

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

13TH NOVEMBER, 1995

NO. 155 TO NO. 262

OFFICE COPY

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QUESTIONS & ANSWERS

13th November 1995

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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?

ANSWERTHE 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 1995

THE 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?

ANSWER

THE 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 Gibraltarian 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.

ORAL

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 1995

THE 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?

ANSWER

THE 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.

ORAL

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 Garel-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.