically after the first month not after the first quarter.

HON F VASQUEZ:

Can this be equated to the old Rates Arrears Section that used to exist in the Rates Department? Have Government resuscitated the Rates Arrears Offices?

HON J PILCHER:

Mr Speaker, we are not absolutely sure what the old Rates Department did. We have extended the contract of Land Property Services which deals with all Government lands as an abnormal extension of that we have been negotiating for the last two years with Land Property Services and have put in stream this particular agreement over the last 12 months.

ORAL

NO. 124 OF 1995

THE HON LT-COL E M BRITTO

ENVIRONMENTAL HEALTH DEPARTMENT

What proposals currently exist for the privatisation of the Environmental Health Department?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government are evaluating proposals made by the civil servants employed in the department and as is customary in these cases, where matters are under consideration, it is not prepared to make anything public until a decision is taken.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, so as not to waste any time, is there any point in asking supplementary questions or will the Minister not answer any?

HON J PILCHER:

No, Sir.

NO. 125 OF 1995

THE HON LT-COL E M BRITTO

IMMIGRATION CONTROL SERVICES

How much is to be paid annually to Security and Immigration Limited for provision of immigration control services and on what basis is that remuneration calculated?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the cost of the service by the contractor is reflected in the estimates which have been tabled in the House and is below the cost that was being incurred previously, directly and is the result of the recommendations of the value for money audit done by Price Waterhouse on the initiative of the Principal Auditor.

SUPPLEMENTARY TO QUESTION NO. 125 OF 1995

LT-COL E M BRITTO:

Mr Speaker, has there been any reaction, on a political basis, from Spain to the changes at the control at the frontier?

HON J E PILCHER:

No, Sir.

HON LT-COL E M BRITTO:

Mr Speaker, was or has there been any reaction from the British Government to the changes at the frontier?

HON J E PILCHER:

Mr Speaker, the hon Member has to understand that the Immigration Control Services were actually contracted by the Gibraltar Government after consultation with His Excellency the Governor who is responsible for the police vote. Not the vote as such but the responsibility for the police. I would not like to mislead the House.

HON LT-COL E M BRITTO:

Were any reservations expressed by the British Government through His Excellency the Governor or was 100 per cent approval given to the changes.

HON J E PILCHER:

No, Mr Speaker, I think they went a step further I believe. I am now working from memory and I put in a caveat like my hon Colleague said. I think that in fact there was a press release issued by the Convent which was very praiseworthy of what had been done, of what the company had done previously and welcoming with no qualifications whatsoever.

HON LT-COL E M BRITTO:

I appreciate the basis of the original answer about the contents of the estimates but the final part of the question has not been answered. On what basis is the remuneration to the new company calculated?

HON J E PILCHER:

It is on the basis of the report submitted by Price Waterhouse on the initiative of the Principal Auditor and which was termed a value for money audit report.

HON P R CARUANA:

That supplementary question does not base it on the sense of how did the idea originate. On what basis is the remuneration package calculated, meaning is it cost plus a fixed percentage of profit. How is the remuneration arrived at through the police budget passed on? In other words, how is the fee for the contractual service calculated?

HON CHIEF MINISTER:

Mr Speaker, there is no question in this of a performance-related payment for obvious reasons. It is not a question of based on turnover or anything like that because the company cannot control the number of people who cross the frontier. It is based on reaching an agreed price for the cover that is required by the Government based on the cost that the operation involved before, the experience of the replacement of immigration officers at the airport and at the port which had been negotiated before and therefore it is an extension of the contract that was already in place because, as we have explained already, in the value for money audit what was

identified was that we already had put in place a more cost-effective contract doing the same work and that therefore the parameters were what had already been negotiated previously.

HON P R CARUANA:

I presume that Government when it is buying-in services, which is in effect what they are doing when they contractarises out a public service, must have a policy as to the extent to which they are prepared to accommodate a profit margin. In other words, the Government presumably calculate the cost of providing the service. This is not an opportunity for a private company to create a windfall or to earn an enormous profit from providing for the Government. So Government must presumably go through the process of calculating what is a reasonable price, based on what are the anticipated costs to the contractor operator and then allow a degree of margin for profit. Presumably that is an exercise that is done. Is that how this has been done? In other words, have the Government calculated what so many employees at so much, plus a bit for administration, plus a bit for..plus 10 per cent profit margin, is that the sort of exercise that has been done?

HON CHIEF MINISTER:

Well no, actually we have got better yardsticks than that. We have got a better yardstick than that because it used to be done by a Government owned company and therefore we have what it costs us to do with direct labour, what it cost us to do with a Government company and what it cost to do when we are neither employing people directly nor employing people indirectly through being a shareholder and of the three the third option is the cheapest. Why? Because, obviously if we say to ourselves we are paying so much money for electricity, there is a tendency for somebody to put the light out if at the end of the day the bill will come out of their pocket. But if at the end of the day they get paid the same whether the lights are left on all night or not there is a tendency for the light to stay on all night so therefore the yardstick is one where the profit may well be greater than the one that we were making when we owned the company but it will be because people are taking more trouble and are more profit conscious when they stand to gain and share from that profit. But we know what we were spending ourselves and therefore it is based on a reasonable margin based on that but that may well be improved by virtue of the greater effort I think the built-in incentive that people have when they go is of that nature. It is not quite the same calculation when we have got people who are leaving the service. When we

have got people who are leaving the service then in fact we take into account that we are making a compensating service immediately. That is to say in this particular case the position is that although the workload of the police force has been reduced substantially by removing the number of officers that were allocated to that task, those officers will be carried in the service for a number of years until they go by natural wastage. One of the reasons frankly where in Government we decided as a matter of policy that the Price Waterhouse value for money audit was all very well in theory but essentially we only did maybe 10 per cent of what they were recommending, was that what they were recommending only saved money if we then sacked everybody whose job was disappearing. But if what we are going to do is pay a contractor to do everything and keep on paying all the people who were doing that to do something else then at the end of the day we would not have enough money to pay them both. So the fact that we have worked on the premise of there being a saving here which will partly fund the number of officers redeployed is reflected in the estimates.

HON P R CARUANA:

Mr Speaker, when it comes to the degree of profit margin that is permitted, these contractorised companies are not cooperatives of the workers that transfer. I know that in this case there has been recruitment from the labour market but in a case where there is contractisation or privatisation which basically involves the transfer of the public servants that were doing that work into a company, not everybody shares in the company presumably? Not everyone that transfers shares in the company. There is therefore a small nucleus of individuals, who presumably come from the top management involved, who in effect get an extraordinary opportunity to participate in profit from an activity the opportunity of which has not been made widely available. There is no tender process as such so is this something that is taken into account when Government decide the cost of this service? In other words how much they are paying and therefore do Government in effect, although not consciously, regulate the extent of profit being made at taxpayers' expense?

HON CHIEF MINISTER:

Mr Speaker, I do not know whether the hon Member is trying to suggest that there is a deficiency in the system which will allow people to become millionaires by manning the frontier but if that is the position then there is no possibility of doing that within the amount of money in the budget which he has got a copy of. The point that I am making is first of all the level of remuneration to the people who are going to do the work apparently is competitive with alternative work in the private sector since 400 people applied for 15 jobs. [Interruption] Three hundred of the four hundred were already employed. Yes, only 100 were unemployed. Three hundred were employed people already. [Interruption] In areas like the finance industry people apparently wanting to leave the finance industry to sit there and look at passports. I can tell the hon Member that we have had both ex MOD redundant people applying and so on, so the range is very wide. We were surprised ourselves that there was that degree of interest but at least it shows that it was not a question that the price of the contract had been squeezed so low that in order to make a reasonable profit people were having to be grossly underpaid. There was no indication of that. The basis upon which the contract was negotiated, as I have explained in this particular instance, and this is not the golden rule. For example, where we went out to tender in the case of the work done by the Moroccans it was based on a number of competing bids coming in and we decided as a matter of policy that rather than give one contractor one single contract we wanted to break it up in order to give the opportunity to more people to do it. In this case it was obvious from the analysis that had been carried out that the people who were already doing it were the people who were best placed to give us the most competitive price. I am saying that that price leaves a not unreasonable profit margin on the premise of what we know the operating costs were when the company that run the terminal was Government-owned. It may well be that the individuals who used to be employees of that company, who then did as it were a management buy-out except that they did not have to pay anything to buy themselves out, they simply became the owners of a company and we rented them the assets and we contracted their labour. The assets still belong to the Government. The terminal is Government property, not the property of Terminal Management. On that basis what was negotiated took into account the operating cost, the kind of salaries they would have to offer to recruit people of a certain calibre but it does not mean that the people who manage the company may not be able to improve on that margin by running the company more efficiently. That is

what the basis of the whole exercise involves for those who take on this responsibility. As far as we are concerned, we are convinced that we are doing it in the way that produces value for money which is what started the exercise off.

ORAL

NO. 126 OF 1995

THE HON H CORBY

JOHN MACKINTOSH'S BUST

Will Government relocate the bust of the late John Mackintosh?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, having just moved the bust two months ago, we do not think it is appropriate to move it from its present location again.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1995

HON H CORBY:

Mr Speaker, this question comes from various sectors of the community who look upon the most prominent benefactor of Gibraltar. Would the Government re-think? It is in a niche on one side of the House of Assembly, out of the way. It would be more prominent if this was erected on a pedestal on the west side of the Piazza. Will the Government rethink it, because it is not my question, it is the question of a majority of the people in the street?

HON J E PILCHER:

Mr Speaker, the people who speak on behalf of the wishes I suppose are the trustees of John Mackintosh. The trustees, given the various possibilities chose the present area. There were other possibilities in various other areas. They were very happy and have congratulated the Government for the prominent place that it has given John Mackintosh. There might be other people in Gibraltar that are not happy but I can tell the hon Member that the trustees are very, very happy and I have a letter which I will copy to the hon Member tomorrow which says precisely that.

HON P R CARUANA:

Mr Speaker, if the trustees are happy on the basis of the best choices of the various choices available then I shudder to think what the alternative venues that were offered to them actually were.

HON J E PILCHER:

The Leader of the Opposition always shudders about everything, but the alternatives were very open like various other places snap in the middle on a pedestal below the arches, on top of the steps, on one side, and they chose that as the best possible location and who am I, or him, to object to that?

ORAL

NO. 127 OF 1995

THE HON H CORBY

SAN PABLO BATTERY

What plans do Government have for the garden at North Bastion known as San Pablo Battery?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The area in question is a development area which at one stage formed part of the development plan which encompassed the whole of Casemates. In the short term, the Government is in discussion with the Gibraltar Kennel Club in order to grant a temporary licence for the use of this area by the Kennel Club and other dog owners and members of the general public.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1995

HON H CORBY:

Mr Speaker, this is a green area; one of the few green areas in the north of town. This garden was used for the old people to play the old petanca game and then it is a very good area for people to take their children because all the areas that were green areas within that complex now hold the Dr Giraldi Home, hold the showroom of Fiat. There was a garden in front of the Dr Giraldi Home which has now disappeared as well and this is the only green area where families can take their children and their prams and enjoy the garden which if refurbished would be a very good area for families and children to enjoy. If the Minister gives it to the Kennel Club the majority of people in Gibraltar would be left without a green area and a garden to enjoy.

HON J E PILCHER:

No, Mr Speaker, first of all they will not be left without a green area because the arrangements are that it has to be kept as a green area. We are not prohibiting, if the hon Member heard the reply, it says "temporary licence for the use of this area by the Kennel Club, other dog owners and members of the general public." So provided the mother with the pram does not mind a dog running around they can share it. The question is that in this specific area it is an area where we will allow, which is something that we do not allow anywhere else,

for dogs to roam around freely. That is what we have been asked by the Kennel Club who complained, and I think rightly so, that there are no areas in Gibraltar because we have debarred dogs from virtually every public area. Therefore in this particular area the old man can play the petenca if he does not mind the dog running after the ball.

HON H CORBY:

Mr Speaker, I am perplexed by the answer that he has given that if a person takes a child who is six months old and that person takes him in a pram to a green area where the mother can enjoy the gardens and is pounded by an alsatian or a bull-terrier, it is not very safe for the mother to take..... I do not think any mother would take the risk of having dogs roaming around freely and taking the children to the recreational area.

HON J E PILCHER:

I have news for the hon Member. In many cases the house is shared by the pram, two or three children and three or four alsatians.

HON H CORBY:

Let me tell the Minister that if a person has a dog in his house it knows him but his neighbour's dog, if he knocks on the door will not know him at all and probably bite him. If someone has a pet in his home it is his responsibility and it is domesticated within the family and there is no risk to the people concerned. It is a risk if someone takes another dog from another area where he lives, then the scenario changes drastically.

HON J E PILCHER:

Mr Speaker, joking apart, it is I believe and this is the decision that has been made, that there are enough areas in Gibraltar: the new playing areas, the Alameda Gardens and lots of nice public areas, the Rosia Parade promenade where mothers can take their children, where dogs are not allowed and in a small area like that where there are many dog owners that would really like to be able to exercise their dogs, I think, that the answer is irrespective of the comments being made, it will be kept as a green area and we will allow the Gibraltar Kennel Club and the many dog owners that there are in Gibraltar who take their ownership to heart and will keep the place properly clean. I think that is our preferred option.

ORAL

NO. 128 OF 1995

THE HON LT-COL E M BRITTO

TOURISM MARKETING PLANS

Will Government give details of the tourism marketing plans they are considering jointly with Morocco?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No such plans exist at present. There are ongoing discussions with private sector operators in Gibraltar and the Gibraltar Information Bureau in order to target the two-centre holiday market and to look at the Morocco market in relation to the Gibraltar Shopping Experience.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the question asked what was being considered and the Minister has confirmed that there is consideration being given. Can he give us more details or he is not prepared to go any further than what he has said already?

HON J E PILCHER:

No, Mr Speaker, there are no more details other than we are at the moment, in conjunction, as I said, with certain private sector operators, looking at a visit to Morocco to try and establish that plan. There is no information at this stage.

ORAL

NO. 129 OF 1995

THE HON LT-COL E M BRITTO

CHARTER FLIGHTS

When will charter flights to Gibraltar begin?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No application has been made to Gibraltar airport by any charter flight operator.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1995

HON P R CARUANA:

Mr Speaker, will the Minister say then what became of the proposal which brought the Minister for Trade and Industry and Mr Sherriff rushing to the television screens a couple of months ago?

HON M A FEETHAM:

The matter of area operations from Manchester and possibly via London is still a matter which is being looked at by certain tour operator, particularly with the Caleta Palace in Gibraltar. At the moment there has been no application formally made.

HON LT-COL E M BRITTO:

Is it then unlikely that anything will happen for this summer season?

HON J E PILCHER:

It is highly unlikely given the date at which we are at the moment that there will be but as we have said in the past provided that there are specific conditions which charter operators must meet, the Gibraltar airport is available and ready to accept charter flights.

HON P R CARUANA:

Would the Government welcome that?

HON J E PILCHER:

Yes, Mr Speaker, provided, as I said in the past, that certain conditions that are inherent in the CAA application for charter licences are taken on board. Yes, we would welcome it. What we would not agree to would be for the situation where we get a charter flight operator not backed by a tour operator that virtually becomes a ticket sale operation which undermines the scheduled operation.

NO. 130 OF 1995

Question No. 130 of 1995 was withdrawn.

ORAL

NO. 131 OF 1995

THE HON P R CARUANA

ARCHE TRUEHAND AND VOLLENMEIDEN

Are Government making any provision for the possible payment of damages in the case of Arche Truehand and Vollenmeiden -v- Attorney General for Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1995

HON P R CARUANA:

Mr Speaker, given the dual status of the Attorney-General of Gibraltar as adviser to both His Excellency the Governor and to the Government of Gibraltar, and given the decision that has already been made by the Supreme Court in that case, if damages are assessed would that be an issue that the Chief Minister would take up with the British Government? I realise that there is an element of hypothetical in that question.

HON CHIEF MINISTER:

More than an element of hypothetical since it has not even started we will assess the situation if and when we need to.

HON P R CARUANA:

It is not true that it has not even started. The court has made a finding already that there was an unlawful solicit of information by the Attorney-General. That is what the Supreme Court has already ruled.

HON CHIEF MINISTER:

Yes, Mr Speaker, but the hon Member is not asking me to say what I think of what the court has ruled. He is asking me what I am going to do to provide for what the court has not ruled. The answer is we are not making any provision and whether we should or we should not, we shall decide when we need to decide.

ORAL

NO. 132 OF 1995

THE HON P R CARUANA

INCOME TAX

Do the Government foresee the possibility of announcing reductions of income tax rates or increases of allowances or broadening of the tax bands, during the next 12 months?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1995

HON P R CARUANA:

Mr Speaker, and that answer extends both to implementation and to announcements of future tax years during the next 12 months? So during the next 12 months the Government will not say "For next year we will....."

HON CHIEF MINISTER:

If what the hon Member wants to know is whether I think I need to promise tax cuts like Mr John Major to win the next election, then the answer is I am as confident of winning the next one as Tony Blair is without promising tax cuts.

HON P R CARUANA:

I am obliged to the Chief Minister for that very perceptive answer.

ORAL

NO. 133 OF 1995

THE HON LT-COL E M BRITTO

DEPARTMENTAL MANPOWER DEDUCTIONS

Will Government state what departments of Government they intend to subject to further manpower reductions and state what the intended manpower level of each such department will be?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government have no plans on the level of manpower that is used in each department. There is a constant exercise of re-structuring departments in order to put to best use existing manpower resources. There have never been any reductions in manpower levels other than by natural wastage or through a particular service no longer being undertaken by direct labour in which case those concerned have been redeployed elsewhere.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the Government have announced in the past target figures for the civil service in the region of just over 200, that, by implication, means that they must have studied the overall structure of the civil service and drawn up the figure after coming to revised figures for each department, or have they just pulled the figure out of thin air?

HON CHIEF MINISTER:

Mr Speaker, I do not expect to have to answer supplementaries to a question that I answered Mr Ken Anthony in 1989, when the statement and the position that was made then was made clear then. The hon Member is talking about manpower in Government departments and he ought to be more specific if what he is talking about is the administrative grades in the civil service. The civil service is a single unit and we certainly do not accept that whether we have 10 people in the Treasury and 20 people in Convent Place is a question which is either agreed with the unions or determined by any golden rule. The position is that when there is a change in the workload of a department we review the numbers employed in that department, in the administrative grades who are

totally interchangeable as the hon Member well knows, that is to say any administrative officer can be redeployed within his grade to any other posting and therefore what we do is we keep under review the amount of work that is being done. Let me give the hon Member a very simple example. If we have got a situation where there is a reduction of manpower because 250 Moroccans leave, then we have to consider whether the number of people we have got engaged in calculating weekly wages is still what is required given that there are now 250 less weekly wages to calculate. It does not mean that there is a plan saying that this is what we are going to do. The position is that we analysed way back in 1989, we made the public statement then, we answered question in the House in 1990, we defended the position in 1992 on the basis that we thought the final position of the administrative grades could be put at a figure of something like 200 administrative grades given the kind of function that is done in Gibraltar and the kind of function that is done in the United Kingdom. On the basis that we already have many more people in posts than that, we committed ourselves to keeping everybody in post and therefore if the hon Member, for example, looks at the wastage that there has been the situation is that we used to have a Telephone Department. We used to have clerks engaged in doing the administrative work of that Telephone Department. The position the Government took was that when the Telephone Department disappeared if the people employed in the Telephone Department all went voluntarily to the new joint venture with Nynex, then that would be fine. But if they did not all go voluntarily we would carry the extra people in other departments notwithstanding the fact that they were not needed and that is what we have been doing since 1989. The position therefore is that there has been minimal reductions in the administrative grades since 1989 other than in connection with services that no longer exist. But even in those services we took the position of saying "If there is any telemechanic who cannot do anything else that does not want to go on being a telemechanic because it means leaving the Government, we will keep him on telemechanic pay for the rest of his life but he has to accept that he has got to do some other job." Two stayed and were redeployed elsewhere in the Government service. That is the policy and it is a policy that we have defended, frankly, innumerable times because we honestly believe it to be a generous policy in balancing the requirements of the service and the rights of the population to expect us to run the public service as economically as we can manage. We have had full cooperation in this policy until now from those concerned. I regret that we are not getting it now but we cannot change that policy or pretend that it is something else because it would not be true.

HON LT-COL E M BRITTO:

Mr Speaker, when that target for 200 administrative jobs in the civil service was set by the Government three years ago or possibly even more [Interruption], six years ago at that stage the Government did not have the benefit of hindsight they have now with the number of privatisations, or contractirisations like Nynex and the restructuring there has been in Government departments or the proposals that they have at the moment for further privatisation. For example, my information is that the Government are studying proposals for the Immigration Department, for the Environmental Health Department, for the Road and Sewers Section, for DTI, which was mentioned by Government Members earlier on today and that in fact Government Stores are in the process of going through an upheaval where although civil servants are still in place Government Stores will grind to a halt as from the 1st May or 1st April. I mention these examples because there have been privatisations, there are more going to come, in the light of all those changes is the figure of 200 still the target figure or is it a changing scenario as new privatisations roll on?

HON CHIEF MINISTER:

No, no, it is not a changing scenario because on the basis of the commitment to a job for life that was given it would take 12 years to get to 200. At the present rate of natural wastage which is about one person a fortnight, so if we are carrying for the next 12 years supernumerary persons even though I may be here with a stick, having lost all my hair still fighting three elections from now I do not really think that I can be had both to answer for what I said six years ago and for what I might say 12 years hence. I think that is asking for a bit much.

HON LT-COL E M BRITTO:

I think that the Chief Minister misunderstands me, Mr Speaker. He concentrates on wastage. The point I am trying to make by mentioning privatisation is that in that privatisation there will be much large descaling of administrative jobs than there would by natural wastage.

HON CHIEF MINISTER:

The explanation that I have given the hon Member is that the commitment that we have got means that if tomorrow we have a situation where the Environmental Health proposals are found to be accepted... The proposals are coming not from administrative grades. The proposals are coming

from Environmental Health Officers and industrial workers who are members of ACTSS and TGWU, the administrative grades of GGCA are not technically involved in that requirement because the requirement is a requirement where somebody is contracting to do work which can only be done by people with technical qualifications. If we go ahead with that proposal - and we have not yet made up our minds whether it is something that we consider to be in the public interest or not in terms of value for money - but let us suppose for the sake of hypothesis that we were to say yes to that. The contractor, which would be the people in the civil service who would leave the civil service and set up their own company, might take clerical support from the open market or taking clerical support from within the service. Whether they do or they do not will determine whether we are closer or further away from the 200. In the absence of people leaving at a rate faster than they have done until now, it will take 12 years to get to 200, that is the point I am making. We have got no evidence to suggest that the movement is going to be faster because in the administrative grades, frankly, the scope is more limited than in the technical grades for contracting out and in the administrative grades the reality of it is that contractors can get qualified staff in the market rather than take them from within the service, which we are happy to review that. What we tend to do, frankly, is that when we have looked at situations like this in other context we say "We are prepared, if there are people who want to go, since we do not want to keep people who do not want to stay because we think that they are not going to be happy staying behind against their will and that will affect their commitment to the job, we are sometimes prepared to consider having to pay more for the contract in the knowledge that if they take somebody from within the service it will be more expensive than if they take somebody from the labour market generally because the maximum of a Clerical Officer in the Government is now heading for £11,000 to £12,000 a year and reasonably well paid jobs in the financial services are running at about £8,000 or £9,000 for clerical officers." It is not easy to tell the Opposition Member whether anything that is happening is going to mean that we are going to be finishing with less than 200 or that the target is going to be closer because the target of 200 is still a long way away. All that might happen is that we might get there in six years instead of 12 years but I doubt it very much that we will get there that fast.

ORAL

NO. 134 OF 1995

THE HON LT-COL E M BRITTO

CIVIL SERVICE CONTRACTORISATION

Have Government dropped plans to contractorise civil service and administrative work to a private company?

ANSWER

THE HON THE CHIEF MINISTER

The Government have never had any such plans. As has been made public, these proposals were submitted in October 1994 to the Government by the GGCA and a private company, jointly and subsequently the GGCA informed the Government in February that it did not want to proceed with the proposal.

SUPPLEMENTARY TO QUESTION NO. 134 OF 1995

HON LT-COL E M BRITTO:

I take the point of the Chief Minister's answer but by implication because the proposals were studied they must have been attractive to Government. If I can reword the original question, have Government any plans to reconsider or to study or to encourage new proposals?

HON CHIEF MINISTER:

When we looked at those proposals which were agreed in principle after five months of consultation and then we found we got a dispute where everything is being blacked because we do not consult whereas in fact the position that we took as a Government was that we were not interested in those proposals unless the GGCA could guarantee us that it had the support of the membership. If the whole purpose of the exercise is to produce a more cost effective and efficient service, then we do not produce a more cost effective and efficient service by having everybody up in arms. So we were not interested. When they first came to us we said that they looked attractive to us. There were certain aspects to it which were less attractive but we could see that it had to be something that was of benefit to us and benefit to the GGCA otherwise why should the GGCA come up with the idea in the first place. We were not over the moon but nevertheless we could see a benefit to it provided it was something that the majority would go along with and would not give us problems. We agreed in principle subject to

the matter being put to a meeting of the members and the members supporting the in principle agreement. When it was put to the members in a meeting, not only did they not support the in principle agreement they got rid of everybody who had negotiated it. All I can say to the Opposition Member is that I have been a union negotiator for 14 years and I find it very peculiar that I should have a mandate as a union official to go into negotiation, come out with proposals which have to be voted on, and people should get rid of me because they do not like what they are being asked to vote on. All negotiations that we do with unions are like that. We negotiate something and they say "We cannot sign until we go back and consult the members." The members say no or yes but they do not see anything wrong in negotiating for five months and if they think there is something wrong in negotiating for five months why do they want consultation? It is a complete mystery. I can tell the Opposition Member that we did not initiate it and we have no intention of initiating anything like because frankly from our point of view there are better ways to go about it than the way it was proposed. We were willing to go along with the proposals that they put to us.

NO. 135 OF 1995

THE HON LT-COL E M BRITTO

HARBOUR VIEWS STRUCTURAL DEFECTS

As the largest property owner in Harbour Views, what is Government's position in relation to claims by the Harbour Views Purchasers' Association of substantial and serious structural and other defects affecting the estate?

ANSWER

THE HON THE CHIEF MINISTER

The provision of finance to assist home ownership is on the basis that the Government owned company providing the financial resources for the purchase of half of the property is not involved in the maintenance of that property. It is a condition of the 50/50 scheme that the owner/occupier assumes full responsibility for the state of the property when entering into the contract.

I have been approached by the Harbour Views Purchasers' Association committee and I will be replying to them in due course explaining the position.

The Government cannot take responsibility for saying whether the claims of defects in the estate are accurate or not but if they are accurate there are legal remedies.

SUPPLEMENTARY TO QUESTION NO. 135 OF 1995

HON LT-COL E M BRITTO:

The implication of that answer, Mr Speaker, is that the Government was not a party to the report being prepared in the first place. Is that correct?

HON CHIEF MINISTER:

That is correct. We were given a copy of the report as a matter of courtesy after it had been commissioned by the association.

HON LT-COL E M BRITTO:

And have Government now studied the report and have they informed an opinion on whether they should be worried about the contents of the report, because even if they

have not got a responsibility for maintenance it is still a 50 per cent owner in a lot of the properties.

HON CHIEF MINISTER:

Undoubtedly that is the case, Mr Speaker, and what I have pointed out to the owners is that if they keep on saying that the estate is in such a bad state they are going to be responsible for considerably reducing the value of their assets. We seem to have forgotten that all these people have got mortgages and that the building societies and the banks all have surveyors that have surveyed it before giving the mortgages and that we ourselves as the Government initially were involved in having technical people declaring the property as being fit under the building licence. From the Government point of view irrespective of whether we are providing 50/50 finance or not 50/50 finance, the building has been certified by the professionals that we employed. We cannot forget that. We cannot say that as the co-owner we think it is defective but as the regulator we think it is OK. So therefore the question is a nonsense question. If we had felt that the property was not fit to be sold because it had defects then the technical people that we employed should never have given the seal of approval.

HON P R CARUANA:

Yes, but Mr Speaker is it not the case that a lot of these defects appear, if indeed they are correct. The defects alleged in the report are defects that have arisen over time after the event that the Chief Minister has described. These defects did not exist at the time that the building inspector went round to see if he should issue a certificate of fitness.

HON CHIEF MINISTER:

Mr Speaker, I have not read the report myself but in reading the question I can tell the Opposition Member that substantial and serious structural defects do not appear after the inspector has given approval. There cannot be substantial and serious structural defects without something having gone seriously wrong in the construction period. If what we are talking about is other defects like efflorescence on bricks, that happens, I am told, quite frequently in quite a number of new buildings and if one feels that it is because the wrong cement was used or whatever then one argues one's case. As far as we are concerned, the political responsibility of having made available through a Government company which, as I have explained to hon Members in the past, is a company which is a vehicle but is not a company that actually employs people to do things, it is a vehicle

through which the finance is channelled essentially the equivalent of an interest-free mortgage for 50 per cent of the property does not mean that we join with the other co-owner in suing everybody. I am certainly not going to express in the House an opinion one way or the other as to who is right and who is wrong.

ORAL

NO. 136 OF 1995

THE HON P R CARUANA

EU DIRECTIVES

Will the Chief Minister identify the 51 or so EU directives, treaty obligations and other matters which Government have been requested by HMG, in the letter from Mr Hurd to the Chief Minister, to transpose into Gibraltar law as a matter of priority?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1995

HON P R CARUANA:

Mr Speaker, will the Chief Minister say why that should be so, given that this list appears to be generating so much heat in the sense that there are constant insinuations, indeed allegations, in the British press that there is non-compliance, that there is friction, that there is tension because of a list of alleged failures on our part to comply. The Chief Minister at every opportunity that suits him makes jocular reference to those that refer to non-existent nuclear plants or non-existent chemical plants polluting non-existing fresh rivers. I think it would be helpful for the rest of us to put into context the size of the alleged political problem if we knew what the measures were. Would the Chief Minister say why he feels that he should not or is not willing to publish them?

HON CHIEF MINISTER:

Well, Mr Speaker, because I do not make a practice of publishing my correspondence with the Secretary of State for Foreign and Commonwealth Affairs and this is a letter from him to me and he has had my reply and he has written since and I have written since and if the danger that seems to have passed which was the subject of question No. 51 in January of direct rule were to resurface then I might consider it tactically the right moment to publish whatever I want to publish.

ORAL

NO. 137 OF 1995

THE HON F VASQUEZ

GDP FOUNDATION

When did the Government become aware of the GDP Foundation?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 138 of 1995.

ORAL

NO. 138 OF 1995

THE HON F VASQUEZ

GDP FOUNDATION

Has any Minister, or any agent acting on behalf of the Government or any Minister of the Government of Gibraltar, directly or indirectly ever had control of funds held in the GDP Foundation?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I have nothing further to add to the replies I gave the Opposition Members a year ago.

SUPPLEMENTARY TO QUESTIONS NO. 137/95 AND 139/95

HON F VASQUEZ:

Mr Speaker, a year ago in reply to Questions Nos. 107 and 108 of 1994, the Chief Minister said and I quote from the Hansard record "Mr Speaker, the Government is not prepared to make any comments or statements on any matter which is at all connected with the court case that is taking place in Denmark regarding allegations involving former employees of Baltica and will not make any statement on this matter until after the judicial process is over." We have heard the judicial process in Denmark is indeed over. I understand that of the four defendants, one was convicted, three were acquitted, we have always said in any event that the questions that are asked in this House relating to Government's knowledge or not knowledge of involvement or lack of involvement in the GDP foundation has little or nothing to do with the proceedings in Denmark so I now ask the Chief Minister why having given an undertaking which seemed to reply to questions once the judicial proceedings in Denmark are over he still refuses to answer perfectly straightforward questions as to the Government's involvement with this GDP foundation?

HON CHIEF MINISTER:

Mr Speaker, the Opposition member is incorrect in saying that I gave any undertaking because when he asked the identical Question 107 of 1994 what I told him was that I would not tell him and when he asked why I would not tell him I said because I chose not to tell him. It is the prerogative of the Government in dealing with the

questions to decide whether to provide the answer or not and I have told him I am not prepared to make any statements in anything that is remotely connected with the case. There is nothing he can do about it and he can ask me 20 times and I will tell him 20 times. This presumably is the 21 time and the answer is the same as the last time.

HON F VASQUEZ:

The Chief Minister says that he refuses outright to answer the question. That is not the case. He refused with a qualification. He said the reason and the reason that we have consistently heard in this House as to why Government will not answer to the repeated press allegations of involvement of Ministers in funds in Liechtenstein. We repeatedly invited him to reply. We have even offered public funds to fight a libel action against these papers concerned and repeatedly the reply has been "We will not comment on these matters because the judicial process is still in hand in Denmark" and I quote from Hansard again. The Chief Minister's words were "We will not make any statements on this matter until after the judicial process is over". The judicial process is now over, why do we not have a reply? Clearly there has been a change of position. The Chief Minister says not, why will the Chief Minister now explain his change of position?

HON CHIEF MINISTER:

Mr Speaker, I am not going to explain anything. I realise how anxious the hon Member is to clear our reputation but since I happen to think that he is one of the primary factors in besmurgung the reputation of the elected Government I have to say I take a very cynical view of his concern. The answer is that I told him I would not give him a reply on his question a year ago and I am telling him now I will not give him a reply. Whether in fact the court case is entirely over or not I am not actually totally sure because my understanding is that the convictions and the sentencing is being appealed against but independent of that, whatever statements I choose to make I will make when I choose to make it at the time of my choosing and in the forum of my choosing and whatever questions he puts he will get no answer to in the House.

ORAL

NO. 139 OF 1995

THE HON P R CARUANA

NEW STATUS FOR GIBRALTAR

Do Government have a clearly mapped out, desired new status for Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 140 of 1995.

ORAL

NO. 140 OF 1995

THE HON P R CARUANA

CONSTITUTIONAL DEVELOPMENT

Will the Chief Minister say what representations, if any, he has made to the Foreign Secretary following the willingness expressed by Mr Hurd to listen to views on how the Constitution might be developed?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government have not put to the UK proposals for Gibraltar's decolonisation.

I have already made this clear in the House in questions previously tabled.

The position of the Government on the need to update the 1969 Constitution, in particular in relation to European Union legislation and defined domestic matters was explained to Mr Hurd on 20 February 1992 and on many more occasions since. He has always been willing to listen.

SUPPLEMENTARY TO QUESTIONS NOS. 139/95 AND 140/95

HON P R CARUANA:

Mr Speaker, that does not answer the first question which asked whether the Government had any clearly mapped out desired new status for Gibraltar. The reason that question is asked is that the Chief Minister recently told the BBC World Service that, and I quote him "So you know it is not something that we can say we have got a clearly mapped out what the new status for Gibraltar is or should be. What is clear is that the present status is unsatisfactory. There are many political situations in life where it is easier to identify what you do not want than to know what the answer is to put right." Are we to deduce from that statement made to the world at large that the GSLP Government the Chief Minister, in fact, does not know what he wants to change Gibraltar's new status into or is it his position that all he wants to do is modernise some aspects of the 1969 Constitution without altering our status as a UK Dependent Territory?

HON CHIEF MINISTER:

Mr Speaker, the position is that the Government of Gibraltar have got a mandate to carry out what they committed to do in the election campaign in 1992 and therefore whatever position the GSLP may have on the desired new status of Gibraltar is not the right of the GSLP in Government to pursue with the British Government because of the GSLP in Government committed itself in 1992 to pursue was the need to review the operation of the 1969 Constitution to ensure that whilst UK continues to be responsible for defence and foreign affairs, the application of Community law to Gibraltar's domestic affairs is consistent with the right to self-government of the people of Gibraltar. That is what we have been pursuing, what we said we would do. We are still as entitled, not as a Government but as a political organisation, to have views, on the future but obviously whereas in Opposition it is possible to put those views across because it is possible to separate the role, in the Government it is not.

HON P R CARUANA:

Mr Speaker, I understand what was said in the Chief Minister's last manifesto and indeed that aspiration and that desire not to see the European Union legislation transposition situation, be allowed to erode our legislative sovereignty as a House, is, he knows, an aspiration that we share and support whenever we feel that we can. I was not asking him whether he was pursuing any status what I was asking him was whether as a matter of political conviction he has a view regardless of whether he can implement it for lack of mandate this time. But the question was calculated to ask whether Government have a clearly mapped out desired new status. Is there something that they desire even though they cannot implement it because they do not have the mandate to do so. In other words, what I seek is the Chief Minister's vision rather than a restatement of his mandate that I can.....

HON CHIEF MINISTER:

Mr Speaker, he wanted my vision in Question No. 243 of October 1993 and he wanted my vision in Question No. 126 of April 1994 virtually a year ago where he said "Will Government say what constitutional status it wishes to obtain for Gibraltar?" and he is getting the same answer now as he got in 1994 and in 1993, that is a vision that I choose not to share with him.

ORAL

NO. 141 OF 1995

THE HON P R CARUANA

OVERFLIGHT RESTRICTIONS

What reply have Government had to their request to Her Majesty's Government to take action in relation to the recent overflight restrictions imposed by Spain on civilian private flights to Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I understand that Her Majesty's Government have taken the matter up with the Spanish authorities through the Embassy in Madrid: for the time being normality appears to have been restored.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1995

HON P R CARUANA:

Mr Speaker, it is implicit in that answer then that there has not been a formal reply. He has read the same Convent press release and noted that aeroplanes are now arriving again as I have?

HON CHIEF MINISTER:

No, what I am saying is that when I raised the matter with His Excellency the Governor I was told it would be pursued and I was told it had been pursued and then without Her Majesty's Government having had a reply from the Spanish Ministry of Foreign Affairs at least not one that has been relayed back to me, normality has happened by divine providence. It is not that we have had confirmation that it was either a deliberate policy or not a deliberate policy or a mistake or not a mistake, it just happened without warning and then it stopped happening without warning.

ORAL

NO. 142 OF 1995

THE HON LT-COL E M BRITTO

SALE OF SAND

Do Government intend to sell sand to Algeciras Council?

ANSWER

THE HON THE CHIEF MINISTER

Well, Mr Speaker, I certainly do not wish to bury Sr Patricio Gonzalez in sand so the answer is we are not planning to sell him any sand.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, in view of the GSLP's record I have to repeat the question: Are the Government saying that no sand will be sold either by themselves or by anybody else on their behalf? Is that the answer to the question?

HON CHIEF MINISTER:

The answer to the question is the answer that I have given. He has asked me whether the Government intends to sell sand to the Algeciras Council. The answer is no, the Government do not intend to sell sand to Algeciras Council.

LT-COL E M BRITTO:

In view of the fact that the Algeciras Council or someone representing the Algeciras Council has seen fit to tell the world at large in the Spanish press that it is going to purchase sand from Gibraltar, can I then ask the Chief Minister is he aware of any proposals for sand, which I take is a public asset, to be sold from Gibraltar to the Algeciras Council?

HON CHIEF MINISTER:

Mr Speaker, I do not believe I have to answer in this House for stories in the Spanish press or the press of anywhere else but I am aware that the possibility of exporting sand from Gibraltar has been under consideration as a commercial venture for a very long time, really since 1985 when the frontier opened because apparently the stock of sand that we have here which was originally being extracted for domestic use when the

frontier was closed, now seems to be the biggest source potentially of building sand in the vicinity. I am given to understand that in theory it would be a commercial proposition that sand should be quarried in Gibraltar and exported to Spain instead of being quarried in Spain and exported to Gibraltar. We as a Government have no inhibitions about trading with Spain but it is not a question of selling sand to the Algeciras Council. It would be a question of selling sand to building contractors and my only reservation on the proposal is that if I was to be the private company pursuing this possibility, I would think twice before I invested money in a facility and then I find myself with queues of sand trying to enter Schengen with Brana's permission.

HON P R CARUANA:

Mr Speaker, but the position is, is it not, that the Government consider deposits of sand in Gibraltar wherever they are located, natural sand that is, to be public asset and this will be something that the Government would have to sell to anybody who wanted to engage in its export. It is a public asset owned by the Government and would have to be sold by the Government to the exporter or otherwise sold directly by the Government to the importer in Spain, is that the position?

HON CHIEF MINISTER:

No, the position is that if somebody wants to put proposals to the Government to revive the quarrying operation that was in existence in the 1980's we are interested in those proposals but certainly not through a joint venture, a Government-owned company, direct labour or anything remotely putting the responsibility of the operation on us. It would be a question of negotiating a royalty or a franchise or whatever for each ton that was removed and I understand that the people who have been examining that possibility think that for an operation of that nature to be viable the market has got to be bigger than the market just in Gibraltar and that the reason why it was not viable when it was done in the 1980's when it lost a lot of money notwithstanding the fact that it had a grant of £600,000 from ODA which was quite substantial in those days, was that the volume given the capital investment, did not compensate. At that time there was no choice about the volume because the frontier was closed. The only people they could sell to was the local industry.

ORAL

NO. 143 OF 1995

THE HON P R CARUANA

PROPOSED VISIT BY SR. BRANA

Are Government aware of any proposals for Sr. Brana to visit Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I understand that Senor Brana has let it be known that he has political clearance to visit Gibraltar from his Government. I am not aware that anybody has invited him to visit us.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1995

HON P R CARUANA:

So it is then not the case that an invitation has been extended by the Gibraltar delegation at the last round of Seville talks?

HON CHIEF MINISTER:

Absolutely not the case. Nobody has extended an invitation from the Government. I do not know whether the Hon Mr Corby invited him to join him in his nightly forays.

HON H CORBY:

Mr Speaker, I would not invite Mr Brana to my house let alone anywhere else.

HON P R CARUANA:

Mr Speaker, on a serious note, given that this is the first talks of a recognisably tri-partite nature and given that we want to participate in those talks on a situation of equality of status and given that we do not wish them to become a situation where Britain and Spain discuss the terrible drug-related problems that we have in Gibraltar, outside our shores as if they were discussing some contagious disease, would it not actually be politically advantageous to Gibraltar to insist that the venue for the talks rotates amongst the three delegations and actually make the Spanish delegation come to Gibraltar to participate in a round of those talks?

HON CHIEF MINISTER:

No, Mr Speaker, this is a matter of judgement but in the judgement of the Government of Gibraltar we do not wish to see Sr Brana rotating through Gibraltar under any circumstances and we think that if he did what we are likely to see in the Spanish press is some totally misrepresented version of what he was doing here. In fact, notwithstanding the fact that the hon Member and I both know that not only are these tri-lateral talks but they are tri-lateral talks over which the Foreign Secretary in his press conference made clear we had a veto. He said so, the talks would not take place unless we agreed. I can tell the hon Member that in all the pronouncements of Sr Brana he keeps on treating them as bi-lateral. If he thinks they are bi-lateral he can commute between Madrid and London.

ORAL

NO. 144 OF 1995

THE HON F VASQUEZ

FRONTIER RESTRICTIONS

Have the Government undertaken a study of the impact on the local economy of the worsening restrictions at the frontier?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 144 OF 1995

HON F VASQUEZ

Mr Speaker, do not the Government consider that it might be prudent to do so and I am not saying that it ought to be circulated but this is a matter of economic planning. We remember, for example, that in 1984 shortly before the opening of the frontier the previous administration commissioned a report that proved quite useful at the time as to the possible repercussions on the economy of the opening. Bearing in mind that forewarned is forearmed might it not be prudent for this Government just to consider and bearing in mind the impact undeniably that the restrictions are having on the private sector of Gibraltar to look carefully at the impact that the restrictions are having to consider possible measures to be taken to combat those.

HON CHIEF MINISTER:

No, Mr Speaker, because knowing the impact, whatever that may be, I do not think will give us a solution on how to combat it. As far as we are concerned, the policy of the Government in developing the economy is to try and develop activities which make us less vulnerable to harrassment at the frontier irrespective of whether there are restrictions or there is normality.

ORAL

NO. 145 OF 1995

THE HON P R CARUANA

SPEECH AT GRANADA UNIVERSITY

Will the Chief Minister publish a transcript of his recent speech and questions and answers at the Granada University?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1995

HON P R CARUANA:

If he will not do that, Mr Speaker, will he at least speculate in this House about which of his remarks might have been misinterpreted by a recent correspondent in a local newspaper as having demonstrated anti-British sentiments which I presume was not what the Chief Minister meant or intended or indeed think were the effects of his remarks but can he at least speculate, since I was not there, and the televised reports were truncated as to which of the remarks this man might have been referring to when he wrote that letter making those allegations against him?

HON CHIEF MINISTER:

I made no remarks there, Mr Speaker, that I have not made in Gibraltar and I suppose this particular man might think I am anti-British if he had heard me in Gibraltar as opposed to Granada. Since I do not know who the man is or what he was doing there, he certainly was not a student in Granada University, I cannot tell what it is about what I said that led him to that conclusion. All I can tell the hon Member was that the Gibraltar media were there and obviously they did not feel there was a need to reflect my being anti-British. But, of course, there are and there have been expatriate elements in Gibraltar who accuse me of being anti-British because I have said, perhaps, that when the British Government pursue things it pursues what suits the United Kingdom and not what suits Gibraltar. I do not hide when I say that.

HON P R CARUANA:

Is the Chief Minister saying that it was remarks of the nature of the one that he has just made?

HON CHIEF MINISTER:

To the extent that the hon Member is asking me to speculate as to what went on in the mind of somebody that I do not know.....

HON M FEETHAM:

We do not know whether he was there neither.

ORAL

NO. 146 OF 1995

THE HON P R CARUANA:

CONTACT WITH SPANISH POLITICIANS

Will the Chief Minister make a formal statement about his contact with Spanish politicians during his recent visits to Madrid?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, as I have already made public, my recent visit to Madrid was to attend a dinner hosted by the secretary of the group Siglo XXI and not in order to me to make contact with Spanish politicians or for any Spanish politicians to make contact with me.

There were at the dinner some Spanish politicians but it had no significance whatsoever.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1995

HON P R CARUANA:

Mr Speaker, I truly do not comprehend that answer and certainly it is entirely inconsistent with the events as they have happened. Does the Chief Minister remember telling me in answer to question No. 124 of 1994 when I asked him whether the Chief Minister was pursuing contacts with Spanish politicians and if not is it his intention to do so? Does he recollect answering amongst other things "I do not share the apparent enthusiasm of the hon Member for contacts with Spanish politicians and in that sense I have no intention of pursuing any". If the Chief Minister did not regard his visit to Club Siglo XXI as an opportunity to have the contacts with the Spanish politicians that he told this House he had no interest or intention in pursuing, why did the Government issue on the 4th April 1995 press release No. 14 of 1995 in which the Government highlight the fact that the dinner is a private function and I quote for the benefit of Hansard "The dinner is a private function where leading journalists, national trade union and political figures and prominent individuals in the field of culture and business get together in an informal atmosphere". If the Chief Minister is that disinterested in meeting with Spanish politicians as he likes to say when it suits him, why did he go out of his way to put in a Government press release that this was an opportunity to meet Spanish

political figures to quote his exact words, in an informal atmosphere?

HON CHIEF MINISTER:

Precisely, Mr Speaker, to preempt the Opposition Member trying to draw the conclusions which he is trying to draw which are totally unjustified. I did not know who was going to be at the dinner but I knew that he would no doubt want to stir up the issue by claiming that I was having secret meetings with politicians in Madrid and to prevent him from doing it I actually came up with a press release pointing out that I was going to Madrid before somebody said I was having a clandestine meeting.

HON P R CARUANA:

Is it not more likely that what he was simply doing was inflating his sense of international self-importance by letting us all know here in Gibraltar that he was rubbing elbows with important political figures over his dinner and that at the time that he got his minions to write this press release in fact he had forgotten the uncomplimentary terms in which he had stated that he had no intention of pursuing contacts with any Spanish politician?

HON CHIEF MINISTER:

Mr Speaker, the position is that I made the statement that I made in a Government press release precisely because I regret to say I know the Opposition Member well enough by now to know that he would try to make political capital out of an issue which has no political significance. In fact, when I spoke with my host she asked me not to make any statement because these things that she had been organising in her house for the last 20 years are on the basis of no publicity is given and she does not tell anybody else who is going there so I did not know who was going and nobody else knew that I was going. She certainly did not want me saying "I am going to be there at such a time" so as not to generate media attention when I got there but I told her that given what politics are like in Gibraltar I could not just disappear over the horizon without giving any kind of explanation and that I would explain more fully, which I did, when I got back. As it is, the dinner was not some attempt to make contact with me surreptitiously and it was not any attempt by me to make contacts surreptitiously with anybody else since I did not know who was going to be there until after I got there and therefore all that I did was I accepted an invitation to this lady's house in a dinner where the motive that she had for inviting me was one that seemed to me, on the surface, to be well

intentioned because she said that she thought I had made an effective impact in the lunch at Club Siglo XXI and that there were many people who had not been at that lunch and that it would be a useful thing if they were to meet me and I were to have an opportunity to get to know a certain level of society in Spain and that it would show that they are not so hostile to Gibraltar and that would show them that I was not so hostile to Spain and she thought she was doing Gibraltar and me a good turn. I accepted the invitation was in good faith and I took it up in good faith. It had no further meaning than that.

HON P R CARUANA:

Mr Speaker, with regret, that explanation is simply not tenable. The Chief Minister must have known and, incidentally, to deal with the first point that he makes, I do not say that there is anything wrong with the Chief Minister having contacts with Spanish politicians. Indeed I am constantly urging him to dialogue with them. So he should not worry about my reaction with signposted conversations with Spanish politicians. What I am telling him about is the inconsistency of his statements on that subject here. He must have known before he went that there would be Spanish politicians there because the Government's press release is not issued when he came back, it was issued on the morning that he left. This is a press release that was issued on 4th April, it says "The Chief Minister returns on Wednesday, during his absence the Hon J Pilcher will perform the functions of Chief Minister". He knew before the dinner that there would be political figures present so let him not come now saying that he discovered that there were political figures there when he looked around him at the table. He issued a press release before the dinner saying that this was an opportunity for him to meet political figures. So let me not now say that this was something that he discovered after the event and then issued this so that I would not make political capital.

HON CHIEF MINISTER:

No, Mr Speaker, what I am saying to him if he cares to listen carefully to the explanations I so patiently provide him with, is that I did not know who was going to be there and that what I described was the categories of people that Paloma Segreres said were likely to turn up to these events. He does not have to believe me but all I can tell him is that if he asks a question and I give him a truthful answer then he has to accept that that is the truth or else he has to assume that I am blatantly lying in which case I do not see why I should keep on bothering to stand up and give him answers. If he cares to read an article written by somebody called Candido in

El Mundo he will find that this particular journalist who was there said that to try and build up the fact that I was there into some sort of contact with Spanish politicians was a complete fabrication because he was there and there was no particular meaning to it. Therefore this is not presumably what the hon Member was talking about in 1994 when he was saying to me would I establish contacts with politicians, presumably he did not mean, by contacts with politicians whether I would share my apple tart with Savedra or somebody else. Presumably that is not what he had in mind. That is all I have done.

ORAL

NO. 147 OF 1995

THE HON F VASQUEZ

FIGHT AGAINST DRUGS

Do Government agree with His Excellency the Governor's decision to deploy MOD resources in Gibraltar to assist the police and customs in the fight against drugs?

ANSWER

THE HON THE CHIEF MINISTER

The decision was taken by Her Majesty's Government with the full support of the Gibraltar Government.

SUPPLEMENTARY TO QUESTION NO. 147 OF 1995

HON F VASQUEZ

Mr Speaker, was there any consultation with the Gibraltar Government in the lead up to that decision or not?

HON CHIEF MINISTER:

It is not a question of consultation with us. His Excellency the Governor has been working very hard to get the United Kingdom Government to agree to this for some time because we both agreed this would be a useful thing.

HON P R CARUANA:

Mr Speaker, the Convent press release dealing with this subject was careful to emphasise that the assets would be deployed in relation to the fight against drugs and indeed the set up of the tri-partite business about drugs, as far as I understood it when it was produced, spoke also about drug trafficking. Subsequent to that, Spanish officials started coining the phrase "illicit trafficking" which I understood to mean to include, in their minds, the fast launch activities involved with American cigarettes, or whatever, but at least it certainly included that. Is the Chief Minister aware of the press release issued by the Convent today in which the Convent makes references to the fact that the second meeting of the representatives of Spain, the United Kingdom and Gibraltar to hold technical discussions on the problem of illicit trafficking. Is that, as far as the Chief Minister is concerned, a formal extension of the remit of those talks beyond the original remit which was limited to drugs in the Gibraltar area because if

this is no longer Sr Brana's language. This is now a Convent press release. I do not know whether the Chief Minister has seen it, perhaps the Gentleman Usher would pass it to him.

HON CHIEF MINISTER:

The answer, Mr Speaker, is that as far as I am concerned if it is an extension on the remit it will be bilateral.

HON P R CARUANA:

Does that mean that if it is not limited to drugs the Gibraltar delegation will not attend?

HON CHIEF MINISTER:

No, it means that if a policy decision has been taken by Her Majesty's Government in this matter, which I very much doubt, I accept what the hon Member says about the things but the hon Member must understand that I cannot make myself responsible for press releases which are not issued by my office, whoever drafted that press release in the Convent, I will now approach to find out whether illicit trafficking means something more than what was agreed originally we were engaged in. I would not expect it to be because I would expect that the United Kingdom Government, before they took a policy decision of such a magnitude, would seek to reconcile their views with those of the elected Government. I would think that it is more likely that whoever did the drafting did not know what he was doing.

HON P R CARUANA:

I suppose some in Gibraltar may wish to take that as evidence of the contrary view, namely a formal recognition on the part of the British Government that the tobacco activity is not illicit.

HON CHIEF MINISTER:

Mr Speaker, I do not have to answer in this House for what the British Government think or do not think. What I think, I have explained ad nauseam and is well known.

HON P CUMMING:

Mr Speaker, the Chief Minister has just said that he was agreed with the Governor that these very fast police boats were a very good thing because they would be very useful. I wonder whether he would specify to what exact use those fast boats can be put seeing as that it is

perfectly legal for these launches to come in and out carrying tobacco.

MR SPEAKER:

Hardly related to this question.

HON P CUMMING:

The Chief Minister said in answer to this question that he thought that these launches would be very useful. The police boats that is. I wonder whether he might specify what exact use he thinks they may be put.

HON CHIEF MINISTER:

Mr Speaker, even if I was answering the Opposition Member's questions which I am not, it is not a question I would answer.

ORAL

NO. 148 OF 1995

THE HON F VASQUEZ

FAST LAUNCH ACTIVITIES

Do Government have any concern that Gibraltar's reputation as a reputable and well administered territory may be suffering as a result of the smuggling activities of the fast launches?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 149/95 and 150/95.

ORAL

NO. 149 OF 1995

THE HON F VASQUEZ

FAST LAUNCHES ACTIVITIES

Do Government share the concern, recently expressed by the Gibraltar Teachers' Association, various parents associations and other bodies, about the damaging social effects of the fast launch activity?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 148/95 and 150/95.

ORAL

NO. 150 OF 1995

THE HON F VASQUEZ

FAST LAUNCH ACTIVITIES

Do the Government consider they have any moral or legal obligation to curtail the smuggling activities of the fast launches based in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I have explained what the position is on innumerable occasions inside and outside the House and I have nothing further to add.

SUPPLEMENTARY TO QUESTION NOS. 148, 149 AND 150 OF 1995

HON F VASQUEZ

Mr Speaker, the Chief Minister has indeed in the past given an explanations as to his Government's policy in relation to this on going activity. The reason for the questions is that over the last few months and I think certainly since the Chief Minister made any public statement in relation to this matter, the situation has appeared to have got considerably worse, in what it is the increasing evidence of mounting lawlessness in Gibraltar as related to the smuggling activity. We have seen, for example, the serious arson cases that have taken effect, and in the concern that increasing numbers of public bodies in Gibraltar are making publicly in relation to their concern as to the damaging effects socially that the activity is having in Gibraltar. In the light of these does the Chief Minister have any intention of making any further statement or elucidating further or giving some indication as to what he considers might happen in the future in relation to the fast launch activity emanating from Gibraltar?

HON CHIEF MINISTER:

No, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, as the Government of Gibraltar, does not the Chief Minister and his Ministers have any concern, are they are embarrassed to be Ministers of this territory, to be seeing what is going on, to be seeing what I think

is the increasing besmirching of Gibraltar's reputation internationally in the press in front of our visitors. It is adding ammunition to Mr Brana's continuing campaign against Gibraltar. Have they no concern in relation to the situation in Gibraltar or are they simply going to sit idly and let the situation deteriorate in the way that it is.

HON CHIEF MINISTER:

Mr Speaker, I have made clear what the position is. He can ask as many questions as he wants, it will not change anything.

ORAL

NO. 151 OF 1995

THE HON P CUMMING

FAST LAUNCHES ACTIVITIES

What is the Governments present policy in regards to the fast launch activity?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 152/95 to 154/95.

ORAL

NO. 152 OF 1995

THE HON P CUMMING

SIGLO 21 CLUB

Would the Chief Minister make a statement to the House on his address to the Siglo 21 Club in Madrid on the 8th March this year?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 151/95, 153/95 and 154/95.

ORAL

NO. 153 OF 1995

THE HON P CUMMING

POLITICAL SITUATION

Do the Government consider that in the present political situation Gibraltar is economically viable, and if so for how long?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 151/95, 152/95 and 154/95.

ORAL

NO. 154 OF 1995

THE HON P CUMMING

GOVERNMENT'S ECONOMIC PLANS

What are the Government's present economic plans?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the answer to the four questions is the same as the answer I gave in January to Questions Nos. 52 to 64 of 1995.

SUPPLEMENTARY TO QUESTIONS NOS. 151/95 TO 155/95

HON P CUMMING:

Mr Speaker, if I could return very briefly to the question on the Government's present economic plans to ask a few supplementaries. I would like to ask the Government whether perhaps in the absence of their answer about [Interruption] if I could just read just one sentence, relevant to this questions and answers in the House from March of 1993 and quoting the Chief Minister he said in January 1992 "We made clear in our election manifesto that the primary thrust of the policy of the Government would be to spend a lot of effort and time and money promoting Gibraltar in order to attract investment". My supplementary question is does this remain the policy of the Government today? That is to say, and I ask the House to note especially, the comment about a lot of money, a lot of time, a lot of effort. A lot of money on promoting Gibraltar in order to attract investment, as the main thrust, in the words of the Chief Minister, in 1993 about the main thrust of its economic policy.

It seems to me that the time has now come and I would ask the Chief Minister to agree with me to re-evaluate the effectiveness of this because all about us we are seeing increasingly that these plans simply are not effective and therefore I would ask the Government when they will re-evaluate this main thrust of spending money, on attracting investment. I would like to ask the Chief Minister whether he considers, as part of the Government's economic policy, to squeeze the Government's workforce in order, by privatisation and other means, to get more work work out of them for less money, whether this is a new aspect of his economic plans? I would like

to ask whether the Government consider that having Europort, 84 per cent empty is one of the most potent symbols of the Government's economic failure and also whether or not they believe that they have misled the people of Gibraltar in the first years of this Government with their talk of self-sufficiency? And whether or not they believe that they have provoked Spain so that Spain works harder to sabotage our economy? And whether or not they consider that they have alienated Britain so that Britain is increasingly less inclined to help us? I would like to ask on this questions' supplementaries whether their position is like that of Mr Macawber in David Copperfield who was always looking about him in the hope that something would turn up? If I may momentarily return to the question on whether the Government consider that in the present political situation Gibraltar is economically viable and if so for how long to ask the following supplementaries. I would like to ask them whether they still stand by the statement in their manifesto which says there is no political self-determination without economic viability. In other words, whether they consider the first need is for economic viability and later for self-determination as they believed at the beginning of their time in Government? The question that I asked about economic viability was brought to mind on reading the Chronicle's report. I would like to ask the Chief Minister to confirm what the press said about his Madrid initiative in the Chronicle of the 9th March under the heading "Let us bury the hatchet". The Hon Mr Bossano is quoted as saying "Gibraltar's efforts at attaining economic viability are increasingly being hampered by Spain for political reasons". I would like to ask the House to note that this statement implies that economic viability is not here, that our efforts to attain it, at some time in the future, are being increasingly hampered so therefore it seems that the Chief Minister has answered this question by saying not to what is not economically viable and it is becoming increasingly unviable by increasing hostility from Spain for political reasons.

Mr Speaker, my next supplementary question is whether they did not take this into consideration at the beginning when they made their economic plans, did they think Spain were going to sit back and say "How wonderful Mr Bossano is doing with his self-sufficiency, let us help him". How come that an economist of his stature did not take this into account, a vital factor in the chemistry that makes up our community life. These political attempts by Spain to hamper our economic viability of course we all condemn but I would like to ask the Chief Minister to agree with me that this community cannot eat condemnation and therefore just condemning and condemning Spain is not the solution. I

would like to ask the Government whether the Government do not take into account in making the main thrust of their economic activity, marketing for investment abroad. If they do not take into account the unwillingness of large investors to put their money into a territory rendered politically unstable by Spain's hostility and by provoking them there is more hostility and more instability? Consequently big investors come, look and go and I would like to ask the Government whether they remember the Hon Michael Feetham's statements over the radio shortly after his visit to South Africa when he was saying in a moment of frustration he said "I bring all the investors here and everybody goes and talks to them about the frontier and the difficulties at the frontier and then they go, just forget about the frontier". Is it not time that the Government stopped forgetting about the frontier and the effect that this has on our economy.

MR SPEAKER:

I must call you to order now. Remember that supplementaries are only allowed to clarify a matter of fact given in the answer. I have allowed you a long way.

HON P CUMMING:

One more question Mr Speaker. This is the question asking for a statement on his address to the Club Siglo XXI and what I wanted to ask the Chief Minister was to confirm press reports, which Mr Speaker ruled in the last House, reading from the Hansard, in fact there was a legitimate to ask Government to confirm statements made about their policies in the press. I would like to ask them to confirm that the Chronicle correctly reported what happened in the Club Siglo XXI when they said that the Hon Mr Bossano spoke in a conciliatory tone extending the hand of friendship to consider a new approach to finding a modern-day formula for the Rock and goes on to ask whether in the context of Gibraltar recognising that the long standing claim to Gibraltar by Spain was not going to change and what I really want to ask him is that the statements that he made in Club Siglo XXI. I would like to ask him in what way that new policy that he presented there differs from the policy that I myself have been presenting and meeting with his indignation and fury? He says "Gibraltar is prepared to recognise that Spain has been pursuing a long standing claim for the sovereignty of the Rock and Spain should in turn recognise another reality, the existence of the people of Gibraltar." Excellent, excellent, is he not proposing mutual concessions? Mr Speaker, the Chief Minister claims that his silence to my questions is in the interests of democracy, it seems to me Mr Speaker that it

is in his own interests that he will not answer these questions,

MR SPEAKER:

OK, that is your question, you have said one question. You have brought about three or four in one.

HON P CUMMING:

Mr Speaker, each question would normally have several supplementaries.

MR SPEAKER:

When you get an answer is when you can put a supplementary. You cannot put supplementaries into a question which has not been answered. I have allowed you because of the circumstances but I am afraid I have got to stop you now.

HON CHIEF MINISTER:

Mr Speaker, grateful as I am to the Opposition Member for providing light entertainment at the end of the long working day, the answer to his supplementaries is the same as the answer I gave to supplementaries to questions Nos. 52 to 64 of 1995.

HON P CUMMING:

Mr Speaker, now I can ask supplementaries because the Chief Minister has answered again.

MR SPEAKER:

But it has got to be to the point.

HON P CUMMING:

Obviously, Mr Speaker. I want to go back to the question on which I have not asked any supplementaries on, the question of the Government's present policy in regard to the.....

MR SPEAKER:

I think you have had the answer that the Chief Minister is not going to answer you and therefore I cannot allow any more supplementaries. We must carry on now with the business of the House.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

13TH NOVEMBER, 1995

NO. 155 TO NO. 262

OFFICE COPY

13TH NOVEMBER, 1995

NO. 155 TO NO. 262

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NO. 155 OF 1995

THE HON P R CARUANA

DEBENTURES AND BONDS

What is the current level of debentures and bonds issued by the Gibraltar Savings Bank?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The current levels are - Debentures £22.5 million, and Bonds £4.3 million.

SUPPLEMENTARY TO QUESTION NO. 155 OF 1995

HON P R CARUANA:

Can the Financial and Development Secretary say why the Government prefer to issue public debt through the Gibraltar Savings Bank as opposed to direct issues of public debt by the Government?

HON CHIEF MINISTER:

The Opposition Member knows that this is not public debt. Public debt is debt which the Government raise in order to spend the money. This is money which the savings bank in competition with other banks takes on deposit from the public and re-invests at a profit and the profit that the bank makes is the difference between investing the money with the Crown Agents in London and the interest it pays the depositors. So it has nothing to do with public debt.

HON P R CARUANA:

I am distraught to hear the Chief Minister's explanation because he must well know that deposits taken by the Gibraltar Savings Bank is only in a very small measure taken from the public. Most of the deposits taken by the Gibraltar Savings Bank are from Government-owned companies and other special funds which it then lends to the Government through the purchase of Government capital bonds. So what the Government are doing is taking funds from special funds and joint venture companies and Government companies that have deposited their money in the Savings Bank and is then, in effect, borrowing them through the sale to the Savings Bank of Government bonds. Is that public debt or is that not public debt?

HON CHIEF MINISTER:

No, it is not public debt, it is total nonsense what he has just said. How can it be public debt if we are borrowing from ourselves? If we have got a special fund passing money to another special fund the money has never left the hands of the Government. Debt that is public debt is debt owed to the public, the people outside. *[HON P R CARUANA: That is nonsense.]* No, it is not nonsense. That is how it is, as it has always been here and everywhere else in the world. Public debt is debt that the Government owe to the general public and not money which the Government advance from one fund to another fund. The fact that the Government have got deposits in the Savings Bank instead of having deposits in Barclays Bank, does not make a deposit in the Savings Bank public debt. What the hon Member is saying is that there should not exist a Savings Bank in Gibraltar. The Savings Bank of Gibraltar has never ever, since it came into existence in the 1940's, been considered to be part of the public debt of Gibraltar, ever.

HON P R CARUANA:

Is the Chief Minister saying, first of all, that the constitutional definition of the public debt of Gibraltar is only the debt that the Government borrow from members of the public on the Main Street? If he is, let me tell him that he has not a clue what his constitutional obligations are. Is he also saying that the Gibraltar Government capital bonds which have been purchased from the Government by the Gibraltar Savings Bank, that that does not rank in what used to be £97 million of public debt and is now lower, but those monies which according to the Principal Auditor are now about £15.5 million, that that is not reckoned in the published figures of public debt?

HON CHIEF MINISTER:

Of course it is reckoned in the published figures... *[HON P R CARUANA: Well is it or is it not?]* No, Mr Speaker, the hon Member does not have any notion what he is talking about. He cannot distinguish between deposits in the Savings Bank and investments by the Savings Bank. That is, if the Gibraltar Savings Bank buys London gilt edged stock that is part of the public debt of the Government of the United Kingdom, not part of the public debt of the Government of Gibraltar. But if the Gibraltar Savings Bank buys in the London Stock Exchange bonds of the Government of Gibraltar, that is the public debt of the Government of Gibraltar. The investments made by... *[Interruption]* Mr Speaker, I am trying to make the hon Member understand where he has gone wrong. *[HON P R CARUANA: I understand, he does not understand.]* No, he does not understand.

MR SPEAKER:

Order, order.

HON CHIEF MINISTER:

The hon Member has just asked me, is it true that if the Savings Bank has got £100 million, for the sake of clarity, on deposits and of those £100 million it invests in the public debt of Gibraltar £10 million, are those £10 million part of the public debt? Of course it is and any investment that the Savings Bank has today in the public debt of Gibraltar is within the £67 million we have mentioned. Therefore if the public debt of Gibraltar is £67 million, it means that of the balance from the £50 million issued in the Stock Exchange in London £17 million are held by the Gibraltar Savings Bank. Those £17 million are part of the £67 million. The rest of the £100 million that the Gibraltar Savings Bank owes depositors is not public debt because that is balanced by investments made abroad in the United Kingdom today.

MR SPEAKER:

This is the last supplementary because we are moving away from the question.

HON P R CARUANA:

So then he absolutely agrees. The fact of the matter is that part of the public debt of Gibraltar as defined in the Constitution is money that has been raised not from members of the public but, in effect, by the Government through the Gibraltar Savings Bank from other entities such as special funds and other Government controlled companies that deposit their surplus cash with the Gibraltar Savings Bank. I do not need a lecture on the difference between a deposit and a debt. My question was, why do the Government prefer to raise public debt through the Gibraltar Savings Bank than directly through the issue, as had always been the case, of Government debentures and as the gilts market does in England directly? That does not call for a lecture. The answer is that yes, the Government do raise public debt through the Gibraltar Savings Bank.

HON CHIEF MINISTER:

No, Mr Speaker, the answer is no. The answer is the hon Member still does not know what he is talking about. He has been given an answer which says there is £22.5 million and £4.3 million of bonds and debentures issued by the Gibraltar Savings Bank and £22.5 million and £4.3 million is £26.8 million and £26.8 million and £50 million come to more than £67 million so could these £22.8 million be part of the £67 million? It is impossible arithmetically. It must follow that this amount cannot be public debt. What is public debt is the fact that not bonds issued by the Savings Bank but bonds issued by the Government of Gibraltar. *[HON P R CARUANA: Absolutely, £50 million.]* Yes, Mr Speaker, the £50 million are totally independent of the amount raised by the Savings Bank. If tomorrow, as part of the repayment programme, the Government repay the Savings Bank every single penny, the Savings Bank will continue issuing debentures and bonds and it will not be public debt. So it is not a question of the public debt being determined by how much money the Savings Bank takes from the public. *[HON P R CARUANA: Of course not.]* No, the public debt of Gibraltar is determined by the amount the Government borrow from anybody. *[HON P R CARUANA: Including the Savings Bank, absolutely.]* Including the Savings Bank but it has nothing to do with the issues of the Savings Bank which is the question he put.

ORAL

NO. 156 OF 1995

THE HON P R CARUANA

MARKETING OF FINANCIAL SERVICES COMMISSION

Is it Government policy that the Financial Services Commission has a role in the marketing of Gibraltar as a financial services centre?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Since 1994, the Financial Services Commission has been appointed by the Secretary of State for Foreign and Commonwealth Affairs. The United Kingdom view, which is reflected in the amendments made to the Financial Services Commission Ordinance, is that the Commission should not engage in promotional activities

SUPPLEMENTARY TO QUESTION NO. 156 OF 1995

HON P R CARUANA:

Will the Financial and Development Secretary agree with me that that does not accord with the functions discharged by the Financial Services Commissioner's opposite numbers in other British finance centres where indeed - I am thinking especially of the case of the Channel Islands finance centre - where their Financial Services Commissioner plays an active role in marketing, indeed, they are often to be found at conferences and seminars and presentations? In the light of his answer, will he explain what he knows about Her Majesty's Government's reason for having made that decision?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, the hon Member's question was about the Financial Services Commission, quite explicit and the answer I gave him was explicit. I am afraid there is a difference, a very important difference. The constitution of the Financial Services Commission in Jersey and Guernsey and the Isle of Man - they have not got a Commission in Jersey, they call it the directorate or department - but the constitution may be quite different from ours and I dare say that there is nothing in their legislation, if they have legislation, put in at the insistence of the United Kingdom. As far as the Financial Services Commissioner is concerned, and as far as his opposite numbers in Jersey and Guernsey and the Isle of Man are concerned, I think the situation is quite different. He sees it his role, indeed, he spoke to me about this quite recently and said that he had discussed this with the Foreign Office and others in London and, of course, it is part of his role to advance the position of Gibraltar as far as he can, including going to conferences and seminars and highlighting the advantages of Gibraltar compared with other finance centres. That is quite a different function from knocking at the door of banks and saying, "Will you come and set up in Gibraltar?", selling Gibraltar, in a sense. So I think, first of all, the distinction between the Financial Services Commission itself which, after all, only meets at intervals and does not have an executive role and the Financial Services Commissioner who is there all the time and is the chief executive, is an important one. Secondly, there is a difference between hard selling and the sort of promotion which, for example, John Roper, the equivalent to the Financial Services Commissioner in Guernsey does very well and John Millner, our Financial Services Commissioner, certainly sees it as part of his function to do that.

NO. 157 OF 1995

THE HON P R CARUANA

IMPORT DUTY FROM TOBACCO SMUGGLING

What do the Government estimate that the shortfall of revenue from import duty will be as a result of the curtailment of the tobacco smuggling activities by fast launches from Gibraltar?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

A quota system has been introduced to restrict the sale of a number of brands of cigarettes. On the assumption that the reduced volume of these brands now available is fully sold, the net reduction in revenue from import duty is likely to be of the order of £3 million per annum.

SUPPLEMENTARY TO QUESTION NO. 157 OF 1995

HON P R CARUANA:

Does it follow from that the methodology of the use of launches to export was only worth £3 million at the time that it was curtailed? If the reduction is going to be £3 million as a result of stopping the fast launches which is what my question is based on, in other words the use of launches only added £3 million to Government revenue?

HON CHIEF MINISTER:

The answer is based on the volume of sales of the tobacco given that only a certain quantity is now permitted to be sold. What happens to the tobacco after it is sold is not a question of whether the medium of transportation is a launch or the back of a car. The fact is that where there are £3 million less, it could be more than £3 million of course if we find that the tobacco that is available cannot be sold and, of course, the reason why it is not being transported by boat is because in addition to the volume constraint there are clear voluntary measures that have been taken by the sellers as to whom they sell it to and the quantities in which they sell it; whether they sell it by a carton or they sell it by a case. Those are the factors. But at the end of the day the loss of £3 million is determined by whether all the 40 cases per importer per day are sold or not and at the moment the market seems to be, to some extent, over-supplied. That is to say, it could be more than £3 million because not all of it is being sold.

HON P R CARUANA:

But except to the extent of £3 million worth of revenue to Government which, of course, has to be extrapolated in another way for what it in fact reflects in volume of tobacco, except for £3 million duties worth of tobacco volume, the volumes have only suffered to that extent. The volume of sales have only suffered to that extent as a result of the curtailment of the launches. If I could now work out what volume of tobacco is represented by £3 million of duty on it then that is the volume which appears to have been lost as a result of the fact that it can no longer be exported in launches.

HON CHIEF MINISTER:

As far as we can judge that from the duty paid sales.

HON F VASQUEZ:

If I can try and elicit a clarification. It is clear that earlier this year the Government of Gibraltar took certain measures and they increased duty and imposed quotas on sales of tobacco in Gibraltar the result of which has been to finally stop the fast launch smuggling activity from Gibraltar of tobacco. That being the case we now learn that as a result of that it is expected that Government are going to have a shortfall of revenue of £3 million as a result of the curtailment of that activity. That being the case, my question is this, do the Government accept that it is for the sake of £3 million a year which in terms of Government general revenue is not a particularly substantial amount, that for £3 million a year this Government supervised over the last four or five years the complete undermining of Gibraltar's reputation and the complete erosion of Gibraltar's social fabric for the sake of £3 million a year? Are those the 12 pieces of silver this community had to pay in the Government's view?

HON CHIEF MINISTER:

In the Government's view nothing that may have happened in relation to the activities of the boats has been as bad for Gibraltar as the election of the Opposition Member to this House of Assembly.

HON F VASQUEZ:

There are 8,000 people who thought differently.

HON CHIEF MINISTER:

If the hon Member wants to have a debate on this he can bring a motion and we have had a motion on this in the last House and he has got further questions to which we have not yet come which he is anticipating and he knows my views and I will tell him to his face what I think of him and what I think of the people who... *[Interruption]* and who has got a higher place in my esteem. He knows what I think.

MR SPEAKER:

Order, order. I think that if you wish to pursue that line which has nothing really to do with the question, you are going off at a tangent now, you may introduce a motion as you are entitled to. Next question.

NO. 158 OF 1995

THE HON P R CARUANA

SINKING FUNDS

What is the current balance of - (1) The General Sinking Fund and (2) all other sinking funds?

The second part of the question does not make it clear but I mean in aggregate

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

I am grateful to the hon Member for his qualification but it is unnecessary because, Mr Speaker, in both cases the answer is nil.

SUPPLEMENTARY TO QUESTION NO. 158 OF 1995

HON P R CARUANA:

So I take it from that that the recently announced down payment of public debt has completely exhausted the contents, not only of the General Sinking Fund but also of what was left of the residual historical sinking funds. Would the Financial and Development Secretary say from which fund Government took the balance - I think the down payment amounted to about £32 million or something around that - as at the 31st March 1995. The balance of the General Sinking Fund and others I think amounted to about £15,500 million; is the Financial and Development Secretary in a position to say where the rest of it came from?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I made advances in accordance with the provisions enabling me to do that which are contained in the Public Finance (Control and Audit) Ordinance.

HON P R CARUANA:

I was not suggesting that the Financial and Development Secretary had done anything illegal, I was quite certain that what he has done is fully authorised by enabling legislative powers. My question is not what powers he used to do what he did. My question as I am sure he fully understood is from what fund did he take the money in exercise of those powers?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I have not taken the money. I remember once, going back some time that I was once accused of taking £12 million on the famous occasion, where I was supposed to have taken it to I am not sure, possibly Europa Point where a fast yacht would have been waiting for me, not a rigid inflatable one I hope. It is normal to make advances and I do not think personally we would think to establish a precedent of disclosing in this House transitory transactions which when the accounts of the Government of Gibraltar are produced will not actually feature because in the said Ordinance advances of this nature are repaid before the end of the financial year, that is part of the arrangement. I do not think that although I understand the hon Member's interest in the matter, I do not think I am under any obligation to reveal the day-to-day movement of public money between the various Government funds. An account is produced for the House and for the public of the state of these funds, the balances at the end of the year and I think that is sufficient.

HON P R CARUANA:

The Financial and Development Secretary refers to not wanting to set a precedent. God forbid that any member of that Government should risk setting a precedent of public clarity and transparency in the conduct of public affairs. That is what the hon Member has said. He has been asked by the Parliament from which account Government have drawn money to pay back public debt and the answer, on behalf of the Government by the man who has a legal and constitutional duty to supervise the conduct of public finances is, "I do not want to set a precedent that might force my successor to put into the public domain straightforward information about the conduct of public affairs". His answer is entirely in keeping with the attitude of public accountability of the Government in which he serves.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I think it is entirely in keeping with the attitude of Financial and Development Secretaries and their responsibilities for the management and control of the Consolidated Fund..... *[HON P R CARUANA: I notice that the Chief Minister has not leapt to his feet on this occasion as in the previous two or three questions that I have asked.]*

HON CHIEF MINISTER:

I am quite happy to show that the hon Member once again has no notion of what he is talking about and it is quite obvious that in every question that we have had so far we have had a party political broadcast and that we can expect that for the remaining 100. *[HON P R CARUANA: Just answer the question then.]* The answer is quite simple. If the hon Member would recall questions he has put before in the House he has been told in answer to previous questions that the cash balances of all the funds, and if he looks in the audited accounts he will find it reflected there, are the liquid reserves of the Government. The liquid reserves of the Government are used by the Accountant-General and the Treasury to make advances in between funds on a daily basis and we certainly are not going to go down the route just because he does not understand the system to produce..... *[Interruption]*

MR SPEAKER:

Order, order.

HON CHIEF MINISTER:

Well, I cannot help what he can see or he cannot see. It is quite obvious to me that either he does not understand by the nature of the questions that he puts in which case I try to assist him in his education or alternately he does understand but he does not care about understanding. He does not want information, what he wants to do is to make political speeches and he has to wait until I decide the date of the general election to do that. The information that he is seeking is, is the money in the Sinking Fund still there or not? Well, the answer is no, we have used the money in the Sinking fund to repay the debt which is what the Sinking Fund is for. If the money in the Sinking Fund was not sufficient and, of course, he is absolutely wrong in thinking that the money in September this year was the same as the money in March.. *[HON P R CARUANA: That is why I said March.]* In March, because it must be obvious to him that from the questions that he put last time to which he got an answer, that the Sinking Fund would be receiving revenue after March to the extent that the amount in the Sinking Fund in September was not sufficient, the balance will have come from the liquid reserves of the Government and not out of one specific fund and will be back within the course of the financial year. So by the time the year's accounts are closed, each fund will have, as it has every year, the money that is due to that fund. That is how it has happened every year, that is how it will happen this year. Within the year, the Government of the day like any other activity in any other organisation on the basis that they have an amount of money which is shown as the liquid reserves in the audited accounts and those liquid reserves are called upon for whatever activity is required in whatever fund.

NO. 159 OF 1995

THE HON F VASQUEZ

"ALL CRIMES" MONEY LAUNDERING

Why has the new "all crimes" money laundering been introduced from 1st January 1996?

That should read "all crimes" Money Laundering Ordinance been introduced from 1st January 1996?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The commencement date of the 1st January 1996 was arrived at on the basis of the understanding reached with the United Kingdom that Gibraltar would be moving within the same time-frame as other territories.

SUPPLEMENTARY TO QUESTION NO. 159 OF 1995

HON F VASQUEZ:

Could the Financial and Development Secretary please tell us what territory is referred to, in other words, what territory is implementing this new "all crimes" money laundering type law upon which we are now saying, "Well it is safe for us to do so"? Because I do recall very clearly the Chief Minister saying that this would not become law in Gibraltar until other dependent territories of the United Kingdom also adopted the identical law. That was only a few months ago, could we please learn today then what other territories adopted this law which now makes it safe for us to adopt it?

HON CHIEF MINISTER:

The hon Member is misquoting me, I did not say until everybody else had done it, in fact, I said quite the opposite. What I said was that the position of the United Kingdom was that they could not have every colony saying, "We will do it when everybody else has done it" and that what we had told the United Kingdom in the period between the time they first raised it with me and the time we finally moved ahead with it, was that we were not prepared to do it in February 1994 when there was no indication of anybody else doing it and that therefore we wanted to do it within the same time-frame as others. In my last meeting with Mr Rifkind it was indicated to me that the UK was already talking to the other dependent territories on the basis of legislation similar, not necessarily identical but similar, on the basis that it would be an "all crimes" legislation and that all the other territories would be moving in that direction early in 1996 and it was on that basis that we agreed that the commencement date - which in this instance is, of course, the Governor and not the Government hon Members will have noted - should be the 1st January 1996. We will have to wait and see what happens with the other territories. If the other territories do not move we will go back to the British Government and ask for an explanation.

HON P R CARUANA:

With respect, that answer by the Chief Minister does not accord with what he is recorded in Hansard as he having said on the very last occasion that this House met when he said, and I quote him, "At the moment the position is that once the Bill is taken through all the stages today, we expect to receive a written commitment from the United Kingdom that the appointed date for its implementation will be in line with the introduction of similar legislation in the Channel Islands and the Isle of Man". I know of no intention or certainly no publicly stated move on the part of the Channel Islands and the Isle of Man to introduce similar legislation. Indeed, in reply to me during that debate he said, "We have, as far as we are

concerned, got an understanding that it is agreed and that understanding was due to be confirmed in writing by the Foreign Secretary. Unfortunately it was not possible for him to do it before, otherwise I would have been able to announce today that it was not simply an expectation on the part of the Government but that we had written confirmation because it is on that basis that I wrote to him and on the basis that there would be a bilateral agreement between our two Governments". Mr Speaker, I put it to the Chief Minister that what he told the House then clearly was that he had an agreement from the Foreign Office that this legislation in Gibraltar would not be implemented here other than in line with the introduction of similar legislation in the Channel Islands and the Isle of Man and those are the crucial words, "in line with the introduction of similar legislation in the Channel Islands and the Isle of Man" that that has manifestly not happened and that therefore we have not enjoyed the benefit, in reality, of whatever agreement he might have had with the Foreign Secretary.

HON CHIEF MINISTER:

If anybody has not delivered it is, of course, the United Kingdom Government that has not delivered. *[HON P R CARUANA: I have not heard him complain about it.]* The hon Member is perfectly entitled to complain if he wants to but what he cannot do is vacillate between accusing me of being too nasty to the British and being too soft to them, he has got to make up his mind which of the two I am. As far as I am concerned, assuming that the verbal undertakings of Foreign Ministers can be relied upon, I have to tell him that that was on the basis on which the exchange of letters between me and Douglas Hurd took place and I, at the time, expected to see Douglas Hurd confirming this and he did not do it before he left and that was the time at which I was talking. I then followed it up in my first meeting with Mr Rifkind in the House of Commons and I said to him, "We are not resisting this legislation on an "all crimes" basis simply because we are in principle against it, although we would have preferred to follow the system used by other countries and not the UK" - which is to actually produce a schedule and add things and the hon Member will remember that we made provision for that in January 1995 and that we removed the provision at his suggestion which cost us no end of hassle from London after we removed it in this House which no doubt he then felt he could put the blame squarely on me for. Following that, we made clear to the UK, as I said repeated at our last meeting with Mr Malcolm Rifkind, that our position throughout had been, "We are willing to move within the same time-frame as other people so that we are not put in a position where business leaves Gibraltar to go to other places simply because we have got tougher laws than anyone else in the world other than the UK". The UK position is, all the dependent territories and the Crown dependencies are being asked to do the same and we cannot have one territory doing it only when all the rest have done it because then everybody will use a piggyback system and the "all crimes" legislation will never come in anywhere. And I said, "On the other hand we do not want to be the first ones to do it and then find we are not the first ones we are the only ones because nobody else does it". It is on that basis that I was clearly told that the position would be that we could expect in early 1996 that this would be happening in the other territories and that therefore the United Kingdom would like to see the implementation delayed no later than the end of 1995 and that is how the 1st January 1996 date comes which is the question the hon Member asked.

MR SPEAKER:

Next question.

HON P R CARUANA:

He did not say....

MR SPEAKER:

No, no more questions. Order, order. The explanation has been given, we have gone off the question altogether, I have allowed it because I think it needed clarifying and the explanation has been given.

HON P R CARUANA:

We have not gone off the question altogether.

MR SPEAKER:

Yes, it has gone off the point. The question is why on that date and the answer has been given. You cannot go on and on and on. Next question.

NO. 160 OF 1995

THE HON F VASQUEZ

WORKERS' HOSTEL FUND

Do the Government of Gibraltar continue to subsidise the Workers' Hostel Fund?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 160 OF 1995

HON F VASQUEZ:

I should now like to try to get my speech in.

MR SPEAKER:

First of all, we do not want any speeches.

HON F VASQUEZ:

Absolutely not, Mr Speaker. I do want to put a supplementary to the Financial and Development Secretary. Can he confirm that, in fact, the management of the Workers' Hostels for which purpose the Workers' Hostel Fund was created has in fact been contracted out to a private company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The answer is yes, Mr Speaker, and I think the hon Member is anticipating a question which is down on the Order Paper not more than half an hour ahead.

HON F VASQUEZ:

Is the Financial and Development Secretary aware that the Principal Auditor in his annual report has pointed out that although the Workers' Hostel Company Limited, whatever it might be called, which is managing the workers' hostel is taking in the income from these hostels, it is not accounting to the Government of Gibraltar and continues to receive funds from the Government of Gibraltar to administer the hostels. Can he please explain how and why this situation has arisen?

HON CHIEF MINISTER:

The answer is that the Opposition Member is wrong, that is not what it says. The position at the moment is that the fees that are collected by the management are accounted to the Accountant General and subject to audit by the Principal Auditor. He has got a question referring to that in No. 162 where he talks about the written agreement of Tower Hostel Limited or any other private company. The questions he is asking now are supplementaries about the written agreement not about whether there is a subsidy or not. He knows there is a subsidy, it is in the accounts this year and in the accounts last year and the subsidy is due to the fact that half of the inmates of the place are not paying anything because they are unemployed.

NO. 161 OF 1995

THE HON F VASQUEZ

EUROPORT DEVELOPMENT COIN

Are Government satisfied that the coin released into circulation bearing an imprint of the Europort Development and the figure "10" is legal tender?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir

SUPPLEMENTARY TO QUESTION NO. 161 OF 1995

HON F VASQUEZ:

Is the Financial and Development Secretary not aware that it is the usual practice for a coin to specify what amount that coin is in respect of and that this coin simply says "10", it does not say "10 pence" or "10 pounds" or "10 dirhams" or "10 thousand pounds"? How can this possibly constitute legal tender?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am aware, in fact - I think I have taken precaution of bringing one with me - that the said coin simply includes the figures "10" and the hon Gentleman asked me if it is legal tender and my answer to that is yes, it is legal tender. He did not ask me whether it was usual or unusual, exceptional or unique or anything like that, he asked me if it was legal tender. And I also took the precaution of bringing with me, because I thought as a lawyer he was bound to ask those questions but he has not so I will make a speech and reply to his question and say that in the Legal Notice No. 3 of 1993 Gibraltar Coinage Ordinance which then had the subtitle Gibraltar Coinage (Ten Pence Coin) Notice 1993, it says, inter alia, I will not actually read it all out; "the coins shall bear on the obverse impression the effigy of Her Majesty Queen Elizabeth" etc and "the reverse impression shall bear a design of Europort with the Rock of Gibraltar in the background together with the figure 10 and the inscription "EUROPORT" below". That document proves beyond reasonable doubt that this coin is legal tender. If the hon Gentleman were to ask me why does this differ from other coins which may, in fact, have "10 pence" I think the answer is quite simply that with such a design as this there was not room for "10 pence". *[Laughter]* I am sorry if the Opposition Member finds this rather funny.

HON H CORBY:

That is nonsense because if one designs a coin one designs the coin to carry the wording "10 pence". A person who does a design for anything takes into account the space plus what has got to go on the coin. It must have been a mistake that the 10 pence was not produced as part of the design but surely the designer takes a lot of notice and care to produce the Europort and the 10 pence if that was issued by the Gibraltar Government.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I was actually waiting to see a question mark at the end of that particular delivery by the hon Member.

HON H CORBY:

There is no question mark whatsoever.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Clearly there is not. I sympathise with the hon Member because he has been trying to make a speech for the last half hour to the best of my notice. But I am sorry that he fails to see the logic in the answer I gave. I will remember him in my prayers.

HON H CORBY:

Does not the Financial and Development Secretary think that I have tried to make a speech he is certainly the clown of the House today?

MR SPEAKER:

Next question. By the way is it legal tender?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, I am sorry, obviously you were not listening when I read out the answer.

MR SPEAKER:

I was but there was so much discussion going on that at the end of the day I did not know whether it was or it was not, but it is.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I might say, Mr Speaker, that this has been on sale for some time, obviously the hon Gentleman has only just used one. Maybe he is more used to using pesetas.

NO. 162 OF 1995

THE HON F VASQUEZ

MANAGEMENT OF THE WORKERS' HOSTEL

Have the Government of Gibraltar concluded a written agreement with Tower Hostel Limited or any other private company for the management of the Workers' Hostels?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 162 OF 1995

HON F VASQUEZ:

Might we have the benefit of knowing when this agreement was concluded?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

On the 31st March 1993.

MR SPEAKER:

Next question.

HON F VASQUEZ:

Previously it has been said in answer to a previous question that the whole set-up in relation to the.....

MR SPEAKER:

Wait a minute, I have just said next question. We are on the next question now, on No. 163.

HON F VASQUEZ:

So you are allowing no supplementaries, Mr Speaker?

MR SPEAKER:

No, no, you have the answer. Next question.

HON P R CARUANA:

Mr Speaker, the hon Member has not asked any supplementary.

MR SPEAKER:

He does not necessarily have to ask any supplementary.

HON P R CARUANA:

But are you disallowing supplementaries now in this House?

MR SPEAKER:

No, I do not disallow supplementaries, in fact I allow too many of them and if you wish me to go by the rule of the Standing Orders you will find that most of the supplementaries are totally out of order. However, because I think that there are issues that need ventilating I do allow it but Members must realise that there is a limit to how much I can allow to go off the Standing Orders.

HON F VASQUEZ:

Not even one supplementary?

MR SPEAKER:

Well, what is the supplementary about? All right, let us have it.

HON F VASQUEZ:

The supplementary is this, in the audited accounts for the year 1992/93 the Principal Auditor made it clear, and I quote, "The audit of the fund account", ie the Workers' Hostel Fund Account, "also revealed that neither the expenses incurred by Tower Hostel Limited or the revenue received from accommodation fees had been incorporated in the statement of accounts." Can the Financial and Development Secretary please now explain why on the one hand the Government of Gibraltar were funding the workers' hostels whilst, on the other hand, the Workers' Hostel Limited was taking money from the public and not accounting to the Government of Gibraltar for either the revenue or the expenditure?

HON CHIEF MINISTER:

No, it is not true, what the hon Member is saying is not true.... *[Interruption]* Mr Speaker, the hon Member is trying to insinuate, like everything else he does inside and outside the House, that somebody is keeping money that they should not be keeping because that is what he does all the time and what he has done since he arrived in this House. When the Principal Auditor said it had not been brought into account what happened was that since the money was there and the accounts were there, it was put right and every time the Principal Auditor looks at an account what he is looking at are at procedures and saying, "The procedure here needs to be altered" and when the Principal Auditor, who is employed to do that for us, does it then it is put right. Because if what the Principal Auditor was discovering all the time, as Opposition Members seem to suggest, is that people are actually keeping things that do not belong to them, it is a matter for the police, not a matter for the House or a matter for the Principal Auditor.

HON P R CARUANA:

I do not know whether anybody was keeping money that was theirs or not, that is not what we are saying. The Chief Minister appears to believe that to call for the production of accounts is tantamount to an allegation of theft and the Principal Auditor was not suggesting an improvement. What the Principal Auditor was warning about was that here was a privatised company receiving public funds, collecting revenue from hostel fees and there were no financial statements. He was not suggesting that there needs to be a slight change of procedure, he was saying, "These are companies handling public monies, they are not producing accounts and no one bothered to ask them for any".

HON CHIEF MINISTER:

And what I am telling the hon Member is that the accounts were produced, that they are incorporated and that they are reflected in the accounts.

HON P R CARUANA:

Two years later.

HON CHIEF MINISTER:

Not two years later. The hon Member is asking it two years later, it happened when it was raised.

MR SPEAKER:

Order, order. If the Opposition believe that there are irregularities then the answer is to bring a substantive motion but we cannot go over and over the same track at every question.

HON F VASQUEZ:

Mr Speaker, there is a point of clarification. We are not making allegations, we are simply asking questions and the minute we ask questions allegations are made as to the nature of the allegation which we are supposedly are making. Are we or not entitled to ask questions, Mr Speaker?

MR SPEAKER:

The answer you are getting is that your statement is incorrect and therefore we cannot go on.

HON F VASQUEZ:

I did not make a statement, I asked a question, Mr Speaker.

MR SPEAKER:

And the question is incorrect by what it follows and therefore the answer is that if you do feel that way bring a substantive motion and clear the whole air.

HON F VASQUEZ:

How do I feel, Mr Speaker? I have simply put a question and I have had allegations and accusations thrown at me as a result. How do I feel? I am simply asking a question, Mr Speaker.

MR SPEAKER:

And the answer is produce a motion and then you will be able to ventilate the whole matter. Next question.

HON CHIEF MINISTER:

Mr Speaker, can I just make a point? I want to make a point in relation to the information that the hon Member wishes to obtain.

MR SPEAKER:

On a point of order, if you want to do it.

HON CHIEF MINISTER:

If the hon Member asks why is somebody doing something, he is insinuating that something is happening which he does not substantiate. If the hon Member says, when was something done, he gets the answer which is the answer that he got from the Financial and Development Secretary.

MR SPEAKER:

Next question.

HON P R CARUANA:

It is always the next question when the Chief Minister has had the last word, Mr Speaker.

MR SPEAKER:

Of course, because he is the person supposed to give the answer. Next question.

NO. 163 OF 1995

THE HON P R CARUANA

POLICE MANNING LEVELS

Are Government satisfied with the adequacy of current police manning levels?

ANSWER

THE HON THE ATTORNEY-GENERAL

Government are satisfied with the adequacy of current police manning levels in relation to the Price Waterhouse "Royal Gibraltar Police: Value for Money Report" produced early in 1995. This report was commissioned by the Principal Auditor.

The hon Member will recall that, as was widely reported in the press at the time, recommendations in that report led to a limited reduction in manning, achieved by natural wastage over a period of time, in the establishment of the Royal Gibraltar Police. This press release dated 14th February 1995 was copied to the hon Member.

SUPPLEMENTARY TO QUESTION NO. 163 OF 1995

HON P R CARUANA:

What report was copied to the hon Member? I lost the last bit.

HON ATTORNEY-GENERAL:

The press release dated 14th February 1995.

HON P R CARUANA:

My arithmetic from the estimates since 1988 shows that the number of uniformed police officers has fallen from 223 to 211. That is a drop of 12 officers. Does the Attorney-General accept that this drop has taken place at a time when there has been a large increase in the demand for policing in Gibraltar and that the fact that one is getting value, does she agree or perhaps I ought to redirect the question to where the answer will no doubt come from? Does he agree that the fact that one is getting value for money does not mean that the police have adequate resources to do the job that they are required to do?

HON CHIEF MINISTER:

What I can say, without fear of contradiction, is that the resources available to the police since 1988 have grown more than ever before in the same period of time and the amounts voted in the estimates clearly indicate this and that as a department it is the department that has had, other than education, least constraints on its budgetary requirements. What the Value for Money Report was doing, as is done in the United Kingdom and as is done in many other areas and not just the police, was to look and see whether police officers were being used to most effect in areas where the duties they were engaged in were not strictly police duties and the answer is that by removing, for example, the need for the police to handle immigration which is not done by the police in the United Kingdom then one is removing workload from the department and the quantification of how many officers were engaged in that - all this has already been explained in the House - led to an equation which was explained to the Police Association so that at the end of the day if in their accounting and budget and distribution of resources they had, for example, eight people who were tied up full-time on doing immigration control, what we did was we said, "We will remove the work

of eight people but we will not reduce by eight, so that you finish up with a situation where the remaining workload has got more people on it than before we took the work of the eight away". That is what was done with the value for money audit. The only thing is that the value for money audit suggested that this should be done in respect of the work of 64 officers and since we thought that was going too far we only implemented a very small part of the report.

HON P R CARUANA:

The Chief Minister's obsession with value for money is well-known but the question was, does he consider that the police therefore have enough able bodied uniformed men to do the street policing and the crime investigating and all the police work that uniformed police officers have got to do and does he not consider that the events of July showed that the moment that there was an untoward development that there was an immediate shortage of manpower? Does he share that view?

HON CHIEF MINISTER:

I think that was demonstrated that if there is an untoward event there is an immediate shortage of manpower well before the events of July, it was demonstrated when we had one situation where one Moroccan was deported by an order from the Governor and 200 Moroccans stopped the Gibraltar airport from functioning and there was nothing we could do about it and we had an aircraft that was grounded and at the end of the day the Government of Gibraltar with the full authority of the Governor signing a deportation order were supposed to face a situation where we had no choice but to back down and let the Moroccan walk out of the aircraft with the deportation order in his pocket and he is still running around in Gibraltar. The truth of the matter is that anywhere else in the world what one does is that if there is an untoward situation one does not treble - unless one has got many millions of pounds to spend which regrettably we do not have - the police force. What we do is we say, "If there is a problem here then we call on outside resources". It is not a situation we want to have and therefore we have to ask our police officers who are dedicated in their duty that they have to understand that £6 million a year, which is £500,000 a month, is a lot of money and that if I am concerned about value for money it is because I am concerned about the welfare of those policemen, their wives, their children and their future because the future of the community depends on our survival and for that we all have to be concerned about value for money, not just me.

HON P R CARUANA:

And keep law and order as well.

MR SPEAKER:

Next question.

NO. 164 OF 1995THE HON P R CARUANA**RIB LAUNCHES**

How many RIB launches were seized in July 1995 and how many have been handed back to their owners since and how many remain in - (1) police custody or (2) customs bond?

ANSWERTHE HON THE ATTORNEY-GENERAL

The latest breakdown of a total of 65 launches seized is -

<u>STATUS</u>	<u>NUMBER</u>
Forfeited by way of Notice of Seizure	20
Forfeited by the Courts to the Crown	1
Ownership relinquished	1
Notice of Seizure issued	1
Notice of Seizure to be issued	1
Released	14
Exported from Gibraltar	6
Detained by Customs for evasion of duty	1
Detained by Police prior to "Operation Cage"	2
Probable exports	7
Detained by Customs because of no Berthing Permit or Port Licence	5
Detained pending instructions to release	<u>6</u>
	TOTAL: <u>65</u>

SUPPLEMENTARY TO QUESTION NO. 164 OF 1995

HON P R CARUANA:

Is the Attorney-General able to say whether the conditions for the release of these boats as originally announced are being adhered to or has there been any change? I remember the original rule which established the criteria about berthing and documentation. Has there been any change in the administrative practice relating to the insistence on compliance with all of those criteria?

HON ATTORNEY-GENERAL:

As far as I am aware, there has been no change.

NO. 165 OF 1995

THE HON LT-COL E M BRITTO

POLICE OFFICERS AT BEACHES

Do Government consider that the reported absence of police officers at our beaches this summer is the result of a shortage of manpower?

ANSWER

THE HON THE ATTORNEY-GENERAL

I think this question has been partly answered already. During the summer the Commissioner of Police deployed police officers to other urgent duties with the result that they were not available to police the beaches. This deployment resulted from unexpected circumstances which arose early in the summer of this year.

SUPPLEMENTARY TO QUESTION NO. 165 OF 1995

HON LT-COL E M BRITTO:

Will the Attorney-General say for how long the beaches were without police patrolling?

HON J E PILCHER:

For about eight weeks.

HON LT-COL E M BRITTO:

Do Ministers feel that it is justified that what at one time the Chief Minister has called in answer to a previous question untoward events which do not warrant an increase in the police force, once we had the untoward events of July are we seriously being told that there were eight weeks where there was no police available to patrol the beaches and that that does not reflect a lack of manpower to carry on doing normal police duties after an untoward event has passed?

HON J E PILCHER:

First of all, let me advise the hon Member that for the initial part of the summer season the beaches were manned as per usual and therefore the police complement, prior to that, satisfied the requirements of the beaches. After the incidence it was a decision of the Commissioner of Police on how he re-deployed his men and one must also remember that there were other activities, like the Island Games for a period of about two weeks, that also required extra manpower. At the beaches there were alternative arrangements made with senior life beach keepers; the movement at the sea with the police launches was not changed and there was an arrangement between the lifeguard service and the police whereby any untoward incident was reported immediately to the police and the police sent the constables down. But it was a re-deployment because the Commissioner of Police felt that at that particular point in time he required his manpower elsewhere which was more important than the beaches, Mr Speaker. There were no untoward incidents in the beaches that were not controlled by the police and the lifeguards, Mr Speaker.

MR SPEAKER:

We cannot go back to all the arguments that we have had before. I think the Chief Minister has given a very clear picture of why he is containing the size of the police to the size it is today and we will not dwell on that again. Next question.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has.....

MR SPEAKER:

I think you have had the answer now. Next question.

HON LT-COL E M BRITTO:

On a point of order, Mr Speaker. The Minister has talked about alternative arrangements and senior beach keepers and no complaints being heard about the beaches, I would like to ask supplementaries on that aspect of it.

MR SPEAKER:

Go ahead.

HON LT-COL E M BRITTO:

Thank you, Mr Speaker. Will the Minister accept that what he has just said in fact does not concur with what actually happened? There were quite a number of complaints in the media about incidents where people were flouting the prohibitions of the red flag during the summer and the senior beach keepers, as he calls them or the rescuers, did not have the necessary authority to control that and consequently there were wide scale flouting of that. There have been complaints about things like playing football and breaking of the beach laws and that this was happening constantly during the summer. There were even complaints by people like the GONHS and the Spear fishing Association about the vandalising of the reef in Camp Bay which, again, would have been possible to control if there had been a police presence and was not controlled because there was not.

HON J E PILCHER:

I did not say that there were no complaints. What I said was that the incidents which happened this summer are no more or no less than those incidents that happen on a year-to-year basis and that when there was special situations there was an arrangement between the lifeguard service and the police whereby the necessary manpower was sent down to the beach. That included parking restrictions and many other factors. It is not the best possible solution but obviously the lifeguard service and the Gibraltar Tourism Agency accepted that the Commissioner had re-deployed his men how he wanted to re-deploy them given the priorities of the police.

NO. 166 OF 1995

THE HON LT-COL E M BRITTO

AMBULANCE SERVICE

Has any study been made into the state of the ambulance service and have Government considered any possible changes to the service?

ANSWER

THE HON THE ATTORNEY-GENERAL

The hon Member will recall that a similar question was asked on the 24th April 1995, that was Question No. 92. At that time, the Minister for Medical Services and Sport gave a lengthy and detailed answer on the operation of the services operated by the Royal Gibraltar Police and by the St John Ambulance Brigade. The position of Government is the same as at 25th April 1995.

Suggested changes to the manning of the ambulance service, ie other than by the police were considered in the context of the Price Waterhouse Report "Royal Gibraltar Police: Value for Money Report" and Government decided not to proceed with the recommendations in this respect.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1995

HON LT-COL E M BRITTO:

I thank the Attorney-General for the reply. I am of course aware of the contents in the answer to Question No. 92 but the thrust of that question was on privatising and I had intended to ask what she has already answered whether there were any plans to transfer the running of the service to anybody else because I had heard that there had been proposals made. Can I then ask if subsequent to the study made during the Price Waterhouse "Value for Money Report", any proposals have been made to Government for a change in the system of running the ambulance service? In other words, of moving it out of police hands into other hands?

HON ATTORNEY-GENERAL:

I can confirm that no such proposals have been thought of.

HON LT-COL E M BRITTO:

Thank you, Mr Speaker.

NO. 167 OF 1995

THE HON F VASQUEZ

CROWN PROSECUTOR

Can Government confirm that the Crown Prosecutor recently seconded to the Attorney-General's Chambers is in fact employed by a local firm of solicitors?

ANSWER

THE HON THE ATTORNEY-GENERAL

Government can confirm that a Senior Crown Prosecutor was recently seconded to the Attorney-General's Chambers by a local firm of solicitors. He has been seconded on a trial basis in order to provide additional expertise in criminal prosecutions.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1995

HON F VASQUEZ:

If the prosecuting authority is in need of a Senior Crown Counsel why does it not go and employ its own Senior Crown Counsel instead of taking another party on secondment which raises questions as to the independence and impartiality of the prosecuting authority in Gibraltar?

HON CHIEF MINISTER:

The position is not that of Senior Crown Counsel. We have brought a prosecutor who has been provided with great experience of Crown prosecutions in the UK and it is, I am told, not an abnormal thing to do in the United Kingdom to have somebody seconded on that basis or to have work briefed out to a prosecutor and, of course, it may well be that the hon Member in his own view of the integrity of the legal profession believes that they are biased in prosecuting cases depending on who pays them and not depending on the enforcement of the law, but we are working on the assumption that the job that the prosecutor would do in prosecuting a criminal would not alter because he was seconded as opposed to being on any other terms of contract.

HON P R CARUANA:

The point really is this, if there were an existing member of staff of a law firm that the Government wanted to try out, then I can understand a secondment from that firm. My understanding, subject to being corrected, is that this gentleman - and I share the Chief Minister's description of him as an experienced prosecutor - has been recruited from the United Kingdom but that recruitment has been channelled through a local law firm. And the question is therefore not why he has been taken on secondment, the question is why he was not recruited directly. In other words, what was the necessity to get Messrs J A Hassan and Partners to recruit this gentleman in order to make him immediately available to the Attorney-General's Chambers? There may well be a reason, I am asking whether there is a reason and, if so, what that reason is? The Crown is able to employ people directly on probation, it is not that they needed to do it for that reason, I do not suppose.

HON CHIEF MINISTER:

We thought this was quite a good way of doing it and we are always doing innovative and exciting new things. *[HON P R CARUANA: In other words, there is no reason.]*

NO. 168 OF 1995

THE HON H CORBY

DISABLED PERSONS

Why have Government not introduced regulations to help the disabled, as envisaged in the Disabled Persons Ordinance?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

As I informed the House in answer to Question No. 30 of 1994, the Government set up a consultative machinery to deal with such regulations in consultation with professionals in the field. As I also said at the time, this consultative machinery was at the time concentrating its priority on the provision of home care facilities for the mentally and physically disabled. It subsequently became the case that priority then had to be given to the provision of respite care needs during the summer period as well as during weekends and in other special circumstances. Courses and training had to be organised for carers and this consultative body has been kept extremely busy during this time and have produced excellent results. This has been very much due to their untiring efforts, commitment and dedication in exercising their role. Their concentration on these tasks has resulted in their not having yet addressed any specific areas where there might be a requirement to introduce regulations. The position is therefore that the Government will consider the introduction of any regulations once the consultative body has studied the specific areas concerned.

SUPPLEMENTARY TO QUESTION NO. 168 OF 1995

HON H CORBY:

Since the question was last asked six months have elapsed and we were in this House, there has been ample time for the regulations to be put into place. I ask the Minister for the peace of mind of the disabled people in Gibraltar, when does he think that the regulations will be in force?

HON R MOR:

I think I have given a very detailed reply on the reason why... [HON H CORBY: *The reason why..... when does he envisage...*] Why the machinery has not been able yet to get round to concentrating on the specific areas in connection with regulations. As the hon Member is aware, there were considerable problems originally with home care facilities, respite care and all that and the consultative body has been concentrating itself throughout all this period up to now and we still keep monitoring the situation as regards this. I said originally, the Government will be considering the introduction of any regulations once the consultative body has studied the specific areas whereby such regulations are required.

HON P R CARUANA:

When the Government first came into power I distinctly remember them saying that they were not going to get bogged down in too many of these committees that discuss and never do anything and I think it is legion now that when Government Members know what they want to do they consult nobody but just do it. Are we to interpret all that in relation to the disabled people to mean that Government Members do not know what the needs of the disabled people are, that they have no policy as to what needs to be done for the disabled people and that that is the reason why they sit in a committee and come to this House nearly two years after the event to say that they are still waiting to be told by the disabled people what legislation they need to be put in place? Because if that is the case it is.....

MR SPEAKER:

Can we have a question please? We cannot have statements like that. If you wish to bring the matter up in that nature you produce a substantive motion. I must keep telling you that and I am not going to allow that anymore. Ask a question and that is it and it must be short. Next question.

HON H CORBY:

Mr Speaker, I have a supplementary.

HON P R CARUANA:

It must be short.

MR SPEAKER:

Yes, it must be short.

HON H CORBY:

Are Government looking at EEC legislation regarding the rights of the disabled in their contribution to what they are consulting with the professionals?

HON R MOR:

The position of the Government has always been wherever EU directives are involved, if we do not have any choice we would introduce them in any case.

MR SPEAKER:

I must draw attention to the Leader of the Opposition that I am not going to allow any aside remarks anymore. I will call the Leader of the Opposition to order if he does that again, he must have respect for the Chair. Order, order. I am going to read to the Leader of the Opposition the rules regarding questions.

HON P R CARUANA:

Mr Speaker may do so if he pleases, the Leader of the Opposition knows what the rules are relating to questions.

MR SPEAKER:

Yes, I will. He does not seem to by the way he is behaving. This is on supplementary questions, I think all members of the House should get to know this, "A member may put a supplementary question or questions for the purpose of further elucidating any matter of fact arising out of an oral answer given provided that the President shall disallow any supplementary question if, in his opinion, it infringes any of these Orders relating to the admissibility of questions and in that case the supplementary question shall not appear in the Minutes of the Assembly or in any report of its proceedings. A supplementary question must not introduced matter not included in the original question. A question must not be made a pretext for a debate. The right to ask questions shall be governed by the following rules, as to the interpretation of which the President shall be the sole judge:- (i) not more than one subject shall be referred to in any one question and a question shall not be of excessive length;" and this is the point I want to make to the Leader of the Opposition, "the question shall not be of excessive length;". (ii) a question must not publish any name or statement not strictly necessary to make the question intelligible;". I can go on and on and then I think the Leader of the Opposition will find how liberal I am being with the way that the questions are being are tackled in this House. You may ask a question.

HON H CORBY:

Thank you, Mr Speaker. Will the Minister then confirm that we will be passing EEC legislation regarding handicapped people in the House?

MR SPEAKER:

That, if I may say so, is a totally new subject.

HON H CORBY:

It is not.

MR SPEAKER:

But anyway, I will allow it.

HON CHIEF MINISTER:

All I can say, Mr Speaker, is that on the list of 132 directives which the UK says we need to have to comply with Community obligation there is nothing on the handicapped. So either there is no such directive or the laws we already have already comply with it because obviously this is not an area where Gibraltar is outside the system. The only things that the UK have taken off the list are things dealing with agricultural products and trade but things like the handicapped or health and safety, all that is included in the list and I have not seen anything specifically on handicapped on that list.

HON R MOR:

May I just add on to what the Chief Minister has said that with or without regulations the policy of the Government is to protect the interests of the disabled in all circumstances.

NO. 169 OF 1995

THE HON H CORBY

PROBATION AND FAMILY WELFARE SERVICES

Are Government satisfied with the way that the Probation and Family Welfare Services are working?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Yes, Mr Speaker. As I informed the House during the budget session last year, the social workers have been split up in two different groups in order to provide a more effective and dedicated service to the different social priorities. One group deals exclusively with probation and child care. Apart from dealing with all aspects of probation and child care, this group has also been involved in conducting a social awareness campaign in both comprehensive schools in order to encourage the development of a social conscience and better understanding amongst young students in relation to the social problems within our community. The other group is dedicated to address the social problems of the elderly, the disabled and other general social needs. Apart from carrying out their normal routine, this group has also identified lonely elderly citizens who, because of poor health or lack of mobility had been confined to their homes and immediate environment. In order to improve their quality of life and encourage their greater participation within our community, five day centres were introduced and are currently in operation. With the assistance of very dedicated volunteers, these elderly citizens are provided with meals, bathing facilities, hairdressing and good company at these day centres. The enjoyment derived from attending these day centres has caused these lonely elderly citizens to very much look forward to these events and feel that much more respected and appreciated by our community. The Government are therefore satisfied with the service offered to the community.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1995

HON H CORBY:

Is the Minister aware that insofar as young offenders and matrimonial disputes are concerned there is a great preoccupation that this service is no longer provided by the system? Let me say that before there were three trained probation officers, one of them has now left for the Bishop Healy Home, one is undergoing training in the UK and to cater for these facilities there is only one trained member now in the probation service who has to cater for this facility. I have here a communiqué from the Bar Council in Gibraltar which is very preoccupied by the state of affairs that has arisen. I will read it for the Minister, it says, "The service will no longer be handling any cases involved in custody or access to children in matrimonial disputes" and this was a service that very much gave the references to the families, etc in criminal cases and separation of children. This is not being undertaken at the moment. Will Government please say why?

HON J C PEREZ:

Government are not aware that that service is not being undertaken. According to Mr Montegriffo who is the Probation Officer in post, that work is being undertaken. There was a short lapse when Mr Montegriffo was sick and the person who is a clerical officer who is acting for Mrs Fa who is on a course in the UK, on his own could not cope with that type of work and Mrs Gonzalez was involved particularly in the Bishop Healy Home where as a result of the restructure she was promoted to take over the responsibility for the Home. Mrs Fa is coming in July, Mr Montegriffo is back at work and therefore, in fact, the person who

was acting could not cope not because there was a shortage of staff but because he did not have the capabilities to deal with the matter. But as far as the Government are concerned, there are no jobs that used to be done by the Probation and Welfare Officers that we have been made aware they do not do at the moment. So if there is anybody thinking that any services that we used to render we now do not render, we have not been informed that that is the case.

HON P R CARUANA:

If the Minister says that he has not been informed then he ought to find out about it because the fact of the matter is that the General Council of the Bar has gone down in writing to say, and I quote them, "In the experience of members of the legal profession, the provision of services such as supervised access and the compiling of welfare reports on children by Family Welfare Officers has always been of crucial importance and has been relied upon very heavily by the court". Indeed, one of the things that the learned Chief Justice has been saying publicly is that those facilities are no longer available. The last remark of the Bar Council, and I do not want Government Members to think that this comes immediately after what I have just read, it is several paragraphs down, they say, "The absence of a proper Family Care Unit is causing hardship and prejudice to the family unit and children in Gibraltar and this serious shortcoming must be resolved as a matter of the greatest urgency". If the Minister tells me that he did not know that this situation was prevailing, then I accept that but I think there is a serious issue there, the courts in Gibraltar are finding that they cannot dispose of cases involving children because they simply are not able to get in the experts reports on which a court that knows nothing about these things can make a proper judgement and there is a great backlog of such cases.

MR SPEAKER:

Could the Leader of the Opposition put a question?

HON J C PEREZ:

I take the point the hon Member is making and I am sure my hon Colleague, Mr Mor, will look into it. I intervened on the staffing side because I knew that at one stage there was a problem with the staffing side which will be put right at the time that Mrs Fa comes back in July and already new premises have been identified for this unit. But certainly the comments made will be investigated by Mr Mor.

ORAL

NO. 170 OF 1995

THE HON LT-COL E M BRITTO

NEW SWIMMING POOL

What arrangements have Government made for the running of the new swimming pool and on what terms?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Government have agreed, with the Gibraltar Amateur Swimming Association, that the swimming pool be assigned to them on a lease basis for a period of 10 years renewable for a further period of 10 years. The details of how the pool is going to be run are therefore for GASA to determine and not Government.

SUPPLEMENTARY TO QUESTION NO. 170 OF 1995

HON LT-COL E M BRITTO:

Does that mean that GASA have exclusive and sole responsibility for the running of the pool without consulting Government at any stage over the next 10 years?

HON MISS M I MONTEGRIFFO:

There are certain conditions in the lease whereby the Government are satisfied that the public should have access to the pool and on the same terms and conditions as they dictate for their members so it is being run as a club which is in keeping with Government policy for other sporting associations, for example, the Rifle Association and the Gibraltar Squash Association and it is something that they have welcomed.

HON LT-COL E M BRITTO:

Are Government making any financial contribution towards the running of the pool?

HON MISS M I MONTEGRIFFO:

No, the only thing that the Government have done is give them a very favourable lease and also hand over the site free of charge to the developer for them to build the pool for GASA.

HON LT-COL E M BRITTO:

Is the Minister aware on what terms and at what cost individual members of the public who may not be members of GASA have access and use of the pool?

HON MISS M I MONTEGRIFFO:

No, because I think this is something which the club should be responsible for and not the Government.

HON LT-COL E M BRITTO:

Have the Government not made any provision to ensure that there is public access to the pool?

HON MISS M I MONTEGRIFFO:

I said that in one of my answers to his supplementary.

HON LT-COL E M BRITTO:

Yes, but I then asked the Minister what those arrangements were and she professed not to know.

HON MISS M I MONTEGRIFFO:

No, what I said was that it is up to the club to impose the terms and conditions as all other sporting clubs and associations but that there is a clause in the lease whereby the club and the associations have to give the opportunity to the public to have access to the facilities.

HON LT-COL E M BRITTO:

Is the Minister prepared to tell this House what those conditions are in the lease on how members of the public have access to the pool?

HON MISS M I MONTEGRIFFO:

I think that he should be asking the association rather than the Minister.

HON LT-COL E M BRITTO:

We have had representations from members of the public who are unhappy about the conditions and what I am trying to elucidate is what conditions Government have put on the lease and on GASA so that I can ascertain, first of all, that Government support those conditions and therefore I will be in a better position to answer members of the public. So I ask once again, will the Minister inform this House what conditions have been put on the terms of the lease on what access and under what terms and conditions an ordinary member of the public who is not a member of GASA, say, myself for example, if I wanted to go and use the pool tomorrow could I do so? What conditions have Government made on the lease?

HON MISS M I MONTEGRIFFO:

I think the hon Member has misunderstood me. What I have said is that the Government have actually given a lease to the association for them to run it. The one condition that the Government have imposed is that the public should have access but like all other clubs and all associations they then determine those conditions by which the public can have access to their facilities. That happens with every club and with every sporting organisation. Once that they have a club and they have a facility, it is up to them to determine the conditions by which members can use the facilities.

HON LT-COL E M BRITTO:

But the swimming pool is a case different to, for example, the rifle range that the Minister mentioned recently and of which I have some knowledge. The rifle range has been built entirely by the association concerned at their own cost. The GASA pool is a GSLP manifesto commitment to the public of Gibraltar to provide a swimming pool and to GASA. *[HON MISS M I MONTEGRIFFO: No, no.]* The question to the Minister is very simple, are the Government making sure that the public have access to the pool or are they leaving it entirely to GASA to decide whether it costs £1 or £5,000 for a member of the public to use the pool?

HON MISS M I MONTEGRIFFO:

The pool was built by the developer and there was an arrangement that was entered with GASA for them to run the pool. I am repeating myself. I think that the hon Member wants the Government to be made responsible for the terms and conditions and what I am telling him is that the Government are not responsible for the terms and conditions.

NO. 171 OF 1995THE HON M RAMAGGE**MEDICAL TREATMENT**

Why do public patients have to wait much longer than private patients for medical treatment in hospital and appointments with consultants?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

It is not true to say that public patients have to wait much longer than private patients for medical treatment and appointments with consultants. Waiting time is dictated by the patient's medical condition.

SUPPLEMENTARY TO QUESTION NO. 171 OF 1995

HON H CORBY:

Mr Speaker, I was in the unfortunate state in which I had to go to hospital. I wanted a consultant to see me on a matter of health and I was told that I had to wait three months. Nobody had seen me before. They did not know what it was. It might have been something bad. Fortunately it was not but then I was told that I had to wait three months for a consultant to see me. This is a long time for a person to wait not only that but if he has a disease or an ailment that might be malignant then he will not be seen for three months. That is a time lapse which can be crucial in the case of something being wrong. My question is why is that delay of three months when a person might want the service very quickly and nobody has seen the case before?

HON MISS M I MONTEGRIFFO:

In all honesty I do not think it is up to the person to determine how long he or she should wait to see a doctor. As I answered in my question I think that it is the doctor who determines when the patient should be seen according to his or her medical condition. The norm is for the patient to go to the Health Centre, be seen by a GP and therefore it is part of the role of the GP to actually refer the patient to see a physician and in the letter that is accompanied by the patient that letter then tells the physician of the condition and when that patient should be seen by the doctor.

HON H CORBY:

Let me say that I went through the steps having a wife who is a nurse and I did that through the proper channels. The doctor who saw me in the Health Centre said, "We do not know but you had better go to the consultant and find out if this is a serious case or not because they know better than I do". What I can tell the Minister is that had I wanted that done privately I would have been seen the following day.

HON MISS M I MONTEGRIFFO:

If there is a case that the hon Member is bringing because he himself has experienced it then I will look into it but that is not what happens.

NO. 172 OF 1995

THE HON M RAMAGGE

GERIATRIC CARE

Are Government satisfied with the existing facilities for geriatric care in Gibraltar?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Yes, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 172 OF 1995

HON P R CARUANA:

Does the Minister accept that caring for elderly people who are just elderly and not necessarily infirm is more expensive in a hospital which is staffed and equipped for caring for infirm people?

HON MISS M I MONTEGRIFFO:

I am not too sure what the hon Member is asking, Mr Speaker.

HON P R CARUANA:

The hon Member is asking whether the Minister has considered whether the problem which arises and perhaps I should have said this as a matter of fact but the Minister must know that there are many cases of elderly people who get admitted into hospital and then do not want to go, not because they are ill but because they feel that they are too old and too alone. Such people are really needing geriatric residential care and that in effect the wards are being used for geriatric residential care as opposed to geriatric medical care. Has the Minister considered whether given the expense involved in providing medical care in a hospital whether it might not be better economics for the Minister to fund Mount Alvernia or the unused facilities at Mount Alvernia to provide that facility, has she considered that?

HON MISS M I MONTEGRIFFO:

It is not up to the Minister to fund Mount Alvernia because the funding that I have is purely and simply for the Gibraltar Health Authority.

HON P R CARUANA:

Yes but the Minister is using part of her medical budget for the resolution of a social problem which is really not medical in nature and I am not sort of saying it to the Minister, I am saying to the Government whether it would not make better sense to redeploy some resources to other methods for providing geriatric residential care other than through the hospital service. I am asking them whether they do not think it is more expensive. I assume that the Minister agrees that the hospital is more expensive to run than a straightforward residential home.

HON MISS M I MONTEGRIFFO:

Not only that, when we are talking about patients who are in the hospital it is the consultants who decide whether that patient should be in the hospital or whether that patient should not be in the hospital.

ORAL

NO. 173 OF 1995

THE HON M RAMAGGE

HOSPITAL SUPPLIES

Are Government satisfied that the hospital is adequately supplied with bedding linen, pillows and towels?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Yes, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1995

HON LT-COL E M BRITTO:

Would the Minister say whether there has been an increase in the stocks of bedding linen and pillows in the last 12 months, whether there have been extensive purchases or whether the Government have received extra quantities or whether the situation remains the same as it was 12 months ago?

HON MISS M I MONTEGRIFFO:

I have got figures here that I can provide the hon Member with and in the year 1993/94 the GHA spent £27,000 for bedding linen, pillows and towels and in 1994/95 the expenditure was £29,000 so we are talking about an extra £2,000.

HON LT-COL E M BRITTO:

The reason why I asked that question is because round about this time last year, as the Minister probably knows, I myself spent some time in hospital and I witnessed personally a constant lack of enough pillows to equip all the beds in the particular ward and a constant shortage of freshly laundered bed linen to change all the necessary beds during the course of any particular day. Will the Minister say whether that situation still remains or whether the situation today has changed and there are enough pillows and enough linen for all beds in all wards in the hospital?

HON MISS M I MONTEGRIFFO:

That was the original answer but arising out of the question I did ask the different departments and I will read what I was told by the department that each ward has a stock of linen and pillows relative to its bed capacity, stocks are replenished on a daily basis, if for example a greater number of pillows are required for patients with particular medical conditions and/or individual preferences, then additional stocks are supplied on demand.

HON LT-COL E M BRITTO:

Will the Minister look into it herself and ascertain whether in fact that is what actually happens because, as I say, from personal experience it was not happening last year and the feedback and information that I have from patients is that the position is still not satisfactory and all I am asking is that the Minister ascertains what the official reports say is in fact what is happening in the wards.

HON MISS M I MONTEGRIFFO:

As I have already stated to the hon Member, arising under the question, I have checked and I have been told by the nursing management and administration that they are satisfied.

ORAL

NO. 174 OF 1995

THE HON LT-COL E M BRITTO

MOBILE PHONES

Have Government taken any steps to make it specifically illegal to use a mobile phone while driving a motor vehicle in Gibraltar?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

The Traffic Commission recently undertook an investigation into whether there was specific legislation covering the use of mobile telephones on moving vehicles in the United Kingdom.

It was discovered that there is no specific legislation in the UK since there are already provisions in the statute to prosecute for driving without due care and attention. Similarly, in Gibraltar, such powers are contained under section 30(1) of the Traffic Ordinance.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1995

HON P R CARUANA:

The answer correctly state the state of the law in the United Kingdom but unfortunately prosecutions for driving without due care and attention tend to follow after accidents and hardly ever is there, in this community at least, a prosecution brought for driving without due care and attention without there being an accident. Certainly in the last two or three days, I have had to swerve whilst driving my car to avoid a motor cyclist driving his motor bike with one hand and speaking on his mobile telephone with the other. In a small community like this where there are traffic problems, where the pedestrians are very close to the traffic, I think that notwithstanding the fact that in the United Kingdom it has not been felt necessary to make a specific legislation I believe that there would be a case to be made in Gibraltar. Would the Minister agree to actually make it a specific offence whilst driving a motor vehicle to be speaking on the telephone and the fact of course that they have not done it in the UK where conditions may be different is not necessarily the answer to the question as to whether it might be advisable here?

HON J C PEREZ:

I personally have no objections to go down that road. Indeed the investigation of the Traffic Commission was done on the basis that there were reports that this was happening and that accidents could occur and really at the end of the day the onus is on the police to tell us, the Government, whether they are satisfied that they can prosecute with the law as it is or whether they wish that the law should be changed. I take the point that the hon Member is making. I am sure that the police take it too and if they feel that they need special legislation in order to prohibit this, if they come to me and suggest it I have no objection in introducing it in this House.

NO. 175 OF 1995

THE HON LT-COL E M BRITTO

SEWER SYSTEM

What problems have been experienced with the sewer system in the last few months that has required an outside contractor to be engaged?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

A contractor with specialised equipment was engaged by the sewer section of Support Services for five weeks in order to carry out essential desilting since the main sewer was experiencing periodic overflows at the pit at Ragged Staff and at the junction between Line Wall Road and Secretary's Lane.

Had the contractor not been engaged the desilting would have had to be done manually with existing workforce therefore lengthening considerably the duration of works and inconveniencing further the general public through the obnoxious odours emanating from the manholes. These manholes need to be kept open for the duration of works.

SUPPLEMENTARY TO QUESTION NO. 175 OF 1995

HON LT-COL E M BRITTO:

Would the Minister clarify the last few words of that answer? When he says they need to be left open for the duration of the works is that over the 24 hours of the day?

HON J C PEREZ:

Yes, let me explain, there is a problem in the sewer that needs to be repaired. Before it is repaired the desilting has to be done which is what the contractor did. Once the desilting is over, whilst the repairs are taking place the manhole has to be open because they need to be open certain hours before the men actually go in and therefore they have to be left open at night so that the work is carried out during the day and that is why they need to be left open all of the time.

NO. 176 OF 1995

THE HON LT-COL E M BRITTO

CLAMPING REVENUE

How much money did Government raise through clamping in the years ended 31st March 1994 and 31st March 1995?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Penalties paid by persons committing offences which lead to clamping do not constitute a revenue raising measure since this is designed to alleviate traffic-related problems or to the regular cleaning of areas in Gibraltar and not to raise revenue for the Government.

The number of clamps related specifically to traffic offences declined from the period April 1993 to March 1994 and April 1994 to March 1995. However, the extension of more litter control areas and the regular cleaning of these areas resulted in a total increase in the number of clamps for 1995.

The figures are as follows -

April 1993 to March 1994 - 4850 clamps at £25 each = £121,250

April 1994 to March 1995 - 5774 clamps at £25 each = £144,350 of which 1788 clamps, (£44,700) is directly related to litter control

These funds are used for the sole purpose of employing the people who undertake the tasks on contract and for and on behalf of the Royal Gibraltar Police.

NO. 177 OF 1995

THE HON LT-COL E M BRITTO

SECOND TV CHANNEL

Do Government support the introduction of a second channel by GBC TV and what extra funding has it provided to finance the project?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Government have not been officially approached by either the Management or the Board of GBC with any proposals for the introduction of a second television channel. If and when such proposals are made Government will undertake to look at the financial viability of such proposals and then take a view on the matter.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1995

HON LT-COL E M BRITTO:

I notice the word "officially" before the word "approach" in the Minister's answer. Does that mean that Government have not been approached at all and that he is completely unaware of the proposal? Or has he been unofficially approached and he is and if so could he answer the question?

HON J C PEREZ:

I am aware of the public utterances in that direction that have been made by certain quarters and I am aware that the board of GBC have been discussing this as a possible option for the future, but no official proposals have been made. In fact, no unofficial proposals have been made. I am aware of things people are speaking about but nothing has come to the Government.

HON LT-COL E M BRITTO:

If the Minister is aware of that he will also be aware that some of those reports refer to a start date of the 1st January which was subsequently corrected by GBC. I take it then no extra funding has been provided?

HON J C PEREZ:

I can definitely give the hon Member assurances that no second channel will be operating on the 1st January 1996, that is definitely not the case.

ORAL

NO. 178 OF 1995

THE HON H CORBY

GOVERNMENT OWNED COMPANIES

Do Government owned companies operate a policy of discouraging their employees to join the TGWU?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1995

HON H CORBY:

Will the Minister then state why there is a low percentage of people in joint venture companies not joining the Transport and General Workers' Union or another union for that matter?

HON J C PEREZ:

That is not true. In fact, we find that where there is Government participation in a company the level of union membership is very high as opposed to the rest of the private sector. Indeed, we find the level of membership in Government-owned or partially Government-owned companies much higher than anywhere else.

HON H CORBY:

Through the joint venture companies can this be transmitted to the workers that are employed?

HON J C PEREZ:

They know they are the members. The workforce themselves are the members and we know because we deduct it from their salary. The only reasons that the Government are aware that this happens is because they have the union subscription deducted from their salary. I will not be wrong in saying that at least 90 per cent of all employees in all Government and partially Government-owned companies belong to the union and I think it is a good thing.

HON F VASQUEZ:

Are Government aware that employees of SOS Limited and other Government associated companies are actually discouraged from becoming members of the union?

HON J C PEREZ:

I am having no information of that but SOS Limited is part of the scheme, nothing to do with the original question but I am not aware that no one discourages anyone in SOS Limited from joining the union.

NO. 179 OF 1995

THE HON H CORBY

FREE CAR PARKING SPACES

Can Government state how many free car parking spaces have been lost to the general public since January 1992?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

As a result of a continuing review of Traffic Regulations by the Traffic Commission and of works carried out by the highways section of Support Services there has been a net gain of free parking spaces in Gibraltar as a whole in the four years since January 1992.

An estimated 85 parking spaces have been lost through the introduction of new bus routes, the application of a two-lane system at Waterport, the creation of motor vehicle bays, loading and unloading bays and the building of refuse deposit points. Part of this information was made available to the hon Member at the last meeting of the House in answer to Question No. 96 of 1995.

By contrast, the construction of the car park at South Barracks created a total of 80 new free car parking spaces.

The introduction of the one-way system at South Barracks Road has created approximately an extra 35 free parking spaces.

The introduction of a one-way system at Naval Hospital Road opened up an extra 25 free parking bays.

Excluding the 150 extra parking spaces created at Coaling Island, this means that a total of 140 free car parking spaces were provided during this period against some 85 having been lost leaving a net gain of some 55.

The completion of the pay car park at the Moorish Castle Estate which involves an extra 100 pay parking spaces will result in some 100 less vehicles competing for the existing free parking spaces in the area, a net gain of some 100.

Although some car parking spaces have been lost at the Varyl Begg Estate as a result of the Tenants Association co-operating in creating lock-up garages for purchase, a substantial amount of the parking lost is to be reprovided at the area of the estate facing Europort Avenue.

All this comes after the compulsory provision of car parking in the massive amount of new housing and offices that has been provided during this period and which has served to further decongest some areas because of the large movement of population from one residential area to another.

Again the extra car parking spaces provided at the Laguna Estate creates a net gain of the total number of parking spaces in the area. Other tenants at Laguna Estate have approached the Government with a view to constructing lock-up garages in some areas and Government are currently looking at this.

Similarly tenants in the City Centre and in the Tank Ramp area have asked that Government assist them in providing extra car parking spaces and this is currently being studied.

As I speak today, Mr Speaker, resurfacing works are taking place at Grand Parade which on completion with new markings will create an extra 50 free parking spaces and some 20 free motor cycle bays.

The net gain of free car parking spaces could therefore be much greater than the figure given, in the not too distant future.

SUPPLEMENTARY TO QUESTION NO. 179 OF 1995

HON H CORBY:

The Minister has highlighted that most of the areas he has said are outside the town area. He has said that there are motor cycle bays being put in as motor cycle spaces. It is irritating for the car owner to find that the parking space designated for a car which is never marked, is taken over although these people have ample areas to park their motor cycles, are taken up by motor cycles themselves. Would the Minister consider marking car parking spaces within the town area in order to afford the people who use the cars an area where they can park their cars because if one parks a car in a motor cycle bay he is clamped whereby if he parks a motor cycle in a car bay then nothing happens whatsoever?

HON J C PEREZ:

In some areas there are markings for cars, when there are a wide number of cars able to be parked they usually mark it for the purposes of accommodating vehicles in a manner where more vehicles are accommodated. The idea of introducing particular motor cycle bays was because there are so many motor cycles that if they are parked in any way where cars are parked inevitably we get situations where there is disorganised parking and a better use of the car parking space is provided by marking the spaces for motor cycles. That was the initial idea and the more motor cycles that there are the more bays that have been created in the centre of town because generally people tend to use their motor cycles to come to work and leave the car at home for their leisure activities in the weekend. That is the trend of what is happening, therefore the policy of the Government has always been that to create the motor cycle bays in the centre of town and to create the parking bays in the areas where the people reside and in that we have been successful. I accept that the more people that there are the more cars that come from Spain the more need that there is for it but there is a limit to what one can provide because the city centre in particular is a very small area and the only way of creating more parking spaces is to build up.

HON H CORBY:

I do not think that the Minister has got the gist of what I am saying. What I am saying is that car parking spaces are marked, I do not think he got the gist of what I am saying.

HON J C PEREZ:

I am told by my hon Colleagues that what the hon Member wants needs a review of the law, the only thing I can do is take it up with the Traffic Commission.

NO. 180 OF 1995

THE HON F VASQUEZ

BIG AND HEAVY LORRIES

Can Government explain why lorries which are too big and too heavy to be permitted legally on our roads are being allowed to transport cement and other materials to construction sites in Gibraltar?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Although the present legislation in Gibraltar only allows 32 tons weight vehicles on four axles on Gibraltar heavy roads, a European Union Directive which should have been introduced in January 1995 would compel us to allow vehicles with five to six axles with up to 40 tons weight on heavy roads. This Directive, which is to be introduced shortly, is already being complied with.

Frontier officials may, from time to time, insist that vehicles entering Gibraltar should be weighed before proceeding to their exact destination. There are periods of sporadic checks.

Vehicles wishing to pass through roads with maximum weight requirements which are lower than that on heavy roads may apply to the police for exemption and, after consultation with the Highways Engineer such exceptions are normally granted with stringent conditions attached.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1995

HON F VASQUEZ:

The Minister has confirmed then that in fact although European Directives require certain laws to be put in place as the law stands in Gibraltar, only lorries of a certain size and weight are allowed on our roads, is that correct?

HON J C PEREZ:

Yes, but we are complying with European Union Directive which should have been applied in January 1995 although it is not ready yet and we are complying with the directive of the European Union which should have been in force since January 1995.

HON F VASQUEZ:

So is the Minister confirming then that as a matter of course the law is being broken in Gibraltar because European Union law, until it is imposed is not law in Gibraltar?

HON J C PEREZ:

No, I am telling the hon Member that since European law overrides national law and there is an EU Directive that should have been applied in January 1995 that although the directive is to be applied shortly it has been in force in Gibraltar for the last nine months and we are applying it in order to be able to protect ourselves from anybody claiming against the Government because of European law.

HON F VASQUEZ:

In his reply the Minister indicated that in fact the Highways Engineer had a certain amount of discretion, so obviously whether or not the directives apply in certain cases certain lorries are prima facie illegal but in certain circumstances the Highways Engineer allows these lorries to come into Gibraltar.

HON J C PEREZ:

There are roads for example that can only take 10 tons. If there is a development and certain lorry loads of materials need to be carried through these roads there are exemptions made, the lorries are marked that they should go at a particular speed, on a particular side of the road, with police protection, certain conditions are put and on given days and through the police it has been normal practice always in Gibraltar to get these particular lorries through the roads that carry less weight than the heavy roads in Gibraltar, that has been normal practice and it has been done between the Highways Engineer and the police in consultation with each other.

HON F VASQUEZ:

Is the Minister aware that there is a ready mixed company in Gibraltar that creates ready mixed cement that has tried in the past to export ready mixed cement to Spain and is being charged on passing through customs 50 per cent of the value of the ready mixed cement on the lorry in duty. In other words, it is impossible for the local ready mixed company to export ready mixed cement to Spain. On the other hand, the collateral is that Spanish lorries from Spanish firms from across the way who are not paying rates and who are not paying significantly lower rates than in Gibraltar are paying less in water, are paying less in electricity and are using lorries that the local ready mixed company is not allowed to use in Gibraltar because they are too big, are coming into Gibraltar and competing unfairly in Gibraltar against the local ready mixed company. Why are the Government not making any attempts to prevent it which inevitably is going to cost jobs in Gibraltar?

HON J C PEREZ:

The latter part of the statement by the hon Member is untrue. The lorries that are permitted in Gibraltar are not disallowed for ready mixed. I have checked that before coming here and definitely not. The lorries that are disallowed for ready mixed are disallowed for every other company coming in. It seems that the hon Member is suggesting that because a company in Gibraltar has to pay duty in going into Spain that we should handicap the lorries coming in by breaking the law and imposing restrictions on it. I do not know what the hon Member means.

HON F VASQUEZ:

That is not the point of the question. The point of the question is that the company in Gibraltar simply cannot compete fairly. Does the Minister recollect an incident not very long ago when an employee of this Gibraltar company had to stand in front of an illegal Spanish ready mixed lorry which was too big and too heavy to be allowed on our roads, to have it turn back? Eventually the police conceded that he was in the right and turned the Gibraltar ready mixed lorry back and it was sent back to Spain and it took the actions of that one employee, in a desperate attempt to save his own employment, to stop those lorries coming in.

HON CHIEF MINISTER:

The question has been answered on the basis of what we were talking about a problem of lorries bringing materials including cement. Now it turns out that it is really a question of one specific company dealing in one specific product which claims that they are being deprived presumably of their right to trade in Spain.

HON F VASQUEZ:

That is not the complaint.

HON P R CARUANA:

I think the point of the question is that apparently we are told the larger the lorry in which someone can transport ready mixed cement from his works to the building site the more price competitive he can be. In other words, if someone has got to transport cement from his ready mixed plant to the building site in a three ton lorry, it is less economical than if he can transport it in a seven ton lorry. Local producers of cement are not allowed to operate the large lorries so therefore they have to manufacture the cement locally which presumably they agree is good for the economy but then have to compete with one arm tied behind their backs because they have to transport it in small lorries whereas the people who have their manufacturing plant in La Linea drive in, across the border, straight to the building site in Gibraltar in their large lorries and as a result can undercut the local manufacturer on the price supplied. As I understand the problem because it was explained to me as well, I understand that that is the problem.

HON CHIEF MINISTER:

I think if that is the problem then there is a problem that we will look at but it is not a problem that is readily visible from the question on the Order Paper.

HON F VASQUEZ:

Is he aware that the Gibraltar ready mixed company is being refused permission to operate six metre lorries in Gibraltar whereas as a matter of course six metre lorries laden with ready mixed cement roll in from Spain without any impediment?

HON J C PEREZ:

The Chief Minister has said that we are going to have a look at the matter again. My information is that what the hon Member is saying is not the case. He has to take into account that the weight that the vehicles carry is not the only consideration but the axles that the vehicles have in order to spread that weight is another consideration which has to take into account when coming into the roads. The Highways Engineer and the police tell me that what hon Members are saying is not the case. I shall go back and check again.

HON P R CARUANA:

The point is not technical in the sense that of course I suppose capacity depends on size of the lorry and the size of the lorry determines how many axles there are. The point of the question is that Gibraltar-based operators should not be disadvantaged as against importers by the fact that importers can operate lorries of a certain type but not Gibraltar-based operators.

HON J C PEREZ:

Definitely it is not the policy of the Government to disadvantage local operators. On the contrary, it is the policy of the Government if possible anywhere to advantage local operators and that is why I am telling the hon Member that I shall check again, but having checked it on the basis of that principle I have found that the information to date is not what hon Members are stating.

HON F VASQUEZ:

This problem has been raised if not to him personally to a Minister sitting not a million miles away from him to his left, repeatedly the question of the problem with these lorries, the problem that illegal lorries that are far too big and far too heavy are being brought into Gibraltar not only importing ready mixed cement but importing cement for the ready mixed plants that Cubiertas has now put up at Europa Point to compete with the local company and the local company is powerless to do anything about it.

HON J C PEREZ:

It is precisely because it has been raised with my hon Colleague, Mr Feetham, through the union, with the Highways Engineer, with the police, with the Traffic Commission, with me and with half of Gibraltar that I know it that I have checked it and that I think that what the hon Members are saying is untrue but I shall check it again and if I find that what the hon Members are saying is true it shall be stopped but I do not see that anybody in Gibraltar, neither the customs nor the Highways Engineer nor anybody has anything to gain by purposely disadvantaging a local company from competing from companies broad and it is not the policy of the Government to do that.

NO. 181 OF 1995

THE HON P R CARUANA

MOD PROPERTIES

What properties have been handed over by MOD to the Government of Gibraltar since 1st April 1994?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The following properties have been handed over by the MOD to the Government of Gibraltar since 1st April 1994:-

1. The Boat Squadron building and area of reclaimed land at Waterport, Glacis Road.
2. "Reserved Military Way" stretch of Europa Road between Europa Pass and the junction of road to Elliott's Battery.
3. Upper level of North Gorge, Europa Road, including former Contractor's site.
4. Thirteen garages, rear of St Bernard's Chapel, Europa.
5. 1772 Club and adjoining land, Europa Road.
6. Napier of Magdala Battery (100 Ton Gun) and associated buildings.
7. Airport Car Park, Winston Churchill Avenue.
8. Lathbury Barracks, Garrison Gymnasium and MQ at Windmill Hill.
9. Bleak House and surrounding areas including roadway thereto.
10. Gun Wharf and Ordnance Wharf including berths 39 and 40.
11. Building No. 169 - RAF South Dispersal - North Front.
12. Row of four garages and yard with access from Town Range.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1995

HON P R CARUANA:

Can I assume that all those have been transferred free of payment, in accordance with established Government policy?

HON M A FEETHAM:

Yes, Mr Speaker.

HON P R CARUANA:

Can the Minister say what issues exist in relation to payment, quite apart from the fact that I know that the Government's policy is not to pay for the transfer of land, are there any properties that could have been handed over but have not been handed over because there is disagreement as to whether or not there should be payment for it?

HON CHIEF MINISTER:

There have been prior to this date some properties which were freehold. We do not quite see the distinction and certainly having researched the matter it appears to have been something dating from as far back as the 19th century on land transfers between the Colonial Government of those days and the Ministry of Defence of those days as to whether there should be a payment in what was really between one UK Department and another UK Department, to all intents and purposes. It seems that part of the argument if we want to give some logic to the MOD position stems from the fact that they argued that they actually bought the place from somebody in the first instance they ought to be able to sell it when they get rid of it and where there have been two or three properties like that, following a meeting that I had with the Minister for Defence Procurement, Mr Hamilton, a number of years ago, we agreed effectively to push the problem into the future by redesignating some of the properties that they were keeping as freehold and redesignating some of the properties that they were releasing as leaseholds. Obviously, that will only work until we come to the last of the properties when the problem can no longer be avoided.

HON P R CARUANA:

Is the Chief Minister able to identify the properties which fell into that freehold category, are they well-known properties?

HON CHIEF MINISTER:

One is the property known as Loquat House opposite the entrance of South Gate where the entrance is to the shiprepair yard which is next to the Regional Headquarters which is now the Police Headquarters. That was one and there were, for example, some bits of the area next to the Sergeants' Mess in the centre of town which were designated as being freehold but we were talking only about no more than three or four at the time and since then there is another aspect of course to the question of payment apart from the one of freehold which has not surfaced before which is the age and the 1985 Lands Memorandum provides that where a building has got less than 60 years the Government of Gibraltar will pay the market value on the unexpired period. So, for the sake of argument, if something is 30 years old and is worth £60,000 we would pay £30,000 because 30 years of the 60 would have elapsed. We have never had any property of less than 60 years handed to us. The only one that fell into that category was the sentry house at the frontier where the previous Government had agreed to pay £18,000, I think it was, for the empty place and we objected to doing it in April 1988 and since then I think it has been technically on loan to us. That was the only property where the 60 year rule came into my recollection, the other properties were affected by the freehold rule.

HON P R CARUANA:

The Minister for the Environment said recently in a television interview that the 60 year rule was relevant to the question of Chilton Court and Edinburgh House when in due course that came up, do the Government have a position on that? Are discussions open on that? Do we know what sort of prices they would be asking for? Whether or not they intend to pay them? They may not be Government at the time but is there an issue there already?

HON J E PILCHER:

There is a question in the Order Paper specifically on that.

HON H CORBY:

Mr Speaker, does 'E' Block, Naval Hospital Road come into that category?

HON J E PILCHER:

'E' Block at Naval Hospital Road is a freehold.

NO. 182 OF 1995

THE HON LT-COL E M BRITTO

SOUND TRANSMISSIONS FROM MOSQUE

What provisions have Government made to avoid inconvenience to residents in the area from amplified sound transmissions from the mosque being built at Europa Point?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have made no special provisions to deal with any nuisances arising from amplified sound transmission from the mosque as these already exist and are covered under the Public Health Ordinance.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1995

HON LT-COL E M BRITTO:

Have any concerns been expressed to the Government by either the developers or the purchasers of the development in respect of 'E' Block, Europa Mews, which are affecting that development?

HON M A FEETHAM:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

I am delighted to hear an answer in the affirmative. Would the Minister give us some more information? Is the development affected by these concerns? Are the Government, as a result of these concerns, doing anything to try to avoid the problem that is probable to occur once the mosque is finished?

HON M A FEETHAM:

I just want to clear up one point. The legal position as regards what is being classified as possible nuisance as a result of the amplified sound transmission has been cleared with the foundation that is responsible for the building of the mosque. It has been confirmed by them to the Government that they have no intention whatsoever of being in breach of any of the laws of Gibraltar of causing any nuisance to the residents in the area. On the contrary, they wish to integrate themselves into the community without causing unnecessary problems. My hon Colleague can answer the second part of the question.

HON LT-COL E M BRITTO:

Is the Minister aware what the intentions are? What times and what lengths of transmissions are expected?

HON M A FEETHAM:

I understand that this is done in accordance with their way of wishing to pray and carry out their spiritual requirements and parts of it are certainly in the early hours of the morning but I think I have already said that we have received assurances that they have no intention of breaching any of Gibraltar's laws or the Public Health Ordinance or anything of that nature. I think we cannot have any more assurances than that.

HON F VASQUEZ:

I think the law is particularly clear, the law does not stipulate minimum or maximum decibel levels or anything like that. Has it been made clear to the developers, the owners of this religious foundation, and do the Government agree that it is simply unacceptable to the majority of Gibraltarians to be woken up by amplified prayer calls at 5.30 am or 6.30 am from the tallest building in Gibraltar? That this simply will be unacceptable.

HON J E PILCHER:

With reference to the developers, the developers have written to me in my capacity as Chairman of the Development and Planning Commission. I have assured the developers and, in fact, I did get another letter from another resident of the area and I have assured the developer and the residents precisely of what my hon Colleague, the Minister for Trade and Industry, that the foundation shows no indication that they want to do that that they would respect the laws of Gibraltar. The laws are not ambiguous in respect to nuisance but, of course, a nuisance has to be created like, for example, the Catholic Church bells ringing at 8.00 am. That does not create a nuisance because that is part and parcel of what is accepted in Gibraltar. There is no intention of using the loudspeakers at 6.00 am but if a Muslim is praying at the top of the highest building in Gibraltar and upsetting people then the nuisance will be looked at at that stage and the assurances that people want I think go beyond the reasonable assurance that anybody should be given, given what the Minister has said and what the laws of Gibraltar state. We will not allow the foundation or anybody to create a nuisance in a residential area but the cast iron assurances that everybody wants goes beyond the expectations and what is fair and reasonable from the foundation.

NO. 183 OF 1995

THE HON LT-COL E M BRITTO

WATER CATCHMENTS

What steps are being taken to ensure public safety in the area of the water catchments in adverse weather conditions?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Works are currently being undertaken on the water catchments to remove the corrugated sheeting and to re-vegetate and stabilise the newly exposed sand slopes. Until the works are complete, there may be a need to periodically close off the road during periods of inclement weather to ensure public safety. The area is continually being monitored by the Department of Trade and Industry and road closure will be effected as and when thought necessary.

These measures follow the recommendations of a study conducted by consultants.

SUPPLEMENTARY TO QUESTION NO. 183 OF 1995

HON LT-COL E M BRITTO:

Our impression is that this problem has become over recent years increasingly prevalent and the consequent road closures in the aftermath of strong winds and heavy rains have become increasingly frequent. Are there any recommendations to Government as a consequence of the study mentioned by the Minister that it would be worthwhile to take preventative measures in weather conditions that are about to start rather than wait for the strong winds to develop and sheets to start flying and accidents possibly happening? If the experience has shown that the problem is there every time there are strong winds, is there a case for taking preventative action?

HON CHIEF MINISTER:

I think for the hon Member to understand the nature of the situation that we have today he needs to take into account that in fact the water catchments were initially transferred to the Water Undertaking, Lyonnaise des Eaux, as part of the collection of water for Gibraltar. As a result of the fact that it is raining less in Gibraltar like it is raining less all around us, the point was reached when Lyonnaise came to the conclusion that maintaining the water catchments which cost the same whether it rains 50 days a year or five days a year, given the volume that was falling on the catchments the cost per gallon of water collected had now become more expensive than the cost of producing the same amount of water by desalination, and that therefore they exercise a right that they had to say, "We no longer want to use the catchments and you can have them back". When that happened we looked at the alternatives open to us and clearly the cost of maintaining the catchments, if it was prohibitive if some water was being caught by definition it was even more prohibitive if we were catching no water at all. In addition, what the consultancy proved was that the long dry periods had an effect in that the sand below dries up in a way that creates a pocket of air between where the stakes are in the sand and the sheeting and that once a hole is made from some rock falls that then can create a chain reaction. So what has tended to happen until now and I am talking of something that has been happening within the last two years since Lyonnaise decided not to make use of this any more we had the consultants looking, has been that what we have done has been emergency removal works in the patch where there was a problem, in the knowledge that the only long-term solution was to remove the entire catchments. We were able to obtain the approval for the project to be included in the structural funding programme of the European Union which meant of course that if that project is going to cost as it is expected something like £0.75 million, we would be able to

obtain 45 per cent from the EC money and therefore we would have the balance to be able to do other things for which we could not get EC money. That has meant, to some extent, that we have had to actually do the minimum necessary and defer getting on with the major exercise of removing sheets wholesale because everything that we do before the project was finally given approval we had to deduct from the cost and pay for 100 per cent ourselves. We would have preferred frankly to have been able to get on with it quicker.

HON LT-COL E M BRITTO:

Mr Speaker, I thank the Chief Minister for that detailed explanation which I understand perfectly, but precisely because of the explanation and because as we know the construction is one of sheets on wooden stakes and there is a gap between the sand and the wooden stakes, precisely by taking it in short stages, it seems to me we are aggravating the problems because whenever some sheets are removed they create entry for the wind that comes in under the sheets and the next time there is a wind more sheets are ripped up. So bearing that in mind will the Chief Minister give an indication, is there a target date for the funding for the removal of all the sheets and if a date is some time ahead will he accept what I am saying that every time the danger becomes worse every time there is wind? The more sheets we take away the greater the danger of the remaining sheets all flying up.

HON CHIEF MINISTER:

I can tell the hon member that now in fact what we are doing now is in fact EC funded and that now we expect to be permanently there until the whole thing is complete, subject to weather permitting. I think the stage we are at is something like 2000 sheets have been removed and we do not know how many more thousands or millions there are.

HON P R CARUANA:

Does the Chief Minister agree with me that the catchment is a historical characteristic of Gibraltar and that really it is regrettable that it should be lost and has any consideration been given to the relative cost of maintaining it, because of the potential touristic attraction of it and the connected waterworks as opposed to removing it? Has this gone in the balance?

HON CHIEF MINISTER:

Yes, of course. The comparison of the cost was that to remove it was estimated to cost about £0.75 million one-off and to keep it would have cost £0.5 million a year recurrent.

NO. 184 OF 1995

THE HON LT-COL E M BRITTO

THEATRE ROYAL

Are Government aware of proposals to re-develop the Theatre Royal site?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1995

HON LT-COL E M BRITTO:

By that no, Sir, Mr Speaker, does the Minister mean that no proposals have been made officially to Government or that the Minister is not aware of proposals official or non-official for any development of the site?

HON M A FEETHAM:

I have had put to me in the past at least one proposal from the people who have got rights on the building but did not materialise and certainly I am not aware of any current proposal that has been put in this respect.

HON LT-COL E M BRITTO:

So by implication the Minister can confirm that Government or any Minister has not turned down or discouraged or said that Government would not approve such proposals if they were made?

HON M A FEETHAM:

When I reply I reply on behalf of the Government.

ORAL

NO. 185 OF 1995

THE HON F VASQUEZ

EU FUNDING OPPORTUNITIES

What steps have Government taken to bring EU funding opportunities to the attention of private sector companies?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have taken the following steps to bring EU funding opportunities to the attention of the general public including private sector companies:-

1. The Gibraltar Regional and Social Conversion Plan 1994/96 submitted to the European Union on the 21 April 1994 was made available for viewing by the general public at the John Mackintosh Hall in June 1994.
2. The final version of the agreed text with the Commission in the form of the Single Programming Document was also made available for public information at the John Mackintosh Hall in January 1995.
3. Press releases advising of such opportunities have been issued after each Monitoring Committee Meeting. One was held in January 1995 and the other in July 1995.
4. All the steps that are being undertaken are in line with the requirements agreed in the Single Programming Document for creating public awareness of the EU funded programme.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1995

HON F VASQUEZ:

I just want to clarify one point. A private company cannot make a direction application for funding itself, can it? It is all directed through the Department of Trade and Industry, is that correct?

HON M A FEETHAM:

That is right, through the mechanisms which have been agreed with the European Commission, which is the Monitoring Committee and of which part of the answer is given when I answer the next question the hon member is putting to me on the European Community funding.

NO. 186 OF 1995

THE HON F VASQUEZ

ECONOMIC FORUM MEETINGS

Why have there been no meetings of the Economic Forum during 1995?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The meetings of the Joint Economic Forum are held as and when required to receive reports and raise new issues which require the attention of the Forum. In the meantime matters on the agenda continue to be progressed.

As previously reported to the House, progress continues to be made on sourcing EU funding. (A substantial claim for Konver II funding has been prepared by my Department and is now in the process of being submitted to the Konver Secretariat).

We have explored possible ways in which HMG may provide assistance in attracting inward investments to Gibraltar through the Invest in Britain Bureau and by providing technical assistance in specific areas.

Earlier this year the Invest in Britain Bureau was supplied with all the information requested for onward transmission to their field officers, however, to date not one enquiry has emanated from the Invest in Britain Bureau.

The next meeting of the Joint Economic Forum is likely to be held during the first quarter of 1996.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1995

HON F VASQUEZ:

So much of that was unintelligible, he is reading it so quickly. Could he repeat, not one enquiry was what?

HON M A FEETHAM:

Not one enquiry has emanated from the Invest in Britain Bureau despite all the information that we have sent to them as requested to pass on to their field offices.

HON F VASQUEZ:

Can the Minister please say when the last meeting of this Joint Economic Forum took place?

HON M A FEETHAM:

I cannot remember exactly the date, but is that so important?

HON F VASQUEZ:

No, it seems to me that when this forum was created it was lauded as the greatest thing since baked beans. This was going to be the forum that was going to somehow spearhead or regenerate the local economy. It appears that there has been a meeting of it this year. It does not sound as a very dynamic committee that the Minister is chairing here, does it?

HON M A FEETHAM:

No, no, first of all I am not chairing the meeting, the meeting is chaired by Her Majesty's Government representative. In a previous question that I had to answer, No. 20 of 1995, I actually stated and it is on public record that the inaugural meeting took place on the 15th March 1994 and further meetings were held on the 30th June 1994 and on the 12th December 1994 and that is it. The hon Member has got that information already and the only people who created the euphoria that the Joint Economic Forum was going to be the saviour of all our problems was the Opposition. All he has to read is what I actually said in reply to questions on the Joint Economic Forum and if I may just quote what I did say, "so if he thinks that the Economic Forum is going to be the answer to all of Gibraltar's problems, forget it, because it is not and in certain areas there have been certain ideas that it was going to be the answer to all our problems. It is certainly not the answer to our problems as we see it". If the hon Member wants to relegate it to a talking shop I could not put it in better words. I have no aspirations that the Joint Economic Forum is going to provide all the answers to Gibraltar's economic problems. The Government of Gibraltar are responsible for the economic well-being of the people of Gibraltar and we will ensure that Gibraltar's economic prosperity is sustained. We have never said that this was going to be the answers to all our problems, it was the Opposition.

HON P R CARUANA:

Would the Minister then explain first the circumstances which this came about, secondly why this Government lent support to something which they thought in the beginning would be such a lame duck and the third thing will he explain why when he first announced the establishment of the Joint Economic Forum he did not say all these things that he is saying now?

HON M A FEETHAM:

What he has asked I have already answered in Question No. 22 of 1995. I have no problem in repeating exactly what I said at the time, if he wants me to answer the complete question again. I think it is on public record already and I do not think we should waste time.

MR SPEAKER:

No, no, I have got to stop this. Under this question we cannot go into the validity of the forum.

NO. 187 OF 1995

THE HON F VASQUEZ

EUROPA BUSINESS CENTRE

On what terms and conditions do businesses occupy units at Europa Business Centre?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Europa Business Centre was created with EU grant assistance and Government of Gibraltar matching funds to assist such businesses to expand in a purpose-built environment and to attract new start-up businesses.

Occupation of the premises was made available to tenants on licence terms conditions, which are now in the process of being regularised.

These units are intended to provide an easy in, easy out situation to tenants without the need to incur any form of liability as happens in the case where companies are required to sign long-term leases.

The licence term conditions are particularly important to new start-up businesses, who may discover that after a short while their operations are unlikely to become commercially viable in the short/medium term.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1995

HON F VASQUEZ:

What the effect of what he is saying is that the occupiers of these units occupy under licences as opposed to leases?

HON M A FEETHAM:

That is correct.

HON F VASQUEZ:

And he is saying that this is in order to prevent them from being ensnared by onerous leases?

HON M A FEETHAM:

A lot of these new businesses feel more comfortable in having a situation where they can relinquish their rights quite easily without being tied down to the sort of conditions that leases normally tie businesses down to.

HON F VASQUEZ:

Yes, but the main difference in a licence and a lease of course is it can be looked at one way and the tenant is not tied to a lease for so many years but on the other hand if he does not have a lease the landlord can just chuck him out at a moments notice. Is there any security contained in these licences to prevent Government, whoever runs the Business Centre from throwing licensees out?

HON M A FEETHAM:

The tenants are fully aware that they have the assurances of the Government that nobody is going to be kicked out so long as they meet the conditions that they are expected to meet which is paying the rent and so on and so forth. Normal conditions that people are expected to concur with.

HON P R CARUANA:

If the Minister is saying that he is so concerned as to the commercial interests of the occupier, why could he not just give them a tenancy agreement with the right to terminate at the option of the tenant on 30 days notice? There are plenty of ways of addressing the concerns of the business interests of the worried business starter which do not put him in the hands of the landlord to be evicted at a moment's notice, which is what a licence is.

HON M A FEETHAM:

What we have done there is what the majority of tenants in discussions with them initially wanted us to assist them with. What I have done there since I have got no axe to grind is to follow what has been generally requested by the tenants and as I said as a result of what we have done we are presently regularising some and there have been representations made by one or two who have now established themselves strongly and because of commercial reasons would like to have a stronger position with a lease and this is something which we are giving consideration to.

HON P R CARUANA:

I suppose that it is because as they have to make additional investment in the premises by way of installing fixtures and fittings, they want to know that they have got some security, this must be the reason.

HON M A FEETHAM:

Which is the other side of the coin and which is something that at the moment the Government are considering in the light of experiences now being felt by tenants and in the light of experiences of the development of the project itself. It is an on-going thing.

NO. 188 OF 1995

THE HON F VASQUEZ

CEMENT

Are Government ensuring that cement used in construction projects in Gibraltar conforms with British Standards?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1995

HON F VASQUEZ:

Can the Minister confirm that in fact regular inspections are held at building sites to ascertain that in fact that the proper BS1258 standard for cement is being used in all buildings being constructed in Gibraltar?

HON M A FEETHAM:

I am advised that certification of compliance with British Standards is sought from contractors and consultants and from time to time samples are analysed by independent laboratories for compliance. There is no evidence to suggest therefore that cement used in Gibraltar does not comply with the relevant standards and if there is any such evidence which may have been brought to the notice of any Member of the House I am quite prepared to check them.

HON F VASQUEZ:

He says that from time to time inspections are made. Are these inspectors in the employ of the Department of Trade and Industry? And how do they work, they just call on sites without notice and make out lightning inspections?

HON M A FEETHAM:

They do what they have always had to do as part of their responsibilities in carrying out their duties. I do not go and tell them, "You have to go to do this or that". I have answered that from time to time samples are analysed and people go on sites, and building inspectors go on sites and carry out the inspections.

HON F VASQUEZ:

But the question was are these building inspectors DTI employees, that was the question? Whose inspectors are they?

HON M A FEETHAM:

The Ministry of the Environment.

HON F VASQUEZ:

He does not seem very sure.

NO. 189 OF 1995

THE HON P R CARUANA

CASEMATES VAULTS

Do Government intend to allocate any more ground floor vaults in Casemates for commercial use?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

None of the other vaults at the ground floor level are empty and available for allocation.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1995

HON P R CARUANA:

Do the Government recognise that given that these vaults are in prime commercial sites that as and when they do come available it is only proper that they be offered on a tender basis to the business community at large rather than offered privately to particular business ventures who get that way an unfair look in? I know that an open tendering system is not central to their policy, but do they consider that there is a special case to be made when we are talking about prime commercial sites?

HON CHIEF MINISTER:

Clearly we do not operate a tendering system purely for the merriment of the hon Member who finds it so amusing. The answer is quite simple. If somebody comes forward with a proposal and identifies a site where he thinks he can develop that and in creating employment, generating economic activity and producing benefits to Gibraltar we do not then say to him, "It is a very good idea that you have got but now we have to advertise your idea and see who else wants to do it". If we have got a site that we take the initiative of inviting proposals for then we invite proposals from all and sundry and if none of the proposals as far as we are concerned make optimum use of the site if need be we do not proceed with it. At the moment the vaults are not available and when the vault that is being used now was being used it was not because the initiative came from the Government but because the initiative came from the person who had the brilliant idea of putting the facilities which are there now which is a credit to Gibraltar.

ORAL

NO. 190 OF 1995

THE HON F VASQUEZ

BERTHING AT WESTERN BEACH

Do Government intend to place the operation of the berthing facilities at Western Beach in the hands of a private company?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

NO. 191 OF 1995

THE HON F VASQUEZ

APPLICATIONS FOR EU SUBSIDIES

Can Government explain how the Department of Trade and Industry processes applications for European Union subsidies of the sort received for the establishment of the Glass Factory?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Department of Trade and Industry processes applications for European Union grant assistance in accordance with the procedural arrangements agreed at the Monitoring Committee.

Projects are assessed in relation to the agreed project selection criteria. These procedures have been approved by the European Union who have direct representation at the Monitoring Committee.

The following are the procedures for dealing with applications for grants under the Objective 2 Gibraltar Programme -

1. All applications for grant assistance require to be submitted to the Department of Trade and Industry which is the implementing authority for Measures 1 and 2 and to the Employment and Training Board for Measure 3.
2. The applications are assessed to the point of certifying the eligibility criteria.
3. The applications are then referred to a Technical Committee if (2) above is satisfied. The role of the Technical Committee is to consider the implications of the project in terms of environmental impact, building regulations, etc and to obtain the necessary planning permits and other authorisations that may be required.
4. Once all the technical implications have been assessed and issues resolved to the satisfaction of the Committee, it may then proceed to the next stage, ie project selection.
5. Project selection is guided by the agreed methodology which provide for a scoring, weighting and ranking test. Projects are then approved, rejected or put on hold seeking additional data or for consideration at a future date.
6. Approved projects are referred to the Chairman of the Monitoring Committee for endorsement. A scoring sheet together with a description of the project and its location is also submitted to the Chairman of the Monitoring Committee.
7. Once the Chairman endorses the approval of the project, the Secretariat notifies the Commission. The information submitted to the Chairman is also copied to the Commission with this notification.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1995

HON F VASQUEZ:

Could the Minister please tell the House how many local companies have actually successfully been through that application procedure and received EU funding for any of these projects in Gibraltar?

HON M A FEETHAM:

As far as I am aware, and I stand to be corrected, I am not aware of one formal application actually being made by a local business. There have in fact been a lot of meetings by members of the business community who have gone along to the department and members of my staff have explained the criteria, all the necessary requirements, they have been back and forth. Somewhere along the line some of the things that have been submitted have not been on the basis that they would be able to qualify.

HON F VASQUEZ:

So I think the answer then is none. Is the Minister aware that in fact complaints have been made that a number of businesses and local companies have written to his department seeking information and seeking to make applications and they have received no help at all?

HON M A FEETHAM:

No, I cannot accept that because I have a very dedicated staff who are at all times responding to any information which is being requested. If the hon Member will help the House by actually pointing out which are these businesses that have asked for information or have been turned down or whatever, I will personally take a personal interest in ensuring that that does not occur but I very much doubt that what he is saying is correct.

HON F VASQUEZ:

I will certainly do so, I do not have the information with me but I will certainly write to him in a close capacity for a firm. The Minister says that he has all this hardworking staff processing all these applications but he is saying also that not a single application has been made, although we have for example the glass factory that he referred to. That, obviously, has received EU funding for this venture which is such a credit to Gibraltar. How is that company, as it were, so far ahead of all the others or was that a just one-off application by that company to establish that facility in that site?

HON CHIEF MINISTER:

Let me make first one thing clear for the avoidance of doubt. The Government welcome private sector involvement in the European Union structure of funds, if for no other reason because the contribution of the private sector replaces the matching funds that we have to put, let us be clear. So if I could find somebody who could put my share of the water catchments tomorrow I would gladly have the whole thing done between the private sector and the European Union. That does not mean that people can come along and say, "I want money for my business" and think that there is somehow an open pursue in the European Union because there is not. The money that the glass factory, for example, has been able to establish was appropriate, has been used not for the company but for the actual vault in the Casemates in part funding the refurbishment of the building. Apart from that, what they have is the ESF funding for training which 250 other people are getting in Gibraltar. That is all that they have done. If someone comes along with a business idea and we have got an allocation of money but we have not got all that money distributed and in fact I can tell the House that there have been things that we have put forward as a Government which have been turned down and we have been told that that does not comply. So we cannot guarantee that something will be successful even when we put it forward. What we can say is, "On the basis of information available to us these are the criteria that have to be met and therefore you have to put the thing together yourself and we push it" but the message I want to send very clearly is that if people come along with new ideas which qualify and which means that we do not have to put ourselves money up for Government projects that is to the benefit of everybody.

HON F VASQUEZ:

Can the Minister please confirm that there was an ESF project called Konver II particularly aimed at areas affected by the rundown of military establishments, clearly applied 100 per cent to Gibraltar and it was designed to help the establishment of small and medium sized businesses in areas affected by MOD rundowns, that the closing date for applications for funds issued under this Konver II Fund by the ESF was September 1995, ie three months ago now and that in fact no successful applications were made for those funds, is that right or not?

HON CHIEF MINISTER

That is completely wrong. The opening was September 1995, not the closing, that is to say, no applications could be put in before September 1995 and it is a three year project.

NO. 192 OF 1995

THE HON H CORBY

EX-GIB COMPONENTS FACTORY

What plans do Government have for the ex-Gib Components Factory area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have no plans for the ex-Gibraltar Components Factory site. However, following discussions with Haven Shipyard (Gibraltar) Ltd, the Government have agreed to the company's proposals to set up a luxury yacht repair facility.

A formal announcement will be made by the company as is appropriate in such cases.

SUPPLEMENTARY TO QUESTION NO. 192 OF 1995

HON H CORBY:

Is this an annex to the super port project?

HON M A FEETHAM:

No, it is independent of the Gun Wharf project but obviously the nature of the project itself will compliment each other and, as I say, an announcement is imminent on this.

HON H CORBY:

Can the Minister state the nationality of the firm involved?

HON M A FEETHAM:

A British company.

ORAL

NO. 193 OF 1995

THE HON H CORBY

CHILTON COURT AND EDINBURGH HOUSE

Are Government negotiating with the MOD for the hand-over of the flats at Chilton Court and Edinburgh House to the Government of Gibraltar?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Answered together with Question No. 234 of 1995.

NO. 194 OF 1995

THE HON F VASQUEZ

BUNKER FUELS

Are Government satisfied that Gibraltar's interests are well protected following the cessation of importation and storage of bunker fuels by Shell?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1995

HON F VASQUEZ:

Does the Minister accept that as a result of this restructuring all bunkering sold in Gibraltar now has to be purchased and imported from the Algeciras refinery across the Bay?

HON M A FEETHAM:

As it always has been.

HON F VASQUEZ:

Not so. Does not the Minister accept that when Shell was importing bunkering it did not only buy from CEPSA in Algeciras, it bought on a stock market and frequently brought in tankers to replenish the tanks at the King's Line depot, is that not correct?

HON M A FEETHAM:

Yes, except that I need to qualify to say that when they were not buying from the refinery at Algeciras they were buying it from the refinery in Barcelona, that is the only difference.

HON F VASQUEZ:

But the point is, does not the Minister accept that having to import all our bunkering fuel from the very port with which Gibraltar is in competition through a Spanish-owned company at the expense of Gibraltar jobs is something which inherently is not in Gibraltar's interests?

HON M A FEETHAM:

Yes, I do recall that the hon Member went over the top when Shell made the commercial decision to restructure their activities on the Rock and in fact not only did he say what he has just said but he accused the Government of the lack of planning and foresight in protecting Gibraltar's basic infrastructural needs. He accused the Government of not having for the first time the basic capacity to store fuel to meet long-term needs. He accused the Government of putting Gibraltar's fuel interests in the hands of the Spanish refinery. He accused the Government of Gibraltar of placing Gibraltar as a hostage of Spain. He accused the Government of Gibraltar of exporting jobs to the Algeciras refinery and he made a lot of other misguided and misinformed assertions which I am very pleased to say that whilst he was ranting I was busy trying to do my job, as I see it, which is protecting Gibraltar's interests. Therefore I am delighted to inform the House that following recent discussions with my department, the internationally renowned American company Texaco have agreed, in principle with the Government their intentions to maintain and operate a bunker operation from the King's Line facilities. Discussions have been proceeding with all interested parties to

determine future requirements and availabilities for the facilities necessary to conduct the operation. Once agreement on terms is reached and mutually acceptable to Texaco the Ministry of Defence and the Government of Gibraltar, it is Texaco's intention to establish an operating company employing local labour and expertise to take over the tanks in King's Line, contract a reputable barge operator and commence bunkering operations advising customers on a world-wide basis of their presence in Gibraltar. For the information of the House, Texaco Fuel and Marine Marketing Department has a nine per cent market share in world-wide bunkering operating from over 100 ports and has 12 per cent of the marine lubricant market servicing 400 ports across the world. Texaco considers Gibraltar a major area for bunkering and marine lubricant growth and this fits in with their long-term strategy and indeed our long-term strategy for making Gibraltar a major energy player to the shipping industry. This of course means that Texaco, with the movement into Gibraltar, places them in a very, very formidable position because for example, they already have a 50 per cent share of the market in the Panama Canal area, in the English Channel where Falmouth is the UK's number one bunker port exclusively are supplied and serviced by Texaco, Gothenburg Straits through which all Baltic deep sea vessels pass has a significant presence and indeed is described as a Texaco stronghold and now of course with Gibraltar with our commanding position will mean that Texaco will be playing a very, very prominent part in our development. So I am sure that all Opposition Members and all Gibraltar will be delighted with the news that I have conveyed to the House today.

HON P R CARUANA:

I certainly welcome the announcement that the Minister has just made but of course implicit in it and welcome as it is, is the recognition of the justification of the fear that my hon Colleague, Mr Vasquez, expressed in the statement which he has just described as misguided rantings. The fact of the matter is that but for the Texaco investment now which was not available at the time that Shell made its announcement, Gibraltar will have lost its capacity to store strategic reserves of bunker fuels and it therefore would have been unable to ensure the continuity of supply of bunkers which is a major.....

MR SPEAKER:

I cannot allow any more long statements like that. Order. Ask the question, I will not allow any more statements.

HON P R CARUANA:

Mr Speaker, the word "does" invariably means a question is being formulated. Indeed I cannot imagine.....

MR SPEAKER:

If it is going to be such a long statement then take it as a motion. Next question.

NO. 195 OF 1995THE HON P R CARUANA**1ST JULY LAW**

Do Government now accept that they should repeal the so-called 1st July law?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

The Government announced, when the rule was introduced, that they would review the position annually.

It is clear that there has been a major reduction in the number of new entrants seeking work in Gibraltar, primarily on a cross-frontier basis. This previously worked to the detriment of Gibraltarians and UK nationals already working and living in Gibraltar. The position therefore is that on the basis of current supply and demand for labour the Government are satisfied that they should continue with this rule in place and continue to monitor its effect on an annual basis.

SUPPLEMENTARY TO QUESTION NO. 195 OF 1995

HON P R CARUANA:

Does the Minister agree that this rule is unpopular in Gibraltar? That in its effect it discriminates against British nationals in a way which may not result in the protection of the local labour market in the sense that many of the jobs that were taken by what I think the Chief Minister originally used to call as the back packing English expatriates, many of those jobs will simply go to EU nationals which cannot be affected by equivalent rules and therefore does the Minister accept that given its unpopularity, given the fact that it puts British subject at a legal disadvantage over the citizens of other European Union states, given the fact that those citizens are getting jobs without restriction in Gibraltar, that the effect of it is not as important as the Minister thinks? There are several questions.

HON J L BALDACHINO:

I think that the question where the popularity of the law lies was debated in a motion in this House and therefore I am not going to go into the details, only in as far that the Hon Mr Vasquez said that it has not been made by regulation, that if it had been primary legislation it could have been brought here and the explanation that was given by the Chief Minister would have been made at the time probably that we could have come out as a united front on the issue. It is in Hansard and if he looks at it he will find it. I understand that it might be unpopular and this was also in the motion at the time, that some people would say that it would be anti-British, other people would say that we were doing certain things. I understand that those arguments could be valued but the reason is that we are not doing it because we are anti-British. We are doing it because it is a protection to the workforce that is already here, Gibraltarians and other nationals, some of them British nationals which I do not differentiate if they are residents in Gibraltar. I can tell the hon Member that in the construction industry and I mentioned this in the motion that was brought by the Hon and Gallant Colonel Britto, I said that in question to the Hon Mr Vasquez, I said that in the construction industry, for example, there had been a major improvement on Gibraltarians being employed in that area to what it used to be before 1993. I think I said it in one of the

questions where other EEC nationals if we are referring to nationals across the border Spanish nationals and Portuguese. Portuguese are very few actually in Gibraltar. They do sometimes come in on a short term, then leave back to their country, that is also as a matter of fact a discussion in the motion that I was referring to. Spanish nationals and let us be clear about it, mostly are not replacing United Kingdom workers that used to come across the frontier, maybe stay here for two or three weeks, get employment and they used to leave back to the Costa or to their country of origin. But the Spanish nationals are mostly employed in the catering and in the hotel industries. Therefore, there is no competition between Spanish nationals and UK nationals and they have not replaced the jobs that the UK nationals used to do before the 1st July 1993.

NO. 196 OF 1995

THE HON F VASQUEZ

UNREGISTERED LABOUR

What steps do Government take to ensure that non-Gibraltarian companies do not conduct business in Gibraltar using unregistered labour?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

The Government introduced rules requiring all companies whether Gibraltarian or otherwise to register vacancies with the Employment and Training Board prior to persons being employed.

Furthermore such companies are required to register with the Employment and Training Board the employees taken on to fill such vacancies irrespective of nationality.

Companies conducting business especially in areas where there is a regular turnover of labour are subject to spot checks by the Employment and Training Board inspectors and action is taken where unregistered labour is found.

The action involves stopping the work and requiring the company to comply with the law.

There have been a number of cases involving locally registered companies owned by UK nationals living in Spain and employing UK nationals also living in Spain. In some cases the latter claim to be sub-contracted as self-employed and not to be employees. This is clearly an attempt to avoid registration and to avoid tax and social security costs, a well-known strategy in the construction industry, which in the UK has been a major problem for the industry.

The action taken by the Employment and Training Board to combat such activities has been challenged in court as being contrary to community law and the matter is being kept under review.

In addition there is the question of non-resident companies using the right of establishment to provide a service in Gibraltar using unregistered labour.

The position here is more difficult in that similar cases before the European Court of Justice involving other Member States has tended to support the right of free movement across frontiers.

Although such detached workers have to comply with notification procedures they do not have to be registered on the same basis as persons contracted within the host Member State.

The presence of such unregistered labour is difficult to determine where the supply contracts are of short duration and the employers are difficult to prosecute if they have no place of business in Gibraltar.

In such instances the ETB attempts to stop the work being carried out but little can be done to do much more than regularise the position of those caught in the act and there is nothing to stop subsequent repetitions. Again the ETB is looking at how stronger measures, which are community proof, might be taken against such outside companies.

ORAL

NO. 197 OF 1995

THE HON F VASQUEZ

GIBALTARIAN TRAINEES

What steps have Government taken to encourage companies that obtain major development and construction contracts to engage Gibraltarian trainees?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Answered together with Question Nos. 198, 199, 200, 201, 202, 203 and 204 of 1995.

ORAL

NO. 198 OF 1995

THE HON F VASQUEZ

TRAINING NEEDS ANALYSIS

Have Government carried out a training needs analysis, and, if so, will they make the resulting report public?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Answered together with Question Nos. 197, 199, 200, 201, 202, 203 and 204 of 1995.

ORAL

NO. 199 OF 1995

THE HON F VASQUEZ

APPRENTICESHIPS

Have Government taken any steps since 1992 to organise and fund apprenticeships in the basic trades skills?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Answered together with Question Nos. 197, 198, 200, 201, 202, 203 and 204 of 1995.

ORAL

NO. 200 OF 1995

THE HON F VASQUEZ

NATIONAL VOCATIONAL QUALIFICATIONS

What National Vocational Qualifications schemes have the Employment and Training Board operated since 1992?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Answered together with Question Nos. 197, 198, 199, 201, 202, 203 and 204 of 1995.

ORAL

NO. 201 OF 1995

THE HON F VASQUEZ

TRAINING LEVY

How much money have the Government of Gibraltar collected from the training levy in the financial years ended 31st March 1994 and 31st March 1995 and how much money was held in the fund as at 30th September 1995?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Answered together with Question Nos. 197, 198, 199, 200, 202, 203 and 204 of 1995.

ORAL

NO. 202 OF 1995

THE HON F VASQUEZ

EUROPEAN SOCIAL FUND

What Gibraltar companies have received grants from the European Social Fund for the training of Gibraltarians and how much money has been received by each of these in the years 1994 and 1995?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Answered together with Question Nos. 197, 198, 199, 200, 201, 203 and 204 of 1995.

ORAL

NO. 203 OF 1995

THE HON F VASQUEZ

EUROPEAN SOCIAL FUND

Do the Government of Gibraltar in any way control the activities of the Gibraltar companies which are receiving subsidies from the European Social fund for the training of Gibraltarians?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Answered together with Question Nos. 197, 198, 199, 200, 201, 202 and 204 of 1995.

NO. 204 OF 1995

THE HON F VASQUEZ

EU TRAINING FUNDS

How many people employed by SOS Limited or other companies have their wages partly or fully, directly or indirectly paid from EU training funds, and will Government identify each such company and how many such employees each has?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

The Government have a comprehensive strategy on employment and training which was initiated by the creation of the Employment and Training Unit in 1989 and the inclusion of Gibraltar for the first time in the European Social Fund Schemes in 1990.

This has been previously explained various times in the House and there will therefore be an element of repetition in the answers I am providing to Question Nos. 197 to 204. The Government have not carried out a training needs analysis as such. There is a detailed analysis of skills in Gibraltar which provides breakdowns by age, sex and nationality and which is public. This gives us information on the pool of data in respect of the skills distribution in the supply of labour. On the demand side the Government have been monitoring, since 1988, the changing composition of the workforce in the private sector. This shows that there has been a regular and continuous increase in the percentage of the Gibraltarians employed in the private sector. This is also public information. As has already been explained, in previous statements, the analysis shows that the two industrial sectors with the lowest percentages of Gibraltarians were the catering and construction industries and therefore the training and wage support schemes have been mainly concentrated in these two. The catering industry regrettably has not shown the desired results and the labour turnover in what is in the main the bar and fast food trades has meant that there has been little change in the percentage of Gibraltarians. However the construction industry has seen a welcome improvement. The figures in the construction industry, between 1988 and 1994, are as follows:-

In 1988 there were 138 Gibraltarians out of a total workforce of 950 employees. In 1994 there were 337 Gibraltarians out of a total of 961 employees. In percentage terms the position therefore had improved from 14.5 per cent of total employment in 1988 to 35.1 per cent of total employment in 1994. The training that has led to this has been done mainly with companies undertaking work on Government contracts. The policy of the Government is to encourage all employers, not just those engaged in major development and construction contracts to engage Gibraltarian trainees. This can only be done by persuasion in areas where the contract is not Government financed. Clearly the taking on of trainees can be difficult in construction contracts which have got tight completion or budget constraints. Such employers feel that taking on trainees carries a penalty which they are unwilling to accept. The construction industry was already targeted prior to 1988 and there were basic foundations courses for the construction industry paying very small sums of money to trainees, this is what was reorganised after 1988 to provide higher payments to the beneficiaries and more work orientated experience in the employer based training. In terms of the constructions trade, the main skills shortages are and have been in the wet trades of masons, bricklayers, plasterers, tilers etc. In this area the percentage of Gibraltarians was much lower than in trades like carpenters, plumbers, painters or electricians. The training, since 1992, has therefore mainly been geared to increasing the skills in the masonry and allied trades field. this has been done on a rolling three year programme involving Government owned and private companies and it continues at present. About half of the jobs

in the industry are for non-craft building workers. Labour is required to operate plant, erect scaffolding, engaged in steel fixing, drive dumpers etc, all this non-craft skills are equally important and here again the presence of Gibraltarians is lower than in the basic trades field, therefore the scope for increasing the Gibraltarian content of the industry is greater. Much of the training since 1992 has been in support of the creation of this non-craft skills as well. Since 1992, the continuing skills enhancement programme with part-funding from the European Social Fund and part-funding from the ETB levy income has been instrumental in the increase in the proportions of Gibraltarians in the industry. In the construction field the numbers involved since 1992 has been 115 in 1992, 25 in 1993, 110 in 1994 and 141 in 1995. In addition to this there has been a large number of persons engaged in the private sector in hotels, sales staff, restaurants, hairdressing, financial services and so forth who since 1992 have been attached to an employer though paid by the ETB, or where there has been a part payment of the wages by the ETB. The vast majority have been in the former category, ie fully paid by the ETB and there is therefore no company being subsidised as such. These are in effect training providers to the ETB and the persons involved are subject to regular visits from ETB personnel. The conduct of the training and the eventual success rate into employment forms part of the reporting that has to be substantiated to the United Kingdom and in turn to the European Union. Gibraltar has one of the highest rates of conversion of trainees into employees of all the regions in the United Kingdom. The level of payments, as a trainee allowance in Gibraltar, is the maximum permitted by ESF Rules in the UK and is only partly funded from European Union Funds. The bulk of the income from the local training levy goes to pay for the ETB administration and to provide for matching finances to the ESF. This income was of the order of £1.2 million in 1994 and the same in 1995. The balance of the funds brought forward in April 1994 was around £2 million and again a similar figure is expected this year once the accounts are fully closed. The position therefore, regarding the use of both ESF and ETB funds in support of employment and training is that it finances, and has done since 1992 and indeed prior to that date, the enhancement of a pool of skills in the labour force by a combination of practical work experience and theoretical training. This programme is reviewed annually in the light of changing demands as evidenced by the vacancies opened at the ETB and is one of the valuable effects of the compulsory registration of vacancies. The construction industry continues to be an important source of jobs. Another feature in reviewing the scope and contents of the training is that the ESF itself is changing its criteria and we have to adapt our schemes to fit the new approach. It is not a question therefore, of one or two employers getting the wages of their employees subsidised, any employer that is willing to take trainees is encouraged to do so by the ETB. In the current year there have been a total of 140 employers outside the construction field with a total of 250 trainees in their businesses. In many cases, these are converted into permanent employees and cease to be paid by the ETB within the year. Since 1992, several thousands Gibraltarians have participated in such schemes and the majority have subsequently entered employment in the relevant field. In the current year the ETB is supporting, partly funded from European Social Funds, the following training schemes:-

Construction course leading to First Diploma and National Diploma, a BTEC course with 41 beneficiaries. Business and Finance Course leading to First Diploma and National Diploma, a BTEC course including GNVQ Intermediate and Advanced Certificates with 149 beneficiaries and Information Technology Application Course leading to First Diploma and National Diploma with 144 beneficiaries. These are College based and are in addition to the current employer based training schemes in the construction and service industries to which I have already referred. At present work is in hand for further development of the construction schemes to link up with the NVQ system in respect of which during 1995 training for assessors has been undertaken so that the number of trainers and assessors for 1996 will have been increased and a wider training function can be undertaken. This is in line with the changes that are taking place in the United Kingdom since to qualify for ESF funding we have to follow the same guidance notes as are used in the UK and we are subject to filling up the same returns and processing the same verification and audit procedures laid down. The changes this year are to develop in accordance with the revised concepts of pathways to employment and a start in working life, there has been a shift in the UK towards greater theoretical and less employer based training and a lesser consideration of the length of period unemployed as a qualifying condition. In some instances, this has now come down

from a minimum of 12 months last year to a requirement of as little as a week this year. In addition in some cases, the re-training is not limited to persons who are registered as an unemployed and some of the provision of training being provided next year in the shiprepair industry, for example, will be, for skills diversification and falls into this category.

Clearly the activities of companies that have on their premises, persons under training, of which there are around 250 companies at any one time cannot be controlled by the ETB other than to ensure that the trainees are receiving the exposure to the job in respect of which they are learning new skills and that this exposure in learning new skills is consistent with the level of the NVQ at which it is intended to assess them. The training in these areas which has been happening since 1992 and indeed before that under the direction of the ETB has been primarily geared to ensuring the use of local labour as opposed to imported labour. Other than this there has been two recent developments, which has been the group of trainees taken on to learn totally new skills in the crystal factory and in the floppy disc factory. Both these instances involved for the first time a manufacturing process which we have not previously had in Gibraltar. They come under what the guideline notes referred to as innovative training and transitional training. These schemes are a very small proportion of the total in terms of allocation of funds and numbers of beneficiaries. They are nonetheless the ones that are the most important to try to encourage since they are linked to new skills and new economic activities with growth potential as opposed to the bulk of the rest which in the main - improving the competitive position of Gibraltarians in the existing job market for employment in areas previously occupied by imported labour. In the latter, in the main, the skills are limited and the jobs not very attractive. The scope of the training and employment policies that are followed at any one time have to be kept constantly under review in an open economy such as ours which has to adapt to changes in the market. The important thing is not to concentrate simply on what were historically important skills but on what are the skills that are going to be required as new activities are developed as substitutes in the restructuring of our economy. In that context the provision of training has to be demand led and not pre-programmed in the hope that once people have acquired certain skills there will be jobs for them that may well not materialise. What is clear from what I have said, Mr Speaker, is that the investment that has been made in training since 1992 and even before that since the creation of the ETB has benefited thousands of Gibraltarians and made it possible for hundreds of employers in the private sector to take on local labour in situations where a sector was totally dominated previously by imported labour.

SUPPLEMENTARY TO QUESTION NOS. 197, 198, 199, 200, 201, 202, 203
AND 204 OF 1995

HON F VASQUEZ:

On a point of order which perhaps you, Mr Speaker, can rule upon, is that I consider it lamentable that the Minister for Employment and Training should see fit to reply to nine questions, all of which are unrelated in one amorphous answer which does not answer 80 per cent of the questions that have been put in a way, Mr Speaker, that have to be necessarily the creation of a debate. Why cannot he limit himself, perhaps you can give a ruling, to answer the questions that are put to him because several of these questions have not been answered.

MR SPEAKER:

If you would like to refer yourself to your own question.

HON F VASQUEZ:

What I am trying to do, Mr Speaker, is to go through my questions individually and seek answers which I have not had.

MR SPEAKER:

That is what I am saying, if you go through your questions.

HON F VASQUEZ:

I will ask supplementaries, there is nothing else I can do. This House has not convened for six months, Mr Speaker, we get one opportunity every six months to put questions of this nature and when they are put the Minister deems it appropriate to lump them all together and issue what is in effect a statement which does not in any guise or form even attempt to answer the questions and on a point of order, Mr Speaker, I would submit that it is entirely unacceptable.

MR SPEAKER:

On a point of order I cannot stop the Government answering the questions the way they wish and that is the way that they have decided to answer those questions but to compensate for that if you look through your questions and ask the supplementaries which you feel should ask them.

HON F VASQUEZ:

Having heard a defence and exposition of the Government's policy on training which is matched only by "cara dura" by the Minister for Tourism's defence of the Government's tourism policy earlier this year I will now turn to the various questions. I think the first has to be that the question has simply not been addressed at all and that is Question No. 202, what Gibraltar companies have received grants from the European Social Fund for the training of Gibraltarians and how much money has been received by each of these in the years 1994 and 1995? That is a straightforward question and we have not had a reply.

HON CHIEF MINISTER:

Mr Speaker, since the hon Member likes to use the words "cara dura" which is perhaps not too normal in this particular forum, maybe it is normal in the yacht club where they occasionally slip from their public school accent into the local jargon, to show that there is a native connection, has shown enormous "cara dura" because in fact he could not have had a more comprehensive and detailed exposition of the policy of the Government in employment and training and that is what the Government are here to do, to provide information on their policies which the Opposition Members wish to have information on. The answer to that particular question is that companies that have got trainees do not get subsidies. The trainees get paid by the Board and their wages they collect from the Board. They do not collect from their employer and therefore what we have told him is at any one point in time we have got something like 150 Gibraltar employers with 250 trainees which is an average of 1.23 per employer because many of these are small firms and the trainees are allocated to them and the monitors keep an eye on them and this is, as he has been told, what happens in the field of the service industries and there is one chunk of ESF funding which is for service industries. There is another chunk of ESF funding which is for the construction trade and this in 1995 is college based because of the change of the emphasis in the UK and he is being told the level at which it is. There is another chunk which is dealing with the very few instances where we are not actually training people in traditional skills but we are actually training people in things like glass blowing and in manufacturing floppy disks which is a very minuscule pace. We have tried to give the hon Member a very comprehensive view of what it is that has been happening since 1992. He is not interested in that, he is interested in seeing whether some companies somewhere are getting some money which he can say must be some fiddle because there is some connection with the Government, that is all he wants to know. Since he cannot get what he wants to know he is not interested in training, he is not interested in people, he is not interested in employment, he is not interested in the fact that the Government of Gibraltar are devoting £1.2 million

which we are raising from the employers at £2 per employee per week and plying it all back into supporting training and that we are doing that together with the money that we receive from the ESF for programmes that are specifically designed either to help people who are already unemployed or to enhance the skills of those who are in employment which is a new development and which has been brought about as a result of the rules being relaxed so the answer is no company is getting any subsidy.

HON F VASQUEZ:

It is remarkable that the Chief Minister has to leap in defence of his Employment Minister, obviously his Employment Minister is only fit to read a prepared statement and knows nothing about his own Ministry and knows nothing about training and obviously the Chief Minister has to leap to his defence which is why these questions are answered in this manner. Nevertheless, I shall persist because whatever the Chief Minister says I am here not to have a policy statement from the Government but to ask questions from the Government and if I am asking how much money Government are receiving for training Gibraltarians I am entitled to a reply and I still have not had a reply. We now know that the Government raised some £1.2 million a year from the employment training levy from companies in Gibraltar. Will the Minister for Employment, if he is able, or the Chief Minister if he is not, which clearly he is not, please tell this House and the people of Gibraltar how many subsidies the Gibraltar Government have received from the European Social Fund for training of Gibraltarians via the various subsidies that are paid for employees of SOS and all these other companies? How much money has been received from the European Social Fund for training of Gibraltarians? Simple question, I am not attacking anyone, I am not suggesting anyone is pocketing any money, I just want to know how effective this Government are in actually implementing their much lauded training policy. So please can we know how much money has been received from the European Structural Social Fund for the training of Gibraltarians?

HON CHIEF MINISTER:

The simple question took about two seconds and the diatribe 20 minutes. He will get back as much as he gives with compound interest, any time, anywhere, that is what he will get from me. The money that we have spent in 1994 and in 1995 is in line with the money that we spent in 1993 which is public information and it runs at about £600,000 a year and it is matched by something like £800,000 a year of the £1.2 million that is collected and that goes exclusively to support vocational cadets and other ESF approved schemes. As I think the hon Member was told in the original answer the remainder of the money that is collected from the levy goes to pay for the actual administrative costs of the ETB itself.

HON F VASQUEZ:

That is in excess of £400,000 a year on the administrative cost of the ETB, would that be right, that sort of figure?

HON CHIEF MINISTER:

That is the order of the figure, yes.

HON F VASQUEZ:

Now, if I can turn to some of the other questions that were not answered. Have Government in fact taken any steps to encourage companies coming into Gibraltar for major developments to engage Gibraltar trainees as a condition of being granted the contract?

HON J L BALDACHINO:

Just to show the hon Member that I am capable of answering, and even though he has been educated in public schools in the United Kingdom, I can still answer him.

HON F VASQUEZ:

I was not suggesting he was not able to.

HON J L BALDACHINO:

That is a thorn in his foot I am afraid. I have forgotten the question.

HON F VASQUEZ:

I shall repeat the question, obviously not only has he not had the benefit of a public school education, he does not have a very good memory. What steps have Government taken to encourage companies that have taken major development in construction contracts to engage Gibraltarian trainees?

HON J L BALDACHINO:

I think I have answered that in my original question.

HON F VASQUEZ:

I do not think he has.

HON J L BALDACHINO:

If he lets me finish I will tell him. The hon Member must realise and if he is referring to construction companies and based on his legal profession he must understand that when developers give out contracts to construction companies they always try to squeeze the construction companies which at the end of the day if they do not fulfil the development of the construction in a particular time-scale then obviously it carries a penalty and therefore construction companies when they do come in - we are talking about outside construction companies - find it very difficult to take people on to be trained if that construction company was probably at the end of the construction anyway they would lose the contract but at the end of the day they cannot afford to have trainees. One of the things is that the trainees will not be able to receive the training that will be required because people being employed carrying out to meet a deadline and therefore they will have very little time to train people so in that area I am afraid even though we have tried it I am afraid that it would not be good either for the trainee to be put in there because at the end of the day I do not think that he would learn much more.

HON F VASQUEZ:

The point of the question and I must persevere is this; Government, for example, in the last year have awarded the construction of the mosque. I know that the Government have not awarded the construction contract but Government allowed this foundation to establish a mosque there. Did it not occur to anyone when negotiating with this Arab Charitable Foundation that is coming to spend millions of pounds in a mosque to say, "Look, yes, we will let you build a mosque on this site but would you please" and it will be a condition on the grant of that licence, "take on 15 Gibraltarian construction trainees to help our unemployment problem".

HON J L BALDACHINO:

No, I have already explained it to the hon Member. When a development is given by my hon Colleague, the Minister for Trade and Industry, and which is given to the trust or whatever developer it is obviously the developer who then enters into a process of negotiation with the contractor and therefore the contractor has to meet certain deadlines and what I do not want to do even is to force, let me tell the hon Member, I will not even try to negotiate that they take trainees because at the end of the day I know that the trainees will not be able to be trained by the people there who are trying to meet a deadline and it is very difficult to train people in that way. He must understand that.

HON P R CARUANA:

Let me just refer to original Question Nos. 203 and 204, am I right in thinking that the principal company that receives this, let us call it subsidised labour rather than subsidy, is SOS 24 Limited? In other words, that is the company with most direct employees who would benefit from these schemes, if that is so.....

HON CHIEF MINISTER:

No, the answer is no. It is not so.

HON P R CARUANA:

Would the Minister say how many employees SOS Limited has who have their salaries paid or contributed to from the ESF training funds?

HON CHIEF MINISTER:

No, because we are not prepared to see why the Opposition should choose to pick on one particular entity for whom they have a bee in their bonnet. The reality of it is that if they ever remember the information they get provided in the House they will know that when we voted works for community projects under the Improvement and Development Fund, I explained to them that this was the main source of funding for the people who were otherwise unemployed and who were going to be employed rather than be paid a given amount under social assistance, they would have an opportunity to earn more by doing work on community projects and the bulk of the people who are engaged in community projects are engaged in SOS but it has nothing to do with the training and this. The training that is provided through SOS is provided through SOS like it is provided through 250 others and as far as we are concerned the explanation that we have given in the House is the nature of the policy of the training that we have carried out. If the hon Members do not like it that is their problem, they can change it if ever Gibraltar has the misfortune to put them in office but what they are not entitled to do is to pick on whoever they choose and insist that we give information about that particular entity, they are not going to get it.

HON P R CARUANA:

The reason why the Opposition choose SOS is because unlike the rest of the companies that benefit from this, SOS is a company that has been set up by the Government, it is controlled by people who are close to the party in Government and it is clearly an organ set up by this Government to implement one of their policies. It is not training on the Main Street or down at Devil's Tower Road, it is a company set up by the Government in order to implement a particular piece of their policy and that is the difference between SOS and the other businesses who avail themselves of the apprenticeship scheme and my question now is who designs the training programmes that get administered to employees of SOS? What is the monitoring that is done? Who supervises it? What qualifications do the people end up with? Is it or is it not just employment as opposed to training?

HON CHIEF MINISTER:

The answer to that question is that there is no different system in the case of SOS from the other 250 trainees in the other 150 companies. First of all, there are a number of things which contradict the kind of accusations they normally go spreading about town and one is that no company does business with the Government unless it is a friend of the Government so by definition we have got not just one company that is a friend of the Government we have got 150 and, secondly, the other accusation is that if there is a company specifically doing one thing and it engages in something else it is providing unfair competition to other people. Of course, when SOS was set up it was set up for the specific purpose of meeting a need that was not met but it was not done in substitution of other things, it was done because the availability particularly in construction-related skills was virtually non-existent. By 1988 we had a situation where there was hardly any Gibraltar companies left. There were Gibraltar companies in terms of having Gibraltar lawyers and Gibraltar accountants and Gibraltar bank accounts but there were no Gibraltar shareholders. They were either Spanish shareholders or UK shareholders and invariably employed their own nationalities. That is what was happening and the situation was that we had maybe two or three very, very, very small outfits left who had to live off the crumbs of the table of the big boys, doing subcontracting and were not in a position. We ought to be grateful when we have got a small employer that has half a dozen employees and is willing to take on a trainee at the same time even if the trainee is free because nevertheless the argument is, "Look having somebody taking up the time of some of the six employees in needing explanation reduces the commercial viability of a small outfit". If there is a big outfit then it is a different..... So SOS was developed as a provider as well as other people some in hairdressing, some in catering, some in other things, in the knowledge that there was a vacuum in this area and that vacuum has been filled and the result of the pudding is in the eating. We have got 35 per cent of the construction industry occupied by Gibraltarians, many of them, we have given the explanation, in areas which do not require highly skilled people. We do not have a shortage of electricians in Gibraltar, we have got unemployed electricians but we may have few electrician mates because they tended to be historically in Gibraltar that the higher paid craft skills was what the Gibraltarians had and the less well paid and less skilled jobs was held by a foreigner. Well, today when we do not have a need for as many electricians it is no use training more electricians to join those who are already unemployed, it is better to train mates and therefore a lot of the training which has been done over the last two or three years has not been done to tackle the 60 per cent craft element in the industry but the 40 per cent semi-skilled element in the industry because in the semi-skilled element the proportions of Gibraltarians was minuscule and in the craft element the proportions of Gibraltarians rates for something like 75 per cent of the electricians to maybe 15 per cent of the masons. The Opposition Member asked in his question have we done a skilled needs analysis and is there a public report? No, we have not done a skilled needs analysis and there is not a public report but there is public information on the skills that exist and there is information close to the ETB on the skills that employers demand and what we try to do is to produce what people want. I know that it is not an attractive thing to say to somebody, "We are going to train you to work in a fast food thing" but there is an element of training that needs to be done even there but it is not something that people want to do if they can get something better and we do not blame them for wanting to get something better but what we have got to understand is that in this stage in the proceedings the only way we are going to be successful in bringing down unemployment is by being able to supply the market with what the market wants at this point.

MR SPEAKER:

We cannot have any more on Question No. 203.

HON F VASQUEZ:

I simply have this question because, in fact, the Leader of the Opposition put a question that simply has not been addressed here and that is simply this: Are the Government satisfied that the employees of SOS, this is a company who are receiving these subsidies indirectly from the ESF through the ETB, are in fact acquiring any training at all? Or are they just being shunted around doing very little, having very little supervision and very little training of any sort? If they are getting training can we please know who administers this? Who are the trainers? Who appointed them and what qualifications they are training to?

HON CHIEF MINISTER:

The question has already been answered. He has been told companies do not get subsidies and immediately.....

HON F VASQUEZ:

The employees through the ETB are getting their salary paid.

HON CHIEF MINISTER:

They are getting their salary paid by the ETB, that is right. I have told the Opposition Member that the employees that are engaged in community work are paid from the Improvement and Development Fund: Community Projects vote and that this was explained at the time and that in fact I think the reaction of the Hon and Gallant Colonel Britto when we first announced it was to say it seemed to be a good idea to be given this opportunity to people who were long-term unemployed and who had difficulties and we explained to the House at the time that what we were hoping to be able to do would be that people who were in this employment field would still be able to improve their position by applying for other jobs as and when they became available. Independent of that, the training that is provided in basic skills and it may be training somebody to drive a truck, that training is provided on the basis of having a content which goes into the reporting through the United Kingdom to the ESF funding on the basis of what is required to be provided. It is monitored by people from the ETB whether the trainee is learning to drive a truck in SOS or the trainee is learning to drive a truck in some other company in the private sector. Just like they have got somebody who may be working as a trainee in a reception in a hotel and therefore what is the qualification of the training he is getting? Well the qualification of the training he is getting is that he is surrounded by people who are receptionists and he is learning from them and then somebody goes and makes sure that the guy is telling us that he is able to subsequently demonstrate that he has got the skills and the biggest proof of that in terms of the efficacy of the system is that we have actually finished up with more people in employment than most other regions. In the United Kingdom they have moved away I have told the hon Member from the emphasis on employment. They have moved more to theoretical training. We do not think that is particularly a good idea as a Government but we have to follow the parameters of the guidance notes that the UK itself determines and since the guidance notes in the UK are now saying they want a higher theoretical content we are now increasing the theoretical content. They have had a situation in the UK where people may come out with a higher theoretical content and with more bits of paper but with no jobs and our primary concern is to make sure that people come out with skills that an employer will be happy to pay for.

MR SPEAKER:

I do not think we can go on anymore on the question of the training policy. Any other supplementary, yes.

HON F VASQUEZ:

Am I allowed to ask questions about.....

MR SPEAKER:

You have had a lot of explanations, that is all you are going to get.

HON F VASQUEZ:

There are a lot of questions here, Mr Speaker.

MR SPEAKER:

I know but not going back again.

HON F VASQUEZ:

We heard in the course of the Hon Mr Baldachino's lengthy reply that the analysis was that the content of local employees in the local construction industry had gone up from 14 per cent to 35 per cent, that is I think over the last three or four years, but that there was still a shortage of Gibraltarians trained in man craft skills such as masons and bricklayers. Does the Minister concede that in fact there might have been Gibraltarians more readily trained and available to fill the positions that were there for the taking over the last three years if this Government had not closed down the Construction Industry Training Centre whenever it was.

HON CHIEF MINISTER:

Mr Speaker, let me tell the hon Member that I long argued for the Construction Training Centre in Landport Ditch to be closed down from the Opposition. If he cares to read the press of the time he will discover that the Construction Training Centre was a centre in which the bulk of the school leavers in it were paid originally £2 a day, £10 a week, and then in 1987 it was increased to £3 a day, £15 a week, and if he cares to look at the explanation given in Hansard it was announced in this House as being pocket money that they were getting for going to the Training Centre which he claims we closed down which he claims was producing craftsmen. They were introduced and it is all recorded and I can give him the record if he does not want to go and search for it himself, it is all recorded. They were introduced in the space of 12 months to four different trades, a 13 week foundation exposure to four different trades and when they finished they used to be employed as boy labourers and that is what we closed down and that would not have produced what he is saying. In addition to that, there were of course employer-based apprenticeships in the DOE and in the Gibraltar Government which were not to produce people for the market but to produce people for the employer and in those areas what used to happen was that there was competition for the trade and the people regrettably who came bottom of the examination were the ones who were given the opportunity of becoming masons so quite apart from anything else the impression was created that if someone was a mason he was carrying a dunce's hat with him for the rest of his life. Most people wanted to be mechanical fitters and electrical fitters which in any case absorbed quite a big proportion. What we found was that quite apart from anything else we had a problem of having local people with the skills to pass on and in fact one of the things that we are hoping to be able to do in 1995, which in the original answer the hon Member will recall we told him we had introduced training for trainers this year and training for assessors on NVQs through the College. We are grateful that some of the Government employees have in fact been willing to take on external to the Government, that is the task of providing training. We think that it is a pity that some of the people who are now getting closer to retirement and who may have more difficulty in terms of producing to target of output in piecework and things like that should not..... but of course we cannot force them to do it. But we are happy that we are getting their co-operation and that they will be looking to being seconded to the ETB so that we can do some of that training in those skills on which

we have done very little of before. I can tell the hon Member as the original question shows we have had a rolling three year programme involving an average of four or five masons a year in which they spent one year with one company, a second year with JBS and a third year with a third company so that they get a wider exposure to the trade. The information that is fed back to us is that we are getting a good quality craftsman which perhaps may not be so strong on the paperwork and the theory but has been working alongside other tradesmen and is the kind of skills we need if we are going to be in future capable of building our own houses for a start.

HON F VASQUEZ:

I am now turning to Question No. 200, on the national vocational qualifications. We have recently heard that Government attach some importance to these national vocational qualifications and we have seen that the Minister was going to give us numbers of people who acquire these qualifications over the last couple of years. In the light of that, do Government now accept that they were mistaken in 1993 when they terminated a number of these national vocational qualification courses that were being conducted at the time?

HON J L BALDACHINO:

I do not know whether it was in answer or in a question that was put to my hon Colleague Joe Moss. We had not terminated. There were a number in 1993 of NVQs that I think one of them was printing, catering, hairdressing, there were a few others which I do not recall but there were in certain areas NVQ orientated by the ETB and they were actually placed in work with employers. Some of them have actually terminated I think earlier this year. For example the printing one was a three year thing. We have carried out NVQs. Let me explain to the hon Member that I had meetings, for example, with constructors in Gibraltar and I said, "It is not a question whether you go down NVQs, it is a question of whether you train people at the end of the day but seeing that sometimes people do come up and say, "I want a work permit for somebody else" and when you tell them "get somebody from here" he says, "no, but you have not got somebody with an NVQ"". For example, one never needed a qualification to be a shop assistant and we are now actually giving NVQs in that area so that our youngsters have a better chance of employment and scope at the end of the day. So I do not think it was a mistake, I think that the construction industry, for example which I said, "At the end of the day where somebody got a qualification, I am going to do them a test and I am going to see how well they perform practically and then I will decide if I employ or not". But if somebody has the qualifications and that is why I am trying to encourage and put on that there should be NVQs, at least somebody has a qualification, the employer cannot give the excuse that they cannot take somebody on because he has not got the qualifications. I personally do not think that at the end of the day and the hon Member must have realised that even if someone has a qualification he has to prove himself once he is in employment. But I agree with him. It is not that it was a failure. It was not a failure. It is that as things have progressed and how the market has changed and how employment has changed to give it a better opportunity to our youngsters to be employed because sometimes it is used as an excuse for employers not to employ them. I think that we should go down the NVQ road and it is something that the UK is doing anyway.

NO. 205 OF 1995THE HON F VASQUEZ**UNEMPLOYMENT**

Will Government state the number of unemployed in Gibraltar divided into Gibraltarians and non-Gibraltarians over and under the age of 25 as at the 30th June and as at the 30th September 1995?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

The number of unemployed in Gibraltar divided into Gibraltarians and non-Gibraltarians over and under the age of 25 was:-

	<u>GIBRALTARIANS</u>		<u>NON-GIBRALTARIANS</u>	
	<u>UNDER 25</u>	<u>OVER 25</u>	<u>UNDER 25</u>	<u>OVER 25</u>
30 June 1995	213	319	4	460
30 September 1995	245	253	-	471

NO. 206 OF 1995

THE HON P R CARUANA

FLIGHTS FROM GIBRALTAR

Have any proposals been put to Government during the last four years for the operation of flights between Gibraltar and another country other than UK or Morocco?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No proposals have been made to the Government. Various enquiries have been received by the airport, DTI and myself but to date nothing has materialised.

SUPPLEMENTARY TO QUESTION NO. 206 OF 1995

HON P R CARUANA:

In relation to the airport agreement controversy, is it the case that really there is no legalistic obstacle, for example, if an airline wants to fly from Bulgaria to Gibraltar, to them doing so at the moment?

HON J E PILCHER:

Yes, that is correct. The fact that Gibraltar is outside the Air Liberalisation Agreement only means that we are outside the free movement. The old licensing application system applies so all that any airlines have had to do would be to apply to the Civil Aviation Authority in the UK and the licence, if everything else is equal from the technical point of view, will be forthcoming.

HON P R CARUANA:

Is the Minister aware of any instance in which an operator had expressed interest in doing that but was discouraged by obstacles of a non-legal nature?

HON J E PILCHER:

Yes, but nothing that we could actually pinpoint or prove. It is just that we have had situations where we had meetings. Very early on we had meetings in places like Norway I remember and Denmark and one tends to notice when everything is sort of very warmed up and all of a sudden after certain meetings have happened that everything then cools off. There is I think circumstantial evidence to prove that sometimes there are problems of a non-legalistic or technical input which create a situation where the entity decides not to ruffle any feathers and not to come to Gibraltar.

HON P R CARUANA:

I would be right in thinking otherwise would I not that the only other conclusion would be that no airline wants to fly to Gibraltar given that they are free to do so and choose not to and if that were the case what impact does that have on the effect that an airport agreement would have? Would it simply have the effect of signalling to operators that they could now come to Gibraltar with Spanish blessing?

HON J E PILCHER:

The hon Member is obviously correct in his exposé that the fact that an airline can fly to Gibraltar whether through the Air Liberalisation Agreement or after a licensing mechanism is always passenger driven and unfortunately the bulk of the passenger movement of a through activity to Gibraltar would have to first create a major base in Gibraltar similar to what I think Singapore did in creating a hub activity in Singapore. There is not that type of activity today. I always remember that this was something that the managing director of Air Europe, not a very popular person in the civil aviation world nowadays but used to say, "You tell me a flight that is profitable and I will put an aircraft of mine there irrespective of what anybody says".

NO. 207 OF 1995

THE HON LT-COL E M BRITTO

PARKING SPACES AT VARYL BEGG ESTATE

Will Government explain details of the plans to sell reserved parking spaces at Varyl Begg Estate?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir, the Government have no intention of selling parking spaces at Varyl Begg Estate.

SUPPLEMENTARY TO QUESTION NO. 207 OF 1995

THE HON LT-COL E M BRITTO:

I apologise to the Minister in the drafting of that question and I think it is probably my fault that should have read "sell or rent" because as was explained in Question No. 122/95 I am well aware that the plans are to rent, could he answer the question on that basis?

HON J E PILCHER:

The answer would be the same, whether it is sell or rent. At the moment what I can tell the hon Member is that there have been certain discussions between the Varyl Begg Tenants' Association and my department where they would like to see the second phase of the sale of the garages, where they would like to see a possibility of individuals within the estate renting parkings. At this stage this is not something that we have finalised. It is something that we would need to look at very carefully. I would need to liaise with my hon colleague the Minister for Government Services in his role from the point of view of the Traffic Commission and I think the only condition that we as a Government would put, that we have discussed before, is that it would only be possible to go down that path, as I say we still have a lot of negotiations, if it were possible to allow every single tenant to have his own parking. What we could not do if there are 200 tenants in the estate and 100 parkings if we rent 100 parkings and the others are garages, well what do the other tenants of the estate do? So I think we are not saying no, what we are saying is no firm approach has been made to the Government. When the proposals come we can look at them but it has to be on the basis of that overall condition.

HON LT-COL E M BRITTO:

I must say I am somewhat surprised at the answer because in April of this year when Question No. 122/95 was being answered I acquainted the Minister with the fact that already some sort of survey had been done I think by the Tenants' Association and the Tenants' Association had indicated figures of the order of 120 tenants wanting garages and something of the order of 150 to 200 wanting parking spaces. The Minister in his answer was talking about £7 rental per month for a parking space, what it was costing in St Jago's and drawing comparisons, so I assumed the process was a lot further down the road. So in fact if from what he says I do not think there is much value in asking any supplementaries if there are no immediate plans at the moment.

HON J E PILCHER:

We have not discarded it, it is just that we have not received any formal proposals from the estate.

NO. 208 OF 1995

THE HON LT-COL E M BRITTO

VARYL BEGG ESTATE GARAGES

Will Government confirm that the Varyl Begg Estate garages has reduced the number of open parking spaces available at that estate?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir by six parking spaces.

SUPPLEMENTARY TO QUESTION NO. 208 OF 1995

HON LT-COL E M BRITTO:

If I refer to the answer to Question No. 122/95, that was the forecast made in answer to the question that the net loss would be six because the garages would cause the loss of 78 parking spaces but 72 would be provided. Is it not true that what has happened is that the garages have been built but the site on which the new parking spaces were intended to be built is at the moment a pile of rubble because the swimming pool has been demolished and is now not accessible as parking spaces and to all appearances there are no immediate plans to create the parking spaces. Would the Minister give some indication to the tenants of the estate when those parking spaces are going to be created and when this situation is going to be alleviated in the estate?

HON J E PILCHER:

What is absolutely clear is that the hon Member now lives somewhere in the southern tip realises the beautification of Europa but does not realise that we have had bulldozers working down at Varyl Begg and in fact complaints from the people living in Varyl Begg that the dust caused by the bulldozers etc was causing a lot of nuisance and inconvenience. It is not true to say that it is a pile of rubble. It is only a pile of rubble because we need to put rubble and pile it before we flatten the surface. I am advised and I say I am advised because obviously these are the professionals, I am not the one driving the bulldozer although some times I think that I would have less problems if I were doing that, that that particular area will be ready before Christmas.

NO. 209 OF 1995

THE HON LT-COL E M BRITTO

REFUSE COLLECTION

Are Government satisfied with the refuse collection facilities at the bottom of Castle Steps, below Sacred Heart Church and along Line Wall Road?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government are generally satisfied on the operation of refuse at all the refuse cubicles with minor exceptions of which Castle Steps is one of them.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1995

HON LT-COL E M BRITTO:

I have not got the answer here in front of me but would the Minister agree that he did tell us on a previous occasion that the bottom of Castle Steps was a temporary structure and that alternatives were being studied and will he say when that unsightly and horrible monstrosity at the bottom of castle Steps will be removed?

HON J E PILCHER:

For once I agree with him, it is a terrible monstrosity. We have studied various options. At the moment there are two options which are open to us and we expect to be in a position to determine which of the two we will decide on and again we should have that terrible monstrosity removed before Christmas.

HON LT-COL E M BRITTO:

With respect to the Line Wall Road facility, are the Government aware of the danger to persons from oncoming traffic especially at night having to get access to the bins? Having to go on the road and coming in from the side.

HON J E PILCHER:

Yes, Sir, that is why if the hon Member has noticed the one which is furthest south has already had a border wall created so that people access through the sides and not obviously have to tip their rubbish in the face of oncoming traffic and the same will be the case for the one that is further north, the one which is by Cooperage Lane.

HON LT-COL E M BRITTO:

I have indeed noticed but I would also bring to the notice of the Minister that for some reason that I cannot explain I notice virtually on a daily basis and will the Minister investigate and establish for himself that the side entrance which he refers to at the bottom of the small steps by the City Hall is invariably blocked by rubbish deposited on the floor which makes it difficult to access and still makes people having to go out on to the road?

HON J E PILCHER:

I am glad that the hon Member has in fact raised the point himself because if he cared to park his car legally close to the cubicle and walked to the cubicle he would find that out of, I believe, seven bins that are there four are empty, three are full and there is another bin load by the steps and on the corner of the cubicle. Unfortunately this is part of what we have to face on a day-to-day basis. We have now created an enforcement system and it is not something that I can explain because although it is difficult to explain why somebody should put a bag at the front of his door illegally and not walk 100 yards down the road I cannot understand how somebody walks 100 yards to the refuse cubicle and then instead of walking another three steps drops it outside or by the steps. This is a constant problem that we have and I take this opportunity once again and I have taken this opportunity in the House many a time to ask the people of Gibraltar who I am sure want a clean Gibraltar to co-operate with the authorities in trying to ensure that people again from a point of view of safety do not have to go on to the road and use the other entrance because somebody has chosen to drop his own rubbish at the entrance. Unfortunately this is..., I will not say normal because I dare say that out there are many, many Gibraltarians who care but unfortunately there are a few who do not and these are the ones who the enforcement system will catch.

HON LT-COL E M BRITTO:

Finally, with respect to the point at the bottom of Sacred Heart Church, is the Minister aware of complaints about the actual structure of it in relation to the side wall of Sacred Heart Church and also about the possible obstruction to large vehicles like the Fire Brigade and the ambulance because of the nearness of the construction to the narrow entrance to Lime Kiln Steps?

HON J E PILCHER:

The second part of that question is something that was looked at and it conformed with the need of the fire service and the ambulance. As regards the first part, the hon Member must have seen that it is totally different. I would tend to agree that after having seen the cubicle in question it does tend to create a small problem in what is a very nice area and at this moment the department is looking at the possibilities of moving that to another location.

NO. 210 OF 1995

THE HON LT-COL E M BRITTO

TOURISM ADVISORY BOARD

Why have Government now found it necessary to appoint a Tourism Advisory Board?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government agreed to appoint a Tourism Advisory Board after an approach by the United Kingdom Gibraltar Tourism Association to the Government. At the same time the Chamber of Commerce had also approached Government following the Chamber Report and this was also a factor in the Government agreement to do so.

SUPPLEMENTARY TO QUESTION NO. 210 OF 1995

HON LT-COL E M BRITTO:

Is it not a fact that the Government in their 1988 manifesto promised to consult experts in the sector just before they were elected into Government and in fact they have not done so and have only done it now?

HON J E PILCHER:

No. I was going to say I hope but I would be much more positive. I think that what the report will prove is a vindication of the Government's position because we have been in contact with the professionals in the United Kingdom Gibraltar Tourism Association and through other forums and I think that the report, once completed, will as I say vindicate our position and there will be things that we have to do and checks here and there but I think in general the hon Member, I hope, will find that it is quite close to the policies of my Government over the last three years and indeed since 1988.

HON LT-COL E M BRITTO:

Submissions for this report closed on the 18th September, can the Minister give any indication when the report will be finished and will he say whether it will be made public?

HON J E PILCHER:

I am advised by the Tourism Advisory Board that the report should be ready by early December since they hope to present this to the United Kingdom Gibraltar Tourism Association meeting in early December and then afterwards to the Chamber of Commerce and automatically it will be public.

NO. 211 OF 1995

THE HON LT-COL E M BRITTO

ENVIRONMENTAL AGENCY

What are the terms and conditions under which the Environmental Agency is financed by the Government?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

As in previous cases, civil servants moving from the Government and setting up their own business are subject to the overall cost to the Government of the department. These costs dictate the overall terms and conditions under which they are financed and to this end the Environmental Agency is no different to the Crown Lands Department that was the first to do this in 1988/89. The added advantage to these ex-civil servants is that they can then use their expertise in other areas of the private sector and in that way enhance the profitability of the entity.

SUPPLEMENTARY TO QUESTION NO. 211 OF 1995

HON LT-COL E M BRITTO:

Is the Minister prepared to say whether the agency is being financed in general terms on a one-off payment per year and then expected to perform on a commercial basis within its own infrastructure and/or is there any link to performance in any subsidies that it receives from Government?

HON J E PILCHER:

All Government contracts are linked to performance and efficiency but there is a long-term Government contract with the Environmental Agency.

NO. 212 OF 1995

THE HON LT-COL E M BRITTO

QEII LINER

Do the Government consider that Cunard's decision to withdraw Gibraltar from its 1996 Mediterranean Cruise itinerary for the QEII results in any way from the Government's tourism policy?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 212 OF 1995

HON LT-COL E M BRITTO:

Why does the Minister then think that Cunard have decided to withdraw the QEII?

HON J E PILCHER:

In the case of Cunard and the QEII which only calls in Gibraltar once and it called in Gibraltar once during 1995, it is probably a change of itinerary. I expect the itinerary used in the Mediterranean does not require the Gibraltar port of call but let me advise the hon Member that there is only one call that the QEII made this year to Gibraltar.

HON LT-COL E M BRITTO:

Were the Government aware that Cunard intended to make the withdrawal of the QEII and were they consulted in any way prior to its withdrawal?

HON J E PILCHER:

No, Sir, the Government have not been consulted by Cunard and I dare say that this would not be normal, advised yes, of course, we were advised by the agents of Cunard that this was going to be the case for 1996.

HON LT-COL E M BRITTO:

And did Government find it possible to take any steps or make any representations to try to prevent this happening?

HON J E PILCHER:

No, Sir, we were faced with a fait accompli.

NO. 213 OF 1995

THE HON LT-COL E M BRITTO

COSMOS HOLIDAY CHARTER FLIGHTS

On what terms have Government allowed the Cosmos holiday charter flights commencing in May 1996?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Cosmos holiday charter will be operated by Monarch who hold a European charter licence and therefore does not require Government permission.

SUPPLEMENTARY TO QUESTION NO. 213 OF 1995

HON LT-COL E M BRITTO:

In view of the policy expressed by the Minister on previous occasions that the Government were not in favour of charter flights that concentrated on the summer period only, would the Minister say whether these charter flights are an all year round operation or whether they are a summer period only?

HON J E PILCHER:

It is the intention of Cosmos, which as I said in my original answer will be the one operating the Monarch charter, to operate the charter for its clients only and this is what I have been advised by Cosmos. They are not looking at seat only sale. As a follow-up to the original answer the destination can put certain conditions, one of which is the percentage of seat only. It is quite normal to allow charters a 15 to 20 per cent seat only and we certainly would not allow any more than that precisely because we believe as indeed the hon Member has said, that it is necessary for the Government to look at their long-term policies on civil aviation and to ensure that one is protecting scheduled operations against charter operations. I have also been informed by Cosmos that it is their intention to continue and have a year round charter operation. In fact, they are looking at the possibility of having a bigger aircraft during the winter of 1996/97.

HON LT-COL E M BRITTO:

What is the intended frequency of the service?

HON J E PILCHER:

At this stage once a week.

HON LT-COL E M BRITTO:

What aircraft capacity is going to be used?

HON J E PILCHER:

It is the same, a 737/400, I am advised.

HON LT-COL E M BRITTO:

There was also some information in one of the statements made by the commercial agents about the link to holidays in the Spanish hinterland, is there any agreed minimum of seats/holidays with Gibraltar destinations in the agreement or is this entirely up to Cosmos or Monarch?

HON J E PILCHER:

This is entirely up to Cosmos. I think Cosmos are the chartering agents or they would be the ones in control of the flights. What the hon Member has to take into account is that Cosmos have already been operating charter movements into Malaga and operating two-centre holidays Costa del Sol/Gibraltar over the last two years and therefore the positioning of a charter in Gibraltar is, in my estimation, an expansion of their overall policy towards this region and obviously that is good news for Gibraltar.

HON LT-COL E M BRITTO:

With respect, the Minister has not answered the question. Is there any requirement on them on the minimum number of seats with a Gibraltar.....

HON J E PILCHER:

There is no possibility of any Government advising a charterer as to who they should put in their flight other than the initial conditions that I advised on seat only because it is the seat only market that then competes with a scheduled carrier, so basically they can carry their clients irrespective of where their clients are going.

NO. 214 OF 1995

THE HON LT-COL E M BRITTO

CITIZENS ADVISORY SERVICE

Will Government explain the functions and staff structure of the Citizens Advisory Service?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

As has been explained publicly, the Community Advisory Service has been set up with the Environmental Agency in order to create a community advisory service which is a blending together of consumer protection and a general advisory service along the lines of the citizens advisory service run on a voluntary basis in the UK.

This service has been set up on a trial basis for a period of six months after consultation between the Government and the Chamber of Commerce, the Women's Association and the Trades Council. The reason why initially it has been set up on a trial basis, is in order to gauge the level of advice or complaints required or received and the formulation of a long-term service which will cater for the needs of our community. To this end a steering committee has been set up with the Chamber and Women's Association in order to assess the way forward and the different elements required to make a long-term success of this service.

CAS which is run under the auspices of the Environmental Agency and therefore has the advantage of the direct support and back up from within its staff, also employs one officer with direct back-up administration. It has legal back-up and also counts on the support of Government expertise in the different Government departments.

A committee has also been created, at this stage with no statutory powers, to be able to mediate in the case of consumer problems wherein CAS is unable to progress the matter further. Advice is also being obtained from the Citizens Advice Bureau in the UK.

And to this end although it is not part and parcel of the written answer I am advising the hon Member of this, there is now a very firm liaison between CAS and the Citizens Advisory Bureau in the UK where now there is a constant flow of information one way or the other and experts in that field are advising CAS in particular areas where advice is required.

SUPPLEMENTARY TO QUESTION NO. 214 OF 1995

HON LT-COL E M BRITTO:

Am I understanding the Minister correctly in that in essence there is one officer who is doing both consumer protection and citizens advice and he has direct administration back-up, presumably a secretary so there is literally one officer and one secretary sitting in one office taking in complaints both of consumer protection and citizens advisory service?

HON J E PILCHER:

Yes, with a back-up of 15 professional environmental health inspectors if that is required.

HON LT-COL E M BRITTO:

What that really means is that subject to that officer being qualified in any way in consumer protection or in citizens advice there are no trained or qualified people in the service.

HON J E PILCHER:

No, there is no intention of qualifying people in the service. If in the service the hon Member means in the public service.....

HON LT-COL E M BRITTO:

No, no in the CAS.

HON J E PILCHER:

If we are talking about the Community Advisory Service then that is precisely why we have set up a six month trial basis because you see, Mr Speaker, in the UK where there is a massive market one can pull expertise. I mean if tomorrow we have a problem with contract law there is an officer responsible for contract law, if there is a problem with weights and measures, there is an expert on weights and measures, and I would go on and on and on. What the Community Advisory Service in Gibraltar could not produce is that kind of expertise so before we actually went down the path of training what we wanted to see were two things. One what are the number of complaints and in which area are those complaints forthcoming so that we could decide where there was necessary training and, secondly is whether given the close liaison that I have just explained, expertise could not be brought in as and when required if we were talking about something that happened not every week. If we are talking about one problem once every three or four months. That is the mechanism that has been set up together with, as I said before, the Women's Association and the Chamber of Commerce. We have our first meeting next week to monitor all the complaints, all the advice, and all the action that has been taken but having said all that I am very satisfied and quite happy how the officer in question is performing and the number of problems he has been able to solve.

HON LT-COL E M BRITTO:

Can the Minister give us any indication on the number of complaints that have been received?

HON J E PILCHER:

Yes, there is something like between four and five consumer problems a week. There are some 15 matters related to advisory service in general and there are many instances where, I cannot quantify that, I have got all the figures in my office if the hon Member wants, there are a lot of areas where people just come in sort of complaining or sort of asking why is the rent collection office closed today, which are sort of general advisory queries which I think will not go into statistics because that is a sort of run-of-the-mill thing. In general there is about some 45 to 50 visiting the office per week and at this stage that is amply being catered for by our existing structures.

HON LT-COL E M BRITTO:

The final question, will the Minister not accept that after at least four years or possibly more of hearing answers from the Government that a consumer protection department had been dismantled and that it was not Government policy, first of all, it was not Government policy to replace it and then it was Government policy to replace it and it was going to happen and it was going to happen and it was going to happen but it never happened. After all this delay of so many years that what has been put in place with the greatest of respect to the Minister to say now that it has been put in place and is going to be monitored for six months and we have a steering committee that they had all this time to do all this monitoring and all this steering and they should have had all this time to do all the studying and what he has said that what has been put in place is now almost a cosmetic exercise. They have waited a lot of time which would have been more usefully employed in carrying out a proper study and putting in proper consumer protection and proper advisory service.

HON J E PILCHER:

The hon Member would wish it to be a cosmetic exercise but let me advise him that it is not. It has taken some time in the planning. We have not set up a consumer protection unit. The consumer protection unit that existed there before had much narrower terms of reference. Most of the complaints of the consumer protection that I have been able to judge, given the background that we were looking at prior to setting up this new unit, a lot of the problems emanating particularly between the years of 1984 forward were on weights and measures. These are complaints that do not appear in the office nowadays because most of the activities of weights and measures are electronically computed. There are electronic weights which in any case are probably because all the electronic weights are controlled by one computer could be switched on and off at the whim of the person that is doing it. So that was a very narrow band that the consumer protection had. This is, as I said in my original answer, a blend of consumer protection which I accept is required to a much smaller extent nowadays and the main thrust is on community advisory service, ie advising the community of everything and anything and looking up and following through complaints against the private sector, against the Government and in many other areas. We are sure this unit will produce for Gibraltar the type of community advisory service that it needs.

NO. 215 OF 1995THE HON LT-COL E M BRITTO**REFUSE COLLECTION**

In the light of the Chamber of Commerce May 1995 Trading Conditions Survey which showed that over 60 per cent of Chamber members are dissatisfied with existing refuse collection arrangements what steps have Government taken to improve these arrangements?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government are at the moment discussing with Gibraltar Industrial Cleaners, which is the company that operates the refuse collection, certain requests made by the Chamber of Commerce.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1995

HON LT-COL E M BRITTO:

I presume that one of those requests from what has been reported in the media was the possibility of a second collection along Main Street. Secondly, I presume again the timing of the morning collection which it seems to me is at a rather stupid time of nine o'clock in the morning at which time I would venture to say 90 per cent of the businesses in Main Street are either still closed or just about opening. Can the Minister confirm that those two aspects have been investigated and, if so, since the report was in May 1995, why has it not been possible to reach agreement with Calpe Cleaners by this stage?

HON J E PILCHER:

I can confirm the two points that the hon Member has mentioned. These are precisely the points that have been looked at and it has not been possible to make an arrangement yet, firstly because the Chamber itself did an internal follow-up to their main trading survey and separately surveyed the members in Main Street to identify what exactly they meant by that they were dissatisfied and it was only on the 3rd August that the Chamber wrote to me advising me of what it really meant when their members said that they were unhappy with the refuse collection. Secondly, because after having agreed with the Chamber what both of us felt was the way forward there is the minor matter of discussing changing terms of conditions with employees.

NO. 216 OF 1995

THE HON LT-COL E M BRITTO

ROAD TO EUROPA POINT

Why has it been necessary to erect a wall along the side of the road leading to Europa Point?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mainly for safety reasons but this type of wall is also a part of the overall beautification of Europa Road.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker I crave your indulgence, but beautification in this respect, with respect to the Minister, was not a word I expected him to use. From the eye of this beholder that particular wall is a hideous structure and it is something that is..... *[Interruption]* it is unpainted. It may be painted at some later stage but more importantly if it is meant for safety and I presume the safety is of motor vehicles, surely a low crash barrier type would have achieved the same safety objective and would not have done what the wall does which is to obstruct the view of the sea to people using that road and to the great number of tourists travelling along that road and having the view of the Straits of Gibraltar completely spoilt especially of those who take the traditional Rock tour of coming in through the tunnels and along the road and towards the lighthouse all the way past that road and past that wall their view of the sea is totally obstructed.

HON J E PILCHER:

That is a matter of opinion.

HON LT-COL E M BRITTO:

With the greatest respect it is a matter of fact not of opinion.

HON J E PILCHER:

Fact as determined by the hon Member.

NO. 217 OF 1995THE HON F VASQUEZ**DEVELOPMENT AND PLANNING PROCEDURES**

Are Government satisfied that the people of Gibraltar have an adequate say in the development and planning procedures?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

When the GSLP came into power in 1988, it inherited the present system of development and planning. During the course of the last few years, certain changes have been made to widen the scope of the representation in the Development and Planning Commission. Not only are other Government departments now included but we also offered the opportunity first to the Gibraltar Heritage Trust and then to the Gibraltar Ornithological and Natural History Society to join the Commission thus creating a greater opportunity to provide an even better say to a wider base in Gibraltar. The matter of further representation or changes in the overall procedures are continuously being kept under review.

SUPPLEMENTARY TO QUESTION NO. 217 OF 1995

HON F VASQUEZ:

The fact that the present administration inherited what is basically an untenable and unfair law does not make it right. Does the Minister for the Environment and Tourism consider that it is acceptable that the people of Gibraltar, that the ordinary man in the street is directly affected by planning decisions of this nature, should not only have no say in the formulation of planning decisions but have no notice of them at all whatsoever? So that, for example, residents of the Europa Point area have thrust upon them this huge mosque with a monstrous minaret of 62 metres tall, without any opportunity to have a say, to have any sort of input, have any sort of warning that this sort of planning decision is going to be taken. Does he think that in today's day and age that that sort of situation is acceptable?

HON J E PILCHER:

Yes, I have already given the hon Member the answer. This is kept under review, we have progressed substantially. There is a much greater scope of consultation today and this is something that we will keep under review and when there is a requirement in our estimation to change our policy and change what we have inherited then we will do so.

HON F VASQUEZ:

Is the Minister saying that he is quite happy with the present situation, that the public at large simply have no say that we have totally undemocratic planning procedures, that planning decisions taken behind closed doors by a committee which he chairs, are thrust upon the public at large and they have absolutely no say in these decisions, does he think in today's day and age that that is acceptable?

HON J E PILCHER:

Let me advise the hon Member of what in Gibraltar's terms taking decisions behind closed doors means. It means that before one has thought it the whole of Gibraltar is talking about it, half the time without even one having decided on what a specific course of action is going to be. Once the cat, let us call it, the proverbial cat, is out of the bag then there is a mechanism where everybody lobbies everybody else. I assure the hon Member that things are not done without everybody in Gibraltar knowing it in fact half of the things that we are

supposed to be thinking of doing we are not even thinking of doing the last one which I heard this morning was that we are now resurfacing Alameda Grand Parade. I was informed this morning that there have been various complaints at the Community Advisory Service that it was indeed a pity that the Government had decided to privatise the Alameda Grand Parade and to charge everybody for parking there.

HON F VASQUEZ:

What sort of a reply is that, Mr Speaker? I do not know, that is a complete red herring. The fact is, does he not accept that if we had more open planning procedures the public as a matter of course would have advance notice of planning applications under consideration, would have the opportunity of making their submissions and applications and as a result they would not be reduced to this sort of scheming, this web, this miasma of rumour that is all the public has to go up on as advance notice for planning applications. If the Minister has anything to say perhaps he could rise to his feet.

HON J E PILCHER:

The Minister is only copying what he has been doing all morning, and that is switching *[Interruption]* himself and the Leader of the Opposition every time he wants to get a word in edgewise, obviously playing for the public and not doing the job that he should be doing in the House of Assembly. I am sorry for that minor move sideways. I have already given the hon Member the answer. We believe that we have been moving in the right direction. Sometimes moving and sometimes change requires slow movement. We have been moving, we have not been static. We have been creating a wider and wider participation particularly from the Gibraltar Heritage Trust which is something which is very important in planning from the natural side of life and in the majority of instances everybody in Gibraltar has the right to appeal to the Development and Planning Commission and we get many appeals of that nature and then we determine it. What a lot of people think is that if we have an open plan situation it would mean that what they do not want to happen would not happen. Sometimes this is the case in the UK where they have such intricate planning mechanisms that if somebody does not really want something to happen not for the benefit of Gibraltar but for the individual benefit it does not happen.

HON F VASQUEZ:

That is what democracy is.

NO. 218 OF 1995

THE HON F VASQUEZ

HARBOUR VIEWS AND MONTAGU GARDENS

Do Government consider it fair that the purchasers of properties at Harbour Views and Montagu Gardens should be deprived of their views?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Whenever new housing has been built in what was previously open space, it has by definition affected the views of the housing already in existence. This was also the case when Harbour Views and Montagu Gardens were built.

SUPPLEMENTARY TO QUESTION NO. 218 OF 1995

HON F VASQUEZ:

Yes, but unlike the situation as at present when Montagu Gardens and Harbour Views were built they were not obstructing the views of Government tenants who had been housed there for many years. In the present case the buildings that are going up are going to obstruct the views of people who have spent significant amounts of their money purchasing as encouraged by the Government to purchase their own properties which they now see substantially devalued as a result of the planning permission, as a result of the loss of their views. I also ask the Government to consider that in fact in all likelihood and over the next six, eight, 12 months we are going to get on stream a significant amount of MOD housing which alone will be sufficient to knock on the head Gibraltar's housing problem. In those circumstances is it really necessary to increase the density in the area complained of to the detriment of the existing and recent purchasers for the sake of housing which, strictly speaking, may not be necessary?

HON J E PILCHER:

I suggest that the hon Member has some kind of conference with his hon Colleague as well to try and determine whether it is that we have succeeded or we have not succeeded, whether we need to build houses, or we do not need to build houses, because that final remark from the hon Member virtually is saying why do it if Gibraltar has enough housing already? But let me just say because the rest was waffle that I do not accept his capitalistic view of what a view is. Why? It does not affect the people at Varyl Begg because they were Government tenants? But it affects the person. View is view. It does not matter whether the person has paid or has not paid or is it that the hon Member would relegate Government tenants to a second league which is obviously contrary to what the hon Member is saying, and just on the record the price structure of Montagu Crescent is done in a way that will not devalue the properties of Montagu Gardens.

HON H CORBY:

Having made reference to me, and I always answer references made to me, was not the structure of the building that is going to be erected beside the old Calpe Rowing Club, was not that said to be earmarked for garages and not a tall building?

HON J E PILCHER:

No, Sir, not as far as I am aware.

NO. 219 OF 1995THE HON F VASQUEZ**FAST LAUNCHES**

In light of his statement to GBC television on the day of the massive public demonstration against the fast launch activity that the Government had been working to eradicate the smuggling activity for three years, will the Minister for the Environment explain what steps this Government took for the three years before July 1995 to stop the fast launches?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

In the interview to which the Opposition Member refers I stated that the Government were absolutely determined in our commitment against drugs trafficking. This has been stated publicly on innumerable occasions by the Government and measures have been taken over the years to combat any Gibraltar connection with international drug trafficking by both the customs service and the Royal Gibraltar Police with the full backing of the Government.

The marine section of the Royal Gibraltar Police has had its resources increased so that whereas in 1988 it had two vessels and 12 constables, by 1995 the budget had been increased by 500 per cent and the manpower by an additional Police Inspector, a Police Sergeant and six extra Constables by re-deployment from other duties. The vessels have been increased from two to seven.

The customs service acquired also a vessel and the manning of the customs marine section was also carried out by re-deployment from other duties.

The Customs set up the FAST team which was designed to enhance the department's capabilities in combating drug trafficking. Customs Officers in particular have been instrumental in liaising with other law enforcement agencies in providing from Gibraltar intelligence leading to the apprehension of drug traffickers and is held in the highest esteem by the US Drugs Enforcement Agency.

The Government have always supported the concept of setting up GADU as initiated and campaigned for by Vox. It might be opportune to record that Eddie Campello, Editor of Vox has consistently campaigned against drug trafficking and that this has been recognised not only in Gibraltar but internationally. This has been reflected in the award of a "Certificate of Appreciation" by the Drug Enforcement Agency of the United States Department of Justice. No one doubts that he fully deserves this recognition by the DEA and it shows that the fight against drugs is one in which we all have a part to play.

In terms of primary resources the Government set up a special fund in 1992 and provision was made for both the receipts from forfeitures and the fines from drugs offences. In 1990 the Government introduced an Ordinance to provide for the forfeiture of vessels jettisoning cargo in the knowledge that such incidents were suspected attempts to transport drugs.

The increased legislative powers and resources had all proved the difficulty of effectively combating this traffic.

The Gibraltar Government agreed with the UK Government that the aim should be to rebut without fear of contradiction that Gibraltar based vessels were engaged in transporting drugs across the straits from Morocco to Spain. In the light of the difficulties of achieving this the decision was taken that the type of vessel suspected of this action should be declared a prohibited import and this action was taken. It was publicly explained that this was designed to ensure that through natural wastage no such vessels should eventually be berthed in Gibraltar since no new ones would be allowed in.

SUPPLEMENTARY TO QUESTION NO. 219 OF 1995

HON H CORBY:

On a point of order and as the Minister has mentioned Mr Campello I would like on behalf of members of the Opposition to congratulate Mr Campello on the award given by the Drug Enforcement Administration of the United States Department of Justice. This is a man who has fought against drugs for quite a number of years, who has put his money where his mouth is, he has made a lot of enemies. He is the first man to receive this award not only in Gibraltar but also in the Spanish peninsula which is a great honour to him and I know that he shares this award with somebody that he loved very dearly who was also very committed to the fight against drugs and I can tell Eddie Campello from the Opposition that we fully support his stand on drugs and we will continue to do so in the future because I think the fight against drugs is above politics.

HON F VASQUEZ:

I am grateful for that intervention and I endorse the views expressed by my hon Colleague. I want now to return to the question. The question in fact was not about drugs smuggling at all because as no doubt the Minister will recall the massive public demonstration held in July was not against drugs smuggling, it was against all fast launch activity and in his interview on GBC television the Minister did not distinguish between drugs and any other drugs, he said, "This Government has been struggling, working for the last three years to eradicate the smuggling problem" not the drugs smuggling problem. He now refers to drugs smuggling, can he confirm that in fact this Government did absolutely nothing for the last three years to stop the smuggling, ie the tobacco smuggling which was entirely offensive to the vast majority of Gibraltarians? Can he confirm that it was not a priority of this Government? In fact we have had it confirmed this morning by no less authority than the Chief Minister that he does not think there is anything wrong with it, that he did not certainly agree with the Opposition's view that the same was very detrimental to Gibraltar's image? Did the Government do anything over the last two years to stop the smuggling, not the drugs smuggling, all the other smuggling, from Gibraltar?

HON J E PILCHER:

Mr Speaker, it is difficult to keep up with the number of questions. I think you have taught them a lesson and now they stand up and they do not make speeches, Mr Speaker, but they should give us a chance to answer one question at a time. The original statement every time I spoke in relation to the incidents as indeed was the case from the outset, we were discussing the drugs activities which was what the Spanish Government were accusing us of. There are other questions in the Order Paper about the fast boat activities, about the tobacco activities and everything else which obviously will be tackled when we get to that but I mean it must be the epitome of "cara dura" to expect me to agree with him.

NO. 220 OF 1995

THE HON F VASQUEZ

UPPER ROCK NATURE RESERVE

Have Government yet succeeded in properly defining the Nature Conservation Area, known as the Upper Rock Nature Reserve, under the Nature Protection Ordinance 1991?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government properly defined the Nature Conservation Area from the outset. In the original notice a mistake was made at the printing stage. On correction, problems arose again at the printers and a shaded area was changed by a delineating line. This was missed by the Law Draftsman since there should have been a compensating amendment to the text. The text should have stated that the area was delineated and included the area immediately under the line. A corrigendum will shortly be published.

SUPPLEMENTARY TO QUESTION NO. 220 OF 1995

HON F VASQUEZ:

Basically the situation is, despite the opening statement, in fact, that the area has not been defined properly yet and is the Minister aware that only two or three weeks ago a prosecution under the Ordinance fell through because the area simply is not defined in the Ordinance?

HON J E PILCHER:

Yes, I realise that, that is the explanation that I have given. I am not saying that the Government in general are not responsible for the printing error. What I am saying is that the Government, ie the policy makers ourselves knew what the area was and this through a series of events that I have just explained caused us to lose a case. Yes, Mr Speaker, that is why we are shortly publishing a corrigendum.

NO. 221 OF 1995

THE HON F VASQUEZ

HOUSING DEPARTMENT STORES

What control has the Department of Housing put in place to ensure that materials held in storage are not stolen?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

A totally new system has been put into place by the Building and Works Department following the report of the Principal Auditor but most specifically as a consequence of the closure of the Government Central Stores early this year. A system has been devised so that it produces strict stock controls and sound accounting procedures in order to account for materials allocated in each job. This was the basis of the Principal Auditor's report and at no stage, other than by the hon Questioner, has anybody intimated that any materials had been stolen.

SUPPLEMENTARY TO QUESTION NO. 221 OF 1995

HON F VASQUEZ:

Does not the Minister concede that in that very Principal Auditor's report which he is referring there was reference to a prosecution brought as a result of stores going missing when it was found in fact that it was impossible to prove what had been stolen because the stock keeping procedures were so lax? Is he saying that I am the only one who suggested that items might have been stolen, people have been prosecuted for this?

HON J E PILCHER:

No, I have here the police report and I have here the extract from the Principal Auditor's report and in none of the two am I able to see the word "stolen". I will not read from the police report for obvious reasons but I can read the report of the Principal Auditor that mentions, he said, "When the Royal Gibraltar Police completed their investigation into the theft of stores in September 1992 the investigation that was reported by the department was an investigation as if there had been theft but nobody after that investigation was able to prove that anything had been stolen".

HON F VASQUEZ:

Investigating a theft or not, for goodness sake?

HON J E PILCHER:

There is a finite difference between somebody calling the police because they suspect theft and somebody saying that the materials are stolen or are not stolen. That by inference means that he thinks that they have been stolen. I will continue. In September 1992 they concluded that the accounting system of the stores inspected was flawed and that necessary action was required to be taken to avoid further problems with Government property.

HON F VASQUEZ:

We have heard a reference to a police investigation of theft and a reference to problems. I asked the question saying to ensure the materials held in stores are not stolen. I am not saying they have been stolen. I have not said that they will not be stolen again. I am just asking to ensure they are not stolen and he says that I am suddenly bringing disparity accusatory remarks to this House. Perhaps the Minister can explain what he thinks the police were investigating. Did no one mention the theft to them or am I the first person to mention the word "theft"?

HON J E PILCHER:

The Minister has answered clearly that the system has been changed as a consequence not only of the Principal Auditor's report but also of the closure of the stores and the Minister is quite satisfied that the system that is put in place is foolproof, has discussed the matter with the Principal Auditor, has discussed the matter with the Accountant General, has discussed the matter with everybody to ensure that everybody is happy with the new system in place. I do not think that the materials were stolen. I believe genuinely that the accounting systems were such that the materials..... that is why in my original answer I stressed that it is not only a question of accounting for stores, it is a question of ensuring that our accounting in allocating the stores to a specific job and I think that was the problem encountered because the police report mentioned the fact that there was nothing missing according to the records of the department.

NO. 222 OF 1995

THE HON M RAMAGGE

HOUSING MEDICAL CASES

How are medical cases on the housing list assessed and categorised?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Medical cases are assessed by the Medical Advisory Committee and categorised as follows:

- Category A - Serious cases which should be re-housed as soon as possible.
- Category B - Cases which should be re-housed but which do not fall under Category A. These cases are reviewed at the anniversary dates.
- Category C - Cases which require further attention by the Committee at future anniversary dates.

No recommendation - this does not mean that the person is not ill, but rather that the Medical Committee believes that there will be no change in the medical condition in relation to his housing problem.

The Committee also makes other recommendations to the Housing Allocation Committee on specific cases.

SUPPLEMENTARY TO QUESTION NO. 222 OF 1995

HON M RAMAGGE:

When the medical cases are assessed are they based exclusively on medical information or is somebody from the Housing Department sent round to the particular house where the patient lives to assess the state of repairs or disrepair of the house?

HON J E PILCHER:

Only at the request of the medical committee, ie normally the medical certificates go to the medical committee, the medical committee will review the case, if the medical committee felt that it was important to take account of, for example, dampness in the case of somebody with acute bronchitis or something like that, then obviously the medical committee will request that of the housing authority. I think it is important to mention that Category A cases are those cases which in the estimation of the medical committee require a move because the move is to a point either directly affecting the illness concerned or where the medical committee feel that it is better for recuperation purposes that the person should have a different house. Let me say that the Category A medical cases are very difficult to find allocation to, in some instances, because the majority are lower, three, four bedrooms, two bedroom houses and obviously the availability of this type of house in the market is sometimes that sometimes we would like to move quicker on Category A cases but unfortunately because of availability of a specific house it is not possible.

ORAL

NO. 223 OF 1995

THE HON H CORBY

OLD ST JOSEPH'S SCHOOL

What plans do Government have for the old St Joseph's First School?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Old St Joseph's School is now being converted by Buildings and Works Department into housing units.

SUPPLEMENTARY TO QUESTION NO. 223 OF 1995

HON H CORBY:

Will these housing units be made available for people on the housing waiting list?

HON J E PILCHER:

No decision has yet been made.

NO. 224 OF 1995

THE HON H CORBY

HOUSING COMPLAINTS

Why are housing complaints and subsequent reports by the Ministry for the Environment not made available on request to the tenants affected?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

These are internal reports from one Government department to another and therefore the report itself is an internal matter although the decision once taken is communicated to the tenants affected. This is how it has always been dealt with.

SUPPLEMENTARY TO QUESTION NO. 224 OF 1995

HON H CORBY:

With the privatisation of this department now taking place its reports should be available to the public at a fee because if it is a privatised entity or a partly privatised entity the people have a right on a privatised institution to request reports.

MR SPEAKER:

Would you please ask a question.

HON H CORBY:

The question is, does not the Minister think that being a privatised entity the public is now entitled to have the reports read to them or at a fee given to the complainants?

HON J E PILCHER:

No, Sir, I do not and if I thought so then it would not be at a fee.

NO. 225 OF 1995

THE HON H CORBY

FINANCIAL DIFFICULTIES OF HOME OWNERS

Do Government have a mechanism in place to assist those home owners who were encouraged to purchase by Government schemes and who are now faced with repossession or acute difficulty as a result of their changed financial circumstances?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Any persons who have their properties repossessed are dealt with as a matter of urgency by the Social Advisory Committee.

SUPPLEMENTARY TO QUESTION NO. 225 OF 1995

HON H CORBY:

Will these people be housed in adequate rented accommodation?

HON J E PILCHER:

Normally these people would be housed in pre-war accommodation in order to resolve the problem quickly and a housing application would then be made which obviously would then mean that eventually they would get a post-war house.

HON H CORBY:

Could they not be housed in a post-war accommodation, why pre-war accommodation first?

HON J E PILCHER:

What I have just said to the hon Member is they are put quickly in pre-war accommodation in order to ameliorate the problem and then an application is put in place and I am sure the hon member is not suggesting that we should jump these people over everybody who have been waiting patiently on the housing list.

HON H CORBY:

Would the Minister agree with me that my concern is that these people are put in pre-war accommodation and are left there in the pre-war accommodation forever?

HON J E PILCHER:

I can assure the hon Member that I have made it a point to ensure although this was the case before but it was a situation which was not very clear between 1982 and 1986, where people were put in pre-war housing and file was either lost or no file was done. Anybody that is put in pre-war housing automatically has an application and a proper file done which then goes into the system and hopefully given the great progress that this Government have made in housing, will see the light of day much quicker than it used to.

HON H CORBY:

I do not agree with that statement but anyway does the Minister envisage what time lapse that could take?

HON J E PILCHER:

Since repossession is a long drawn out exercise, normally the person when he is repossessed would have a pre-war housing either ready or almost ready.

HON H CORBY:

And when would they move in to the other accommodation?

HON J E PILCHER:

It depends on family composition, it depends on many factors. It is difficult to be able to give a cast iron commitment because I would not want to say something which may come back to haunt me if there is a specific case which we may not be able to attend to immediately. Fortunately, since we are a small community normally we have no homelessness in Gibraltar.

ORAL

NO. 226 OF 1995

THE HON H CORBY

EMPTY FLATS

How many Government owned flats and houses are currently without a tenant?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

As at Friday 24th November there were 17 post-war houses without a tenant and of these eight offers were being made to applicants during the course of this week. As at the same date, there were 18 pre-war flats without a tenant, three of these were declared beyond economically repair and the others have been already earmarked for specific social cases and offers will be made shortly.

I must stress, Mr Speaker, that the above are houses that are available to the Government for allocation and are not already in the offer stage.

NO. 227 OF 1995

THE HON H CORBY

QUEENSWAY PRE-FABS

How many units remain occupied at the Queensway pre-fabs?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Twenty-seven units remain occupied at the Queensway pre-fabs. Thirteen of these are applicants who have already accepted a new tenancy and are in the process of moving. Twelve have already been made offers and rejected them and the last remaining two units, which are specifically social cases, will be made an offer shortly.

SUPPLEMENTARY TO QUESTION NO. 227 OF 1995

HON H CORBY:

The Minister committed himself last time I asked the question that this would be resolved within six months. The delays are in the social cases or just rejection of flats that were offered to them? Were the flats offered to them pre-war accommodation and in need of repair?

HON J E PILCHER:

No, they were not pre-war properties in need of repairs. I believe that in spirit, if not in reality, I have honoured the commitment that I gave the hon Member because the two cases that I spoke about are people that have been left behind by their families because of specific problems so everybody in the pre-fabs have already been made an offer. I will not mention names but in some cases some people have been made three offers and rejected all three and a few have had two offers and rejected all two. So although I am not judging why people do or do not certainly as far as I am concerned morally we have satisfied our obligation to make these people offers. We will continue to try and find suitable premises for these people. Under normal circumstances these people would have been struck off the list because normally it is only allowed one offer and one rejection but given the fact that these families have been living in the pre-fabs for as long as they have been and have endured some of the problems of the pre-fabs, the Government will continue to do everything in our power and continue with our efforts to find a suitable house for these individuals. But it has to be understood not only by these individuals but I think by all applicants on the housing list that the Government are committed to find houses for their people as the hon Member wants. What we cannot do is find the house that they want, in the area that they want, with the view that they want and in the category that they want because obviously the Government have got an extensive housing stock and have to use every single one of those houses.

HON H CORBY:

So the Minister is saying that the rejection of these flats were that they were not in the area that the people wanted to be housed?

HON J E PILCHER:

I do not want to focus in on specific problems because I think that is not fair. "I cannot live in the upper town because I have got bronchial problems" or "medical problems and there are the car parking problems up there. In the Laguna I cannot live because of this... and in Glacis because of the other... why not a nice house in the south district?" These are the day-to-day problems which are real but which at the end of the day creates a problem because if I have got 27 people, and I have already made sure that 13 of those that I said have.... the other 14 can on the one hand complain that they are still living at the pre-fabs but on the other hand turning down offers of good post-war houses because they happen to be in the upper town or they happen to be in the Laguna Estate. There are certain genuine rejections for a variety of reasons but in my estimation in general terms it is that the people..... and I expect I would do the same. They want to be choosy and as we have discussed before the Government housing stock, we have what we have and we have to fully utilise every single one of our houses, whether that is in Humphreys or whether that is in the upper town area.

NO. 228 OF 1995THE HON H CORBY**REFURBISHMENT OF FLATS**

What level of refurbishment do Government undertake before putting a new tenant in a Government flat?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

This very much depends on the level of refurbishment needed, circumstances prevailing at the time, and a series of other factors which are determined on an ongoing basis. As a matter of norm however, Government flats are refurbished to the same extent as has always been the case.

SUPPLEMENTARY TO QUESTION NO. 228 OF 1995

HON H CORBY:

In answer to a question in April, the Minister said, and I quote him not from Hansard but from memory that if a person was to take up tenancy of a Government flat immediately, no refurbishment would take place and no financial help would be given to the person who went into the flat and acquired this flat immediately although if the person did not take up immediate tenancy then refurbishment would be undertaken by the Government which would take in the region, he said, of three months to a year. Is this still the case or have Government looked at the question again and the policy has changed insofar as immediate occupancy is concerned?

HON J E PILCHER:

I think the hon Member quoted me correctly. I did say that, whether it was six months go or nine months ago, and this is why in answer to the original question I said the level of refurbishment needed circumstances prevailing at the time and a series of other factors because if the hon Member remembers one of the greatest factors in relation to that policy which we had to put in place is the fact that given the success of our home ownership scheme there were 200 odd houses that came back from the Gib 5 complex and it was not possible to refurbish the 200 houses with the manpower available at Buildings and Works in a period of six months which would have been the norm and therefore this is why we put that procedure in place. We are almost at the end of that. I would say we still will see over the next couple of months that dwindling away and unless there is a major success in any other development that again releases a substantial amount of houses it will be the norm for houses as they come in - I am talking about post-war because pre-war obviously is in a different category altogether - will be refurbished as they have been normally.

HON H CORBY:

The Minister must agree with me that my preoccupation was that because they accepted the house immediately because the circumstances because they had to move quickly, the people who had to move quickly because of circumstances were penalised by not having the financial help that the Government undertake to give other persons who are willing to stay for the longer period to sign. That is my preoccupation and I believe the Minister will clarify that for me.

HON J E PILCHER:

No, Mr Speaker, because in the majority of instances the persons who chose that particular path were persons who having gone down the list were people who then jumped the list because they have got, what we call a Category C house which is a house that needs major work. Having jumped the queue and used this particular avenue to get quickly into housing then there was an agreement by which that particular house would not be refurbished for a period of a year. This was obviously to give us time to do the others that we were refurbishing and I think that is the mechanism so I do not think that anybody has in fact been prevented or there was any problem in anybody being discriminated. Quite the contrary, I think those people who jumped at this idea and got Category C houses were those who were not at the top of the list.

NO. 229 OF 1995

THE HON H CORBY

NOISE FROM CARPENTRY WORKSHOP

What action is being taken by Government to reduce the nuisance caused by the noise emanating from the carpentry workshop adjacent to Rosia Dale Estate?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Complaints of noise from residents of Rosia Dale were investigated by the Environmental Health Department and it was found that these were justified in respect of two units using woodworking machinery at the rear of the Old Victualling Yard.

Notices under the provisions of the Public Health Ordinance were therefore served on the occupiers of these units. These notices have not been complied with and legal proceedings have had to be instituted. The date of hearing for both cases is 13 December 1995.

SUPPLEMENTARY TO QUESTION NO. 229 OF 1995

HON H CORBY:

Will the Minister agree with me that before a workshop is placed in a residential area care should be taken not to put the residents in a position whereby complaints have to be made and divert that workshop to another area which is not close to a residential area in any other place in Gibraltar?

HON J E PILCHER:

Basically heads he wins and tails I lose. The area of Gibraltar is a limited area and the authorities try as much as possible to maximise every single area. With the benefit of hindsight perhaps he is right and I think certainly care has to be taken. The only consolation in this particular instance is that these are temporary allocations as the people in question are moving to a different area once the development is ready.

NO. 230 OF 1995

THE HON H CORBY

SHELTERED AREA AT PIAZZA

Have Government considered providing a sheltered area at the Piazza for the senior citizens who regularly congregate there?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

There has been no approach to the Government by any senior citizen with this request.

SUPPLEMENTARY TO QUESTION NO. 230 OF 1995

HON H CORBY:

If the senior citizens were to place a petition would the Minister look at it favourably? I will tell him what has happened and that is that they had sheltered accommodation in the bureau before they had a canopy where they could stay. This is the only place where they congregate to chat about old times and to them this is the only thing that they have left. It would be an idea if the Minister could at some stage or another with the beautification of Main Street provide a canopy. There is an area at the south end of it. I know the Hon Mr Feetham has had quite a number of old citizens with premises. I think that they should look favourably on it because it is the only entertainment that these people have. So will the Minister look at it and find a solution to it because in a day like today..... Is the Minister listening? He is not hearing what I am saying. He is talking and he is not hearing because he just stood up. If he listened to what I am saying and this is a very serious concern if he wants not to hear he had better go to the ante room and stay there.....

MR SPEAKER:

Order, order.

HON H CORBY:

It is a thing that happens regularly.

MR SPEAKER:

If it is on a point of order, draw the attention to me and then I will deal with that. I will call his attention. I think Members in the House should concentrate on the business whilst business is going on.

HON J E PILCHER:

Let me remind the hon Member that I have answered every single question every single supplementary, maybe not necessarily the way he would have liked it but I always pay attention, Mr Speaker. Perhaps, coming back to a point, if he made quick short questions I could answer them but if he goes into statements with 20 questions it is difficult sometimes because one is thinking of the answer to the first question by the time there are another five.

MR SPEAKER:

Would you put the question again?

HON H CORBY:

Mr Speaker, will the Government consider looking at this state of affairs insofar as the senior citizens are concerned and provide sheltered accommodation? The Government have taken away sheltered accommodation for these people, will Government please offer these people sheltered accommodation?

HON J E PILCHER:

What I was trying to advise my hon Colleagues whilst he was asking that question is the Government have not removed the shelter. What has happened is that as part of the overall beautification of the Piazza the Gibraltar Information Centre, and it is there for everybody to see, has changed its frontage, produced Gibraltar Information Centre in big letters for the tourists that come through and is putting two smaller, more in my estimation and in the estimation of the Gibraltar Information Centre, better looking canopies. As a consequence of them removing the canopy the elderly gentlemen who sat downstairs who used that as a shelter think that we have removed the shelter to remove them and what we have done is tidy up and beautify that area of the Piazza as indeed we are doing in the rest of the Piazza. The hon Member must have realised the gates that we have put which I think add beauty to the area and what we are doing is beautifying the area. If the elderly come to me because they want a canopy and have a problem, we will look at a way of trying to sort that problem. *[Interruption]* We have produced for the elderly and shortly we will be doing one in the south district as well that will be inaugurated shortly, areas where our elderly citizens can congregate and have club facilities in the north, in the town and now in the south. That is our drive for our elderly and if they approach me I will look at it but sometimes in life everything is not possible.

NO. 231 OF 1995

THE HON H CORBY

50/50 SCHEME

What criteria are Government applying to the 50/50 scheme for Montagu Crescent and Westview Park?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The same criteria as has been used in previous 50/50 schemes.

SUPPLEMENTARY TO QUESTION NO. 231 OF 1995

HON H CORBY:

Will the Minister state why he said that the criteria for people are going to be scrutinised at a more stringent level?

HON J E PILCHER:

No, Mr Speaker, what I said was that the criteria on the development had been changed. The development was no longer a 50/50 scheme. I am genuinely trying to answer the question. The change had been that although the development was an authorised 50/50 the actual application came from the individual to the Government, not the developer to the Government and therefore the criteria used for the individual has not changed. That I think is the fine difference from one to the other.

HON P R CARUANA:

Subject to being corrected, I had understood that in the earlier Westside I and Westside II there were no criteria. Anyone who applied could get it whereas in relation to these latest projects I had understood the Minister to have said in a television interview that this would now be not for everybody who wanted to buy the project but for, how can I put it not too technically, deserving individuals who needed it as opposed to Westside which was for everybody who wanted it.

HON CHIEF MINISTER:

I think the main difference is that when the original developments on the reclaimed land were done they were done on the basis of a negotiation which started where a previous agreement existed prior to 1988 for Montagu Basin and therefore there was already in place a contract between Gibraltar Homes and the Government of Gibraltar prior to us coming into office in 1988 as a result of which Gibraltar Homes was undertaking the reclamation of the Montagu Basin keeping the land and doing the development. In that re-negotiation process since they were giving up things that had already been agreed what we did was we allocated to them a proportion of a bigger reclamation taking into account the commitments that they had already obtained in a previous negotiation and on the basis of the Government undertaking that we would buy any flat that was not sold. That is no longer the case and therefore if in the new development there are no longer sufficiently eligible local people or, alternately if the new developer wants to sell some of the property to some of the people at full price, he is free to do so. That is the difference, so the new 50/50's since Westside I and Westside II for example the same criteria applied in the case of Brympton where there was no prior commitment from the Government. In Brympton and in these cases the circumstances were different from the Westside case where there was already a Gibraltar Homes contract in 1987.

HON P R CARUANA:

My question related to the 50/50 scheme which is Government assistance to the ultimate purchaser as opposed to the Government purchase agreement as it existed in Westside which was for the purchase by the Government of any unsold flats. Can I deduce from the answer that the Chief Minister has given me that all residents of Gibraltar or all Gibraltarians buying properties in Montagu Crescent or Westview Park who want to avail themselves of the 50/50 scheme will be given it regardless of their personal financial circumstances?

HON CHIEF MINISTER:

It is certainly regardless of their personal financial circumstances but not necessarily all of them because in fact people cannot for example buy once on the 50/50 and then sell and then come back for another 50/50. Barring that, as far as the Government are concerned, the priority clearly will be that if there are people who are releasing existing post-war rented accommodation then if there are too many applications those people will get preferential treatment over those who do not release anything but anybody that is eligible for Government housing is eligible for the 50/50 if they have not already exercised that right once.

HON P R CARUANA:

There must have been some change of policy because what the Minister for the Environment means when he said that the scheme now attaches to the individual and not to the development, everybody in Gibraltar understood that to mean that not everybody would get the 50/50 because it was no longer automatic. What did he mean by that?

HON CHIEF MINISTER:

I will tell the hon Member what he means. I have just explained it to him. Before we told the developer, "We will pay for 50 per cent of the estate whether you sell it or you do not". *[Interruption]* No, that applied in Westside I and Westside II except Phase III of Westside I. In Phase III of Westside I it was an additional thing and it was different so this scheme, Phase III of Westside I and Brympton it was geared to the individual and not to the developer. But in Westside II and in Phases I and II of Westside I the undertakings were given and the commitment was given before the buildings were finished to the developer.

HON P R CARUANA:

Perhaps since I am not privy to all the documentation I just do not understand what the connection is between the 50/50 scheme which is a scheme whereby the Government would join in with a purchaser and buy the flats jointly with him and what I had assumed was a quite separate arrangement which need not exist next to the 50/50 scheme but in any case quite separate whereby the Government get the developer by the hand and say, "Do not worry, if you are not very successful and if you do not sell all the flats do not worry because I as a Government will come and buy all the unsold flats for you". I do not understand why the Chief Minister links that to my question on the 50/50 scheme which related to the criteria of the purchaser.

HON CHIEF MINISTER:

I am not surprised that he does not understand it because the problem with trying to give the hon Member information is that the only purpose that he seeks information for is for him to make snide remarks like just taking the developer by the hand and padding it, clearly introducing an element into this which has nothing to do with the facts. The facts are that we came in, we did a deal with the developer which resulted in 1000 houses being built instead of 300. In that negotiation which we thought was in the public interest where there are now 1000 families housed where before there would have been 300 part of the deal was that the Government shared the risk up front and therefore the developer was marketing 50/50 to all and sundry in the knowledge that if there were no takers there was still a Government commitment with the developer, agreement between the Government and the developer. Today the position is that when the building is finished and not before if somebody comes along of the people who buy who is somebody from outside Gibraltar then that person will not be able to obtain the 50/50 from us. If somebody comes along who is a local resident, eligible for Government housing or free Government housing, then he will get the 50/50.

NO. 232 OF 1995

THE HON H CORBY

SANDPITS AND HEATHFIELD HOUSES

Do Government consider that repairs are necessary to Sandpits House and Heathfield House?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir, the refurbishment of these two blocks, amongst others, are included in our programme of works which is to commence early in the new year.

SUPPLEMENTARY TO QUESTION NO. 232 OF 1995

HON H CORBY:

Has the Minister visited the estate recently?

HON J E PILCHER:

No, Sir.

HON H CORBY:

I have been there myself and I can say to the Minister and the Minister might agree with me that the back entrance to Heathfield House is held up by wooden planks, the balconies are in a state of collapse, there has been plaster falling from the face of the balconies. Will the Minister undertake these repairs as urgently as possible because there can be a tragic accident there?

HON J E PILCHER:

Although the Minister has not been to Sandpits House and Heathfield House over the last six months, the Minister commissioned a structural survey and report of Scud Hill House, Kent House, a number of houses as a consequence of which, and I do not have to because there are photographs galore in the report, the Minister then authorised the refurbishment of these blocks. There is a programme and there will be one block done before the other. The programme itself I am not sure yet which is going to start first. This is something that is dealt with by the professionals but it is these professionals that assure me that there is no danger to life.

NO. 233 OF 1995

THE HON H CORBY

HOOD, RENOWN AND GENOA HOUSES

What was the overall cost of the construction of new storeys at Hood House and Renown House at Laguna Estate and Genoa House in Catalan Bay, and what was the cost of each additional flat built?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The overall estimated cost of the construction of a new storey on top of Hood House and Renown House and an extension to Genoa House was £882,000.

The cost of each additional flat built based on the above figure was about £42,000 per flat.

SUPPLEMENTARY TO QUESTION NO. 233 OF 1995

HON H CORBY:

Why was there an absence of estimates and proper cost accounting records not made?

HON J E PILCHER:

It is difficult for me to go back historically. I have mentioned it already in the case of the stock control the department had. There were major problems in the accounting structure of the department which, as I have mentioned to the hon Member, have already changed and new structures have been put in place. Why the accounting structures were not as they should be perhaps it is because of the various restructuring that had been conducted in Buildings and Works over the last couple of years that resulted in the accounting procedures not being what they should be. I assure the hon Member that this has now been corrected and should no longer happen.

HON H CORBY:

I am quoting from the Principal Auditor's report which says capital projects such as this require forward planning and compilation of detailed estimates and it says at the end of it, "I am now taking up this matter with the Housing Manager" which is the Minister at the moment. Has he been approached by the Principal Auditor?

HON J E PILCHER:

I am not the Housing Manager, I am the Minister for the Environment with responsibility for housing. No, Mr Speaker, because the person who the Principal Auditor was referring to is the person who is responsible to the Principal Auditor for the expenditure in the Buildings and Works Department who is the controlling officer or the head of department. The money is not spent at the whim or at the decision of the Government. There is a proper procedure and therefore he was referring to the director or the head of Buildings and Works. Having said that, to clarify a point, I have met with the Principal Auditor when I took over the Buildings and Works Department, this is one of the first things that I did. I had various meetings with him and with the department and like I said in the case of stock control I believe that the Principal Auditor and the Accountant General are happy with the new system that we have put in place but like everything else obviously as the systems run there may be some adjusting to be done but I am quite happy that the accounting systems are now operational and working.

NO. 234 OF 1995

THE HON H CORBY

EDINBURGH HOUSE AND CHILTON COURT

Do Government agree that MOD properties like Edinburgh House and Chilton Court, when released, would make ideal assets for Government to meet their electoral commitments to provide low cost rental housing to Gibraltarians on the housing waiting list?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

At this stage there has not been a firm offer of transfer from the MOD to the Gibraltar Government for the various properties earmarked by the MOD to form part of the future transfer of buildings and which was made public by the MOD. There already exists a forum for negotiation and this committee will be identifying the different areas of discussion which need to be addressed and which I have already made public.

In the same public statement, I also stated that the Government did not expect these properties to be ready for transfer and accepted by the Government until 1997. I also explained Government policy on the release of any MOD property. This would obviously be dependent on the circumstances at that stage. Nothing has changed from the date of that statement and the position remains the same. Mr Speaker, for the record I believe my Government have amply met our electoral commitment in 1988 and 1992 and the proof is there for all of Gibraltar to see. Housing is no longer the great social problem it used to be.

SUPPLEMENTARY TO QUESTION NO. 234 OF 1995

HON H CORBY:

Insofar as the Minister has said that there are no talks being held, I believe that in a television interview he said that negotiations were taking place and he did not know if he had to pay for the properties or not. This is what he said publicly. As far as his second answer is concerned that he has already fulfilled the electoral promise, he has not because in the manifesto it states bluntly that they would build as many houses as necessary for those who could not afford to buy. At the moment the housing problem has been solved because of the 50/50 scheme and not because of offering.... I am telling the Minister that he has not done it and will he not agree with me that he has done it not by producing low cost rent housing but on the 50/50 scheme? There are people out there earning £90 a week who cannot afford to buy and they said they would provide the necessary housing for those who cannot afford to buy.

HON J E PILCHER:

The first part of that question, I think, was dealt with by the Chief Minister earlier this morning when the negotiations that were referred to are the on-going negotiations between the Government of Gibraltar and the MOD in relation to all property buildings and therefore there is an on-going negotiation which the Chief Minister explained this morning. The rest of the statement is not something I will comment on. It is all wrong but, Mr Speaker, as you pointed out this morning to all of us this is not a debating society but a question and answer session.

HON H CORBY:

The Minister wants to evade the question but my question is that he has not provided low cost housing on a rental basis for the people of Gibraltar which was in their manifesto in 1992. He has not produced this.

HON CHIEF MINISTER:

The 50/50 provision has allowed many people to have for the first time an opportunity to buy their own houses which at one stage, as the hon Member knows, was the prerogative of a privileged minority and which when the previous administration introduced home ownership, he knows because he was one of the ones intelligent enough to buy his house in Rosia when they offered it, they actually were introducing a system which had the effect of removing houses from the rented stock and giving them to home owners. He was in the lucky position to have been wise enough to have taken that offer. But people like him who bought those houses reduced the rented stock. We have come into the business by creating an alternative to the rented stock where the people who can afford a little bit more than the Government rent, after taking into account £10,000 home ownership allowance and the relief on mortgage interest payments which is also applied on the repayment schedule, one ends up with a net cost for the average person on an average income of £200 a week which cost them little more than it would cost to rent. Therefore we are doing a number of intelligent and useful things for our people. We are increasing and widening the home ownership. He knows as well as I do because he is a home owner that there is a tendency for the neighbourhood to improve as a result. He knows that that is the case. Secondly we are getting the people who for a little bit more than what they were renting take the pride in their property and have an asset which they can hand over to their children. We are being left behind with relatively good housing stock of something like 5,000 units in a population where there are 8,000 families which should require little more addition to satisfy everybody. We may not be able to do everything by yesterday but we will certainly be able to do it by tomorrow and we will certainly be able to do it when we are returned to office in 1996.

MR SPEAKER:

Next question. No more questions. I think you have had your answer. We cannot have a debate.

HON H CORBY:

Mr Speaker, it is not a debate it is an accusation that the Chief Minister has made about me as a home owner.

MR SPEAKER:

Point of order. That is a different matter.

HON H CORBY:

I have been accused of being a home owner. I am a home owner. But let me say that is a thorn on the part of the Government because when I became a home owner I was offered a house in Rosia Dale which cost me £12,700 on a 100 per cent basis. If he can produce that for the people of Gibraltar it would be most welcome.

HON CHIEF MINISTER:

Can I clarify that I am not accusing the hon Member of anything? All I have said was that that offer which the hon Member says I was against when I was in Opposition because I thought it was crazy to sell the whole of the housing stock in Gibraltar so cheap that by the time we got £12,000 for one house, we would need to sell four houses to build one. We are doing the opposite. What we are doing is we are getting people to move out of a rented house into a home ownership situation for little extra cost. But for little extra cost not for half of what it

used to cost to rent. I am congratulating the hon Member for having had the wisdom to say yes to an offer which although I opposed it, I cannot understand how most people rejected it. It was an offer that did not make economic sense and the reason why I opposed it was because I thought the previous administration was making a mistake because I thought everybody would say yes and they would then find themselves with a vast chunk of rented accommodation disappearing and with no money to keep on building because the houses were being sold for such a low price. That was my objection to it. I am certainly not accusing him of having done anything wrong. I think that probably had I been in his shoes I would have said yes if it had been offered to me.

NO. 235 OF 1995THE HON P R CARUANA**MONITORING OF THE FRONTIER**

Following the Convent's statement in August 1995 that it was "closely monitoring the situation at the border and the recent level of queues" can Government say whether they are aware of the conclusions arrived at by the Convent and what steps have been taken to try and redress the situation?

ANSWERTHE HON THE CHIEF MINISTER

Since the statement was made by the Convent in August, monitoring has consisted in reports on incoming and outgoing vehicular movements on an hourly and daily basis. For example, on 23 November incoming vehicles experienced delays ranging from five to 15 minutes between 9.00 am and 2.00 pm and no delays after that, whilst outgoing vehicles experienced delays of 15 to 75 minutes between 3.00 pm and 1.00 am and no delays at any other periods. Similar reports are produced every day.

It is difficult from these reports to establish any particular pattern other than increased traffic flow in one direction or another at a particular time of the day.

During the Minister of State's recent visit to Gibraltar he was given the opportunity of seeing for himself the situation at the frontier.

Equipment is being put in place so that the area of the frontier is kept under surveillance and the delays to traffic can be recorded.

My understanding of the position is that Her Majesty's Government brings up the question of traffic delays at the frontier with the relevant authorities in Madrid whenever the occasion arises.

SUPPLEMENTARY TO QUESTION NO. 235 OF 1995

HON P R CARUANA:

The Chief Minister has in fact pre-empted one of my supplementaries which was going to be precisely to ask whether there were any plans to fulfil and thus create a visual record should it become necessary at some future date to mount a legal challenge to this. My final supplementary would be this, whether the Government are aware whether or not Her Majesty's Government now accept that the regime at the frontier appears to be regulated for purely reactive political reasons as opposed simply increases and decreases in traffic volume flows? Is that the position that they now recognise or are they trying to establish whether it is only traffic flow?

HON CHIEF MINISTER:

I think it is unlikely that they will ever admit that they recognise it and I think it is probable that they always recognised it when they did not admit it.

NO. 236 OF 1995

THE HON P R CARUANA

AMIGOS DE GIBRALTAR CARD

Did Government have prior knowledge of and did they approve the postcard issued by the Amigos de Gibraltar depicting a young girl behind bars under the caption "when I grow up my country will be free"?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, no.

SUPPLEMENTARY TO QUESTION NO. 236 OF 1995

HON P R CARUANA:

The sentiment intended to be conveyed by that card is accurately depicted in the writing on the reverse of the card and of course that is perfectly right and proper but given that more people will just a glance of the picture than will bother to turn round and read the small print on the back, does the Chief Minister agree that the card runs a grave risk of being misinterpreted by casual and uninformed persons in far flung corners of the globe to mean that somehow here in Gibraltar we suffer a lack of personal freedom? In that context it is regrettable that the message went out in this form.

HON CHIEF MINISTER:

Well, we have got within our own society people who preach to the four winds that Gibraltar is a dictatorship and that they have lack of personal freedom with which I do not agree of course. Let me say that I welcome the fact that the hon Member has prefaced what he had to say by saying that the intention of this card from the Amigos de Gibraltar has been exclusively motivated by seeking to further our cause in Spain. I would therefore say the explanation given by Carmen Vicente who is the Executive Committee Member in a letter on this matter in the Chronicle in August was to point out that the cards were being provided to people willing to send them to the Spanish Minister for Foreign Affairs to whom it was addressed and that therefore the recipient of the cards would not be in any doubt that we were not asking for him to march down here to liberate us. But at the end of the day we have got people who are giving a lot of time and effort for the first time in our history from the neighbouring country in defending our right of self-determination and even if they get things wrong we have to accept that they are in fact operating individually with the best of intentions. I have to say at the same time that certainly some of the friends of Gibraltar in other parts of the world feel that the colonial domination which is standard UN language is what we need to be liberated from.

HON P R CARUANA:

Given that the Chief Minister appears to be agreeing with me that perhaps if more thought had gone into this locally it might not have gone out in that form. Does he agree that those persons in Gibraltar who through their contacts with them are in a position to exercise influence over the Amigos de Gibraltar might prevail upon them to have this sort of very high profile output approved in Gibraltar before they go public on it?

HON CHIEF MINISTER:

I imagine since they were criticised here when the card came out they do not need reminding of that because they feel particularly hurt when they find Gibraltarians criticising them given the fact that they are putting frankly their head on the noose every day of the week over there.

ORAL

NO. 237 OF 1995

THE HON P R CARUANA

SUPPORT OF THE PUBLIC DEMONSTRATION

Why didn't the Government support the July 12th public demonstration against the fast launches?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 247 of 1995.

NO. 238 OF 1995

THE HON P R CARUANA

FRONTIER TOLL

What information do Government have, other than from media reports, about the possible introduction by Spain of a frontier toll and are they taking such reports seriously?

ANSWER

THE HON THE CHIEF MINISTER

None. It seems from such reports that the toll idea is being taken seriously by the La Linea municipality.

SUPPLEMENTARY TO QUESTION NO. 238 OF 1995

HON P R CARUANA:

So the Government are not taking it seriously and therefore they believe that it is unlikely to happen? I think that is implicit in the answer, that is not my supplementary.

HON CHIEF MINISTER:

The answer is that I have no information other than the media reports, and on the basis of the media reports the media claim that there is great enthusiasm for the idea on the other side of the border which would suggest that they are taking it seriously. We have no other evidence than that.

HON P R CARUANA:

Yes, Mr Speaker, the Chief Minister may be aware that the Spanish media has now actually announced what the toll is going to consist of and how much is going to be charged to pedestrians and for vehicles. Are the Government minded to start initiating an enquiry into the legality or illegality of the toll? I have heard it suggested in the Spanish press that there is nothing wrong with tolls, of course, because there are toll roads all over Europe but of course quite apart from the question of qualitative freedom of movement, I know of no route in Europe on which a toll is charged for which there is no free alternative. In other words, there are plenty of toll roads in Europe but there is always an albeit longer and less good quality road to go along free of charge. I would suggest that the Chief Minister considers that there is no example of a toll road in Europe which is the only way of getting between point A and point B and I am confident that if they investigated on this the illegality of this move would be established and it may be a question of doing the necessary survey beforehand and getting some sort of declaration from the Commission before it happens.

HON CHIEF MINISTER:

Well, I can tell the hon Member that of course we have discussed the matter with Her Majesty's Government and particularly with Mr David Davis during his visit here and certainly that is not one of the points that we have made. I know that there are bridges where short of swimming there is no other way of crossing but one of the points that has been brought to the attention of the British Government is that the road in question was built with European Union funds and that there is a normal relationship between the charging of the toll and the recipient of the proceeds of the toll to the people who built the road in the first instance. That is what is to my knowledge totally unheard of is that a municipality that runs out of money immediately plonks a toll on the nearest road as if it was Dick Turpin. That to my knowledge is unheard of. If it was a private road, built with private money and the users of the road have to pay because it is a commercial relationship then it would be normal. The UK Government

are fully conscious of the need to act quickly if steps are taken to introduce it but the view that they take is other than sort of informally alerting the Commission there is no procedure for commencing infraction proceedings unless things are happening. I have to say that we appear to have a greater willingness nowadays on the part of Her Majesty's Government to take infraction proceedings against Spain that has been the case ever before and that is a very welcome development. I do not think it is a good idea and I do not think it is in the interests of harmonious relations with our neighbour that we should spend the time each going to the European Union to complain about the other but it is certainly better that we should both be complaining rather than that there should be only one direction in which all the complaints come and that has been the thing until now.

NO. 239 OF 1995THE HON P R CARUANA**TRILATERAL DIALOGUE**

Why do the Government consider farcical the suggestion that Gibraltar should participate in genuinely trilateral dialogue?

ANSWERTHE HON THE CHIEF MINISTER

I do not know what is meant by genuine trilateral dialogue. I can tell the hon Member that since I am not as trusting as he is of Spain's good intentions nor as enthusiastic as he is, about doing a deal with the Spanish Government, I consider it farcical for the hon Member to keep on urging the Gibraltar Government to talk to Spain when it is clear Spain wants to take us over, not talk to us.

SUPPLEMENTARY TO QUESTION NO. 239 OF 1995

HON P R CARUANA:

I am neither trusting of Spanish intentions nor indeed am I anxious to do a deal with them and that seems to be about the only thing that the Chief Minister can ever say when somebody questions the inconsistency of his own position. I remember indeed in the 1992 election perhaps he remembers, that he got very upset with me and I think he even called me a liar in the pages of the Gibraltar Chronicle when I suggested, "The problem with the Chief Minister is that he is not interested in dialogue" and he said, "Who says? Mr Caruana is a liar when he says I am not interested in dialogue". The reason why I asked this question presumably the Government have not changed their position when they have gone to the United Nations and have said that a process of dialogue with Spain is quite acceptable to the Government provided that it is on a trilateral basis because that is what the Chief Minister goes and tells the United Nations. There is no point now here beating the drums and saying something different to the audience of this House. Is the Chief Minister aware that on the 15th September 1995 his party issued a statement saying, "This issue highlights the farcical suggestion of trilateral talks as Spain is clearly not interested in promoting good relations with Gibraltar". Well, even if I agree with him which I do that Spain appears to have no perceptible interest in establishing good relations with Gibraltar, is it the Chief Minister's formal position that therefore he is not interested in dialogue with them at all even on an acceptable and genuinely trilateral basis if that were to be brought about?

HON CHIEF MINISTER:

No, what I am saying to the hon Member is that he is doing a wonderful propaganda job for Spain by constantly saying that we in the Gibraltar Government are not interested in dialogue. The position is that we have got clearly less enthusiasm and anxiety and desire that he has because as far as we are concerned we have faced innumerable questions since he arrived in this House as to when are we going to start the dialogue and why do we not do it and why do we not widen the forum. Because my experience of bargaining with people is that the more one demonstrates that one is falling over oneself to bargain the worst deal one finishes up with. That is my experience of 20 years of bargaining.

HON P R CARUANA:

I was talking to him about dialogue not bargaining. Is there nothing that he thinks that needs to be discussed?

HON CHIEF MINISTER:

I was using bargaining of course in the way in which we trade unionists understand the word.

HON P R CARUANA:

He has already said publicly that he is willing to negotiate directly with the Spaniards so I know exactly what he means by bargaining.

HON CHIEF MINISTER:

So then the hon Member believes and he must be the only one in Gibraltar that I am softer on a deal with Spain than he is. He can go on that ticket in the election in 1996 and see how many people believe that one.

HON P R CARUANA:

Is the Chief Minister's position that if a genuinely trilateral process of dialogue were available he would consider participation in it farcical which is what his party have said publicly?

HON CHIEF MINISTER:

My position is that for the Government of Gibraltar to have to face a barrage of questions on whether we will have dialogue with Spain in this House of Assembly is a fantastic propaganda exercise for the Government of Spain, not for the Government of the people of Gibraltar and I wish he would stop doing it.

NO. 240 OF 1995

THE HON P R CARUANA

SEVILLE PROCESS

Is it Government policy to attempt to extend the so-called Seville process of dialogue to other areas of mutually beneficial co-operation?

ANSWER

THE HON THE CHIEF MINISTER

As far as the Government are concerned there is no such thing as a Seville process, so-called or otherwise. If what the hon Member calls the Seville process is the meeting which was scheduled to take place in Seville where Spain was represented by the Civil Governor of Cadiz and a variety of other persons, the Government's position is that these meetings, if they ever take place again, will be for the purpose announced when the first one was held on 26 January this year and nothing else.

NO. 241 OF 1995

THE HON P R CARUANA

EU DIRECTIVES

How many EU directives are left to implement from the list of 132 which the Government agreed to implement by the end of this year?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, 96.

SUPPLEMENTARY TO QUESTION NO. 241 OF 1995

HON P R CARUANA:

Is it still the Chief Minister's intention to comply with his publicly-stated undertaking to implement them by the end of the year?

HON CHIEF MINISTER:

Yes, Mr Speaker.

HON P R CARUANA:

Are any of those going to be implemented by legislation in this House?

HON CHIEF MINISTER:

I think it is highly unlikely that they will require primary legislation given the fact that we are using the same mechanism as the United Kingdom uses and which we brought in in section 23 of the Interpretation and General Clauses Ordinance.

NO. 242 OF 1995THE HON P R CARUANA**RELATIONS WITH UK GOVERNMENT**

Why does the Chief Minister now profess to enjoy good relations with the UK Government when earlier in the year his talk was of "lancing the boil" and of "steps to pre-empt and prevent" direct rule?

ANSWERTHE HON THE CHIEF MINISTER

I have always enjoyed good relations with the UK Government. At the same time when our national interests conflict with theirs on specific issues we have had to agree to disagree. The remarks to which the hon Member refers were made in response to persistent stories in the UK press which were always being denied by UK Ministers and always attributed to unidentified, anonymous civil servants in Whitehall.

I would remind the House that on 16 December 1994 Lord Arran stated in the House of Lords in answer to a question:

"I make clear straightaway that there is no threat of direct rule".

In spite of this, press reports still claimed that direct rule was imminent.

In respect of the other remark again I can only remind the House that after my meeting with the Foreign Secretary he stated publicly on 19 June:

"The British Government is not in a position to give instructions to the elected Chief Minister of Gibraltar under the 1969 Constitution".

SUPPLEMENTARY TO QUESTION NO. 242 OF 1995

HON P R CARUANA:

I am quite happy to endorse the position of the Chief Minister when staying firmly takes us to the brink in order to protect some interests which this House and not just be considers to be vital to our national interests. But the reality, does he accept is that on practically every issue that he has taken our relationship with the British Government to the brink he has subsequently capitulated and therefore I ask him why it was necessary to go through the pain in the process? We made a stand on the composition of the Financial Services Commission and backed down. We made a stand on the appointment of the Financial Services Commissioner and we backed down. We made a stand on the implementation of EU Directives, or does he not remember telling us 15 times in this House the very fine line about why the hell he should implement EU Directives about fresh fish farms in rivers when Gibraltar has no fresh fish farms or rivers. Well, now we know that he is going to eat all 132 regulations by the end of the year so he backs down. He has backed down on the Money Laundering Rules as well, not only in introducing them to this House even though in July he said that it was not acceptable to his Government but now he has even backed down on the agreement not to implement before it is implemented in other jurisdictions. Therefore, what I say to him is what is the point of making the stands if in the end we are going to capitulate? Is it not better to try and arrive at the same destination by some mutually agreeable basis which at least will result in a relationship from which we might be able to extract something of value to us?

HON CHIEF MINISTER:

It is quite obvious that I am not the ogre that the hon Member has made me out to be since I am constantly backing down on every issue. Let me say that of course on the Financial Services Commission what we had was a position where before we went to the United Kingdom the hon Member made a statement which is recorded in Hansard saying that I could count fully on his support in taking the line that I had explained in the House, that while I was in the United Kingdom he came out with a press release saying if there was goodwill on both sides a compromise could be arrived at and when the United Kingdom took a line that they would not budge, immediately came out with full page adverts saying that it was all my fault and forgot about everything that he had said before. Clearly, what we have a situation is not where I am backing down constantly but where he wishes to urge me to take a stand on a number of issues in the forlorn hope that he will somehow be able to spring the trap and catch me inside and I have been too long and I am too long in the tooth in this game to be caught in any traps by anybody, there, in the other place or anywhere else. Therefore what was clear to me was that the kite flying in the press which I have repeatedly told the hon Member was not a reflection of what actually took place in the meeting. He does not have to believe me but then at the end of the day there is little incentive to give the hon Member explanations if the explanations do not coincide with what he likes to hear and he finished up not believing me. He does not have to believe Douglas Hurd and he does not have to believe Lord Arran and he does not have to believe David Davis and he does not have to believe anybody else. He can believe what the press printed. All I can tell him is that I have no doubt that the press did not invent those stories and I have talked to the journalists and they are serious people and they have assured me that the stories that they printed were stories that were given to them to print irrespective of whether they were true or they were not true and that I have no doubt that that may be a strategy that is used in situations where one wants to condition a particular climate, whether in fact they would have gone as far ever as the newspapers were suggesting they were prepared to do, I cannot tell. All I can tell the hon Member is that publicly they have said they were trying to persuade me down a certain path. Privately they did try to persuade me and they never threatened me and that in a number of issues, it is true that we have gone down the route of accepting the all crimes law on the 1st January 1996 but it is true that they wanted me to do it in February 1994, not in January 1996. It is true that we are implementing the EU Directives by the end of this year when I came out and gave a public commitment that I would do it but I can tell the hon Member that they have now accepted that these Directives are far more difficult to implement than they thought they were and that it would be a complete nonsense to suggest that they could be implemented by fear from London and that they have provided us at considerable expense to themselves although I think the expense is more nominal than real because what they are doing is having Gibraltar-based civil servants who were civil servants already in the United Kingdom but at their expense, running therefore to quite substantial amounts of money every year who are doing all the work that we were not prepared to devote resources to doing because we argued with them, "Look, if you are the Member State responsible and you face infraction proceedings you have some responsibility to meet the cost. You do not discharge your responsibility simply by saying, "This is what you must do, get on with it" irrespective of whether we have got the money or the people to do it". Therefore giving effect to Community law in Gibraltar is now much more of a partnership in 1995 than it was in 1990 or in 1991 or any time before that. It is not surprising that in 1988 only three directives had been implemented in 15 years, not surprising and that in fact half of the 132 directives are pre-1988 which were there already and that without a great deal of technical support from the United Kingdom, which is more than simply telling us, "This is what you must do irrespective of whether there is a river or there is not a river" and that I think is something that we have now got very committed people in Gibraltar and people with great inside knowledge of how the system works, both in the Commission and in the different departments in London. We are now getting for the first time advance proposals of directives into which we are able to have an input which we have never had before which may prevent us having problems in the future and of course there has been an important shift in the policies of the UK Government. The UK Government announced only a few days ago that Mr Redwood, the Minister, was on his way to Brussels to try and persuade the Commission that there was a need to embark on a de-regulation programme and start repealing some of the directives we had been told we had to implement, which is good news. With a bit of luck they will repeal them before we get

there! They have announced that next year the most that is expected to issue is 19 directives and that the year after that they are programming zero directives. The fact is that the United Kingdom has taken a line, perhaps for internal reasons, of saying, "We cannot be the only people in Europe who are paying 100 per cent attention to Community obligations and we are in a totally uncompetitive situation where everybody who pays lip service and the they do what they like and the only ones who say 100 per cent....." If it says one must measure the ozone one just does not put something in the law saying, "We are going to measure the ozone", one actually engages somebody to go round measuring the ozone and we may be the only ones in Europe doing that. We realise that that is the way the UK goes about doing things but we have pointed out to them, "Look, if you want us to go over the top then we will do it provided you foot the bill. If we have to foot the bill we are not going to go over the top". There is in my judgement a greater acceptance in London that the resistance in the past in a number of areas was not resistance for the sake of resistance but resistance because in fact what they were asking for was not reasonable and I think we have made great inroads in that respect.

NO. 243 OF 1995

THE HON P R CARUANA

ARREST OF SPANISH FISHING BOATS

Are the Government aware whether Spain has protested to the British Government over the attempt to arrest Spanish fishing boats in our waters on the weekend of 21/22 October 1995 and, if so, are they aware of Britain's reply?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 243 OF 1995

HON P R CARUANA:

No, is the Chief Minister not aware, or no, there has been no protest?

HON CHIEF MINISTER:

Obviously if I do not know if they have protested I cannot know if they have replied because I would need to know they had protested first before I would know if they have replied or not.

HON P R CARUANA:

But the reverse is not the case? Are the Government aware of the press reports that the Spaniards were intending to protest?

HON CHIEF MINISTER:

I am aware that press reports are not 100 per cent reliable. I think I explained that in the previous answer to the previous question.

NO. 244 OF 1995

THE HON P R CARUANA

COURT RESOURCES

Are Government aware of the criticisms of Chief Justice Kneller at the opening of the legal year that the inadequate resources of Gibraltar's courts are "affecting court functions" and what action is proposed to correct this?

ANSWER

THE HON THE CHIEF MINISTER

I am aware that Chief Justice Kneller made references to the constraints on resources and the workload of the Courts. Careful note has been taken of his comments. The question of resources will be looked at in the context of next year's budget and at the same time, as the Chief Justice himself commented, the question of raising the limit for small claims is currently under consideration in order to reduce the workload.

SUPPLEMENTARY TO QUESTION NO. 244 OF 1995

HON P R CARUANA:

Between now and the next elections which of course after that they will not be in a position to do anything about it, will the Chief Minister increase the staffing levels in the Supreme Court to relieve the pressure that exists in those departments or do they insist on recruitment only by transfer from other Government departments, is that still their insistence?

HON CHIEF MINISTER:

The position of the Government as regards the manning levels throughout the civil service I do not think is a matter which follows from this question. But in any case if he is so confident that he is going to be able to provide them with everything they want after the next election which has to be between now and just after the beginning of the financial year it will be his budget so why should he be worrying about it?

NO. 245 OF 1995

THE HON P R CARUANA

ECONOMIC AID

What specific economic aid have the Government requested from the British Government since 1992?

ANSWER

THE HON THE CHIEF MINISTER

If by specific economic aid the questioner means grant aided budgetary assistance in respect of recurrent expenditure, the answer is none since 1992, and to my knowledge none ever before.

The UK has continued to provide both capital grants either from its own national resources, or by including Gibraltar as a region in respect of EU Objective 2 Structural Funds which happened for the first time in 1994 and where Gibraltar was accepted for inclusion in competition with other applicant regions which were consequently left out.

The main technical assistance has been in the UK funding of officers with the required expertise seconded to Gibraltar for the purpose of dealing with the backlog of EU directives requiring transposition into the national laws of Gibraltar. The only specific cash request made by the Government to the UK has been for a contribution towards the running costs of the anti-drugs enforcement agencies financed from the Special Fund set up for this purpose. At present this fund is already in deficit due to the additional expenditure incurred by the Marine Section.

As I mentioned in a recent debate in the House I raised the matter with the Secretary of State on 21 June 1995 and at the time I had not been given a definite reply one way or the other.

I have since been told that the UK is not able to afford to contribute towards these running costs. The order of the contribution would only have been a couple of hundred thousand pounds a year.

The Government feel this requirement for cash is not really seeking economic aid at all since it is not intended to support Government finances or domestic recurrent spending but to contribute to an international obligation in respect of which there is clearly some UK responsibility as the administering power responsible for our foreign affairs.

I am of course referring to the policing of our territorial waters and the co-operation with neighbouring jurisdictions in international waters in the first against drug trafficking across the Straits of Gibraltar.

As the House knows Mr David Davis on his recent visit announced a source of measure aimed at assisting Gibraltar to achieve greater economic diversification.

This included cash support for the Financial Services Commission and technical assistance in marketing and involving the resources of the Investment in Britain Bureau in attracting new businesses to Gibraltar.

In addition the Minister was able to announce the extension to Gibraltar of the provision of the EU health care arrangements which should open up new opportunities for property development in the UK retirement home market. This is something the Minister has been fighting hard to obtain for us since I first raised it with him in our first meeting in September 1994.

SUPPLEMENTARY TO QUESTION NO. 245 OF 1995

HON P R CARUANA:

Regardless of whether such assistance would be available if requested, is it actually contrary to Government policy to accept economic assistance from the British Government, for example, for such things as capital projects or particular investments?

HON CHIEF MINISTER:

We have been using capital grants in the Improvement and Development Fund and in fact if the hon Member looks in the Principal Auditor's Report he will see that we finally spent the amount that was originally granted in 1984 only last year. Since then the most important thing is the introduction of Gibraltar as part of the United Kingdom for both Konver funding and for structural funding which we have not had to do before and where frankly we are in a happier position than in competing with developing countries for aid. I can tell the hon Member that my view, not just in Government but in Opposition, was that the United Kingdom had a responsibility in Gibraltar which it had to discharge and that that responsibility should be directly related particularly to the things which they have landed us with. I think we have a social problem here for example involving Moroccan workers. I can tell the hon Member that I have been pressing the UK on this one almost since we came into office. We feel we have a moral obligation to people that have been here for 30 years. I do not think any Gibraltarian feels entirely happy with the situation where Moroccans that have spent all their lives are then thrown on to the labour market and it would help us deal with the unemployment situation if in fact we induced them for them to return. That is something where as far as I am concerned I am not asking them to give us aid. I am asking them to accept that what they cannot do is import labour to meet their military requirements and then disappear over the horizon and leave us behind with rotting buildings and elderly people who have difficulty in being re-employed and that they have certainly a moral responsibility and I would argue even possibly a constitutional responsibility in that field. I think the problem is that if we look at competing for aid funds in the ODA, I always used to make the point a long time ago when the previous administration went over to the UK and tried to get ODA money for the pedestrianisation of Main Street and they were told no, my reaction was not to say to the AACR administration, "You failed, you should have done better, and you are useless and we will do it". My reaction was to say, "I am not surprised because, frankly, if I was the Minister responsible for Development Aid and I had to choose between giving you a £1 million to pedestrianise Main Street or giving somebody £1 million where there are starving children in Ghana or in another former British territory". I have no doubt which I would support, however much I cared about the Gibraltarians. We are competing for the wrong budget, the budget is fixed and it is for developing countries and it is for people who are starving. It is very difficult, in my judgement, to put up a strong case for the competition for those funds and therefore my argument has always been that it is a national responsibility independent of Overseas Development Aid. The closest we have ever got to that in fact has been now that to some extent we are competing not with third world countries but with the rest of the United Kingdom and that is much fairer competition because it is not unreasonable that if we are competing with European Union funds with, say, Liverpool, Liverpool should get it because they may have more unemployment and more decay and more urban renewal problems than we have but on the other hand if we are competing with a wealthy southern England region then we should be able to get a bigger chunk of that available money and that is what is happening. We have the advantage that the matching funds are paid by us and therefore when we look at Treasury views it is quite obvious that in this particular instance if the European Union gives £100 million to the UK and the UK has to match from central Government that £100 million with £120 million then they would rather give me £1 million and I have to find £1.2 million because from central Government funds every penny that comes from the European Union to Gibraltar is better news for the Chancellor of the Exchequer and his public sector borrowing requirements.

NO. 246 OF 1995

THE HON P R CARUANA

CONSTITUTIONAL REFORM

What constitutional reform has the Chief Minister proposed to the British Government?

ANSWER

THE HON THE CHIEF MINISTER

There have been no further discussions with Her Majesty's Government on constitutional reform since I answered Question No. 140 of 1995.

SUPPLEMENTARY TO QUESTION NO. 246 OF 1995

HON P R CARUANA:

So the Chief Minister has not put up to London any formula to resolve the so-called European Union impasse which appears to be the manifestation of the need for internal constitutional reform in terms of the legislative autonomy of this House?

HON CHIEF MINISTER:

Well, I did put up the proposals on the 30th April 1992 and they were quite detailed and they run to several pages. I had a reply from the then Minister of State on the 4th June and I will just quote the final paragraph which says, "These are difficult issues and we shall need to work hard and patience to reach a satisfactory outcome". At the rate we are working on it I think I am going to need the patience of Job.

NO. 247 OF 1995THE HON P R CARUANA**FAST LAUNCH TOBACCO ACTIVITY**

Why did Government take no steps to stop the fast launch tobacco activity prior to the public demonstration on the 12th July 1995?

ANSWERTHE HON THE CHIEF MINISTER

I totally reject the suggestion that the Government did not support the 12th July public demonstration. The text of the motion brought by the Member opposite specifically stated that this House supported the demonstration. This motion was amended by the addition of other references to the response to that demonstration and was carried unanimously. The position of the Government as regards curtailing the activities of boats not suspect of being involved in drugs trafficking has been explained by me in the House and outside the House publicly on numerous occasions and is well-known to everyone. In the light of the memorandum handed to me by representative bodies and the meeting I held with them we took certain action which was reflected in the clauses in the amended motion carried by the House.

SUPPLEMENTARY TO QUESTION NOS. 237 AND 247 OF 1995

HON P R CARUANA:

Does the Chief Minister accept that the motion was after the event and that the motion was in support of the call by the demonstration but that on the day before the demonstration the party which he leads actually put out a public statement discouraging it from taking place?

HON CHIEF MINISTER:

All I can tell the hon Member is that on the day of the demonstration the Government - and he is addressing the question to the Government and not to the party - gave its employees paid time off to go to the demonstration.

HON P R CARUANA:

First of all, that does not detract from the fact that the GSLP put out a statement asking in effect people not to attend the demonstration and does he accept that the Government of Gibraltar only released, I accept that the Chief Minister was in New York at the time and not here, but has he not subsequently been told that the Government of Gibraltar only agreed to release its employees after the Ministry of Defence had unilaterally agreed to release theirs which would have made it practically impossible for the Government not to do the same?

HON CHIEF MINISTER:

I do not know what the sources of information the hon Member has because it is a consistent feature of questioning in this House that they seem to think they have got inside information which may or may not be accurate which they can produce to disconcert us. All I can tell him is that as far as I am aware there is nothing in my ministerial portfolio that requires me to give explanations in the House in respect of press releases issued by political parties, whether it is the political party to which I belong or not because a press release on behalf of the party is not a press release in the name of the Government of Gibraltar and he can only ask questions here about the Government of Gibraltar. Frankly, I would have to check

precisely what was the wording of the press release but I can say that I doubt very much that the GSLP came out with a press release saying to people, "Boycott the demonstration" because if that had been the intention of the GSLP then they would have actively done something about it and to my knowledge vast numbers of party members were there at that demonstration.

HON P R CARUANA:

I think that the language actually used was in terms of thinking that it should not take place rather than boycott it but that is discouragement, is it not? The Chief Minister earlier referred to his well-known views on the question of tobacco activities. In 1990 he said to this House, in answer to Question No.144 of 1990, "The Government have no evidence to suggest any specific social implication of the tobacco export trade requiring action but the situation will clearly be kept under review so that a view can be formed if and when such information becomes available". The then Leader of the Opposition, Mr Canepa, asked him, "Is the Government concerned, Mr Speaker, about any possible negative repercussions on Gibraltar's image and reputation as a credible finance centre arising from this trade?" And the Chief Minister is reported to have answered, "No, Mr Speaker. We think that the allegations in this respect are unfounded", and then he went on to say that the Spaniards would, in any case, complain about the finance centre as well. So is it still the Chief Minister's position that he considers that there are no image problems and no social problems that were consequent upon the existence of that activity?

HON CHIEF MINISTER:

It is certainly my view that the events subsequent have demonstrated how grossly exaggerated those problems were. People were predicting virtual catastrophe following a situation where there would be a need to maintain almost martial law in this place as the consequences of the social disorder that would follow. The people of Gibraltar reacted, in my judgement, with great sense of outrage but in a very responsible fashion to the events of the disorder that took place as a consequence of the introduction of a law by the Government which led to the confiscation of 65 RIBS on which hon Members were given an explanation by Her Majesty's Attorney-General earlier today. That is the sequence of events. When I was addressed by the members of the representative bodies that brought me the petition, what they told me was that they were worried not about what Spain might say or not say or whether there was smuggling into Spain or not, but they were worried about the effect it could be having on the young people. I can say to the hon Member that I have said that in terms of the image of the finance centre the answer that I gave in 1990, which he has quoted, I need to remind him that in 1991 with the activity still there, I was promised in writing by the then Minister of State, Mr Garell-Jones, I have quoted that letter before in this House, that we would be able to passport into the United Kingdom and into the rest of the European Union once we had brought in the Second Banking Directive in 1992; we worked on that assumption, we were told that this would happen in 1993 with the activity still present and here we are in 1995, without the activity, and with no date as to when our licences in our finance centre will be considered to be legitimate. Certainly in my assessment of the situation, again I am not saying anything I have not said before, has been that what has made everybody who has come to see me with the intention of opening up business in Gibraltar go away and not come back has not been the fact that there might or might not be more or less activity, but the fact that if they have got a licence that they can only use in Gibraltar they are not interested in coming here, the Gibraltar market is not worth that much to anybody to come here and in my judgement they will not come unless and until we get passporting.

ORAL

NO. 248 OF 1995

THE HON P CUMMING

SOOT FROM DESALINATION PLANT

Have the problems associated with air pollution and deposits of soot now been solved at the desalination plant next to Gib 5?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 249 to 262 of 1995.

ORAL

NO. 249 OF 1995

THE HON P CUMMING

INCOME TAX ADJUSTMENTS

How frequently are relatively large sums involved in income tax adjustments under the Pay As You Earn scheme?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 and 250 to 262 of 1995.

ORAL

NO. 250 OF 1995

THE HON P CUMMING

INCOME TAX ADJUSTMENTS

Why are explanations not routinely forthcoming to people who receive large sums adjustments under PAYE?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248, 249 and 251 to 262 of 1995.

ORAL

NO. 251 OF 1995

THE HON P CUMMING

ALAMEDA GARDENS

Do the Government approve of the restrictions placed on the use of the entrances to Alameda Gardens?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 250 and 252 to 262 of 1995.

ORAL

NO. 252 OF 1995

THE HON P CUMMING

JOBS HELD BY SPANIARDS

How many Spanish nationals legally hold jobs in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 251 and 253 to 262 of 1995.

ORAL

NO. 253 OF 1995

THE HON P CUMMING

ILLEGAL WORKS

What mechanisms are in place to prevent anyone working illegally in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 252 and 254 to 262 of 1995.

ORAL

NO. 254 OF 1995

THE HON P CUMMING

ILLEGAL LABOUR

What is the maximum fine on an employer who employs illegal labour?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 253 and 255 to 262 of 1995.

ORAL

NO. 255 OF 1995

THE HON P CUMMING

JOBS

What is the total number of jobs at present in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 254 and 256 to 262 of 1995.

ORAL

NO. 256 OF 1995

THE HON P CUMMING

ENROLLED NURSES

Will Government confirm that training to enrolled nurse level is once again to begin at the School of Nursing?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 255 and 257 to 262 of 1995.

ORAL

NO. 257 OF 1995

THE HON P CUMMING

STUDENT GRANTS

What are the Government's criteria for the awarding of grants for studies in UK further to an initial degree, such as a Masters or professional studies?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 256 and 258 to 262 of 1995.

ORAL

NO. 258 OF 1995

THE HON P CUMMING

PARKING AT VARYL BEGG ESTATE

Will the Government make a statement on the parking situation at Varyl Begg Estate?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 257 and 259 to 262 of 1995.

NO. 259 OF 1995

THE HON P CUMMING

MEDICAL SERVICES

What evaluation do the Government make of criticisms of our medical services by Professor Hellevy as reported in the Dewmont Interview of the Gibraltar Chronicle of 6th November, with particular reference to the latest methods, not available locally, which if applied within half an hour of a heart attack increase chances of survival by 40 per cent?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 258 and 260 to 262 of 1995.

ORAL

NO. 260 OF 1995

THE HON P CUMMING

ARTICLE BY GAREL-JONES

Would Government make a statement on the recent article by Tristan Garel-Jones in which he says that Britain and Spain are slowly reducing us to a situation of undignified squalor?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 259, 261 and 262 of 1995.

ORAL

NO. 261 OF 1995

THE HON P CUMMING

ROUTE TO BOTH WORLDS

Will Government make emergency provision for residents of Both Worlds to use the short route to town?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 248 to 260 and 262 of 1995.

ORAL

NO. 262 OF 1995

THE HON P CUMMING

GIBALTARIAN STATUS

Will the Government change the law so that Gibraltarian status can be inherited from Gibraltarian mothers?

ANSWER

THE HON THE CHIEF MINISTER

As I have previously said in this House, the Government do not intend to answer any of the questions from the hon Member and would therefore refer him to the answer I gave him in Question No. 64 of 1995.