

GIBRALTAR
HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

24TH APRIL, 1995

No. 65 to No. 154

OFFICE COPY

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QUESTIONS & ANSWERS

24th April 1995

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ORAL

NO. 65 OF 1995

THE HON P R CARUANA

PUBLIC ACCOUNT

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 65 OF 1995

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

MR SPEAKER:

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

NO. 66 OF 1995

THE HON P R CARUANA

GROSS PUBLIC DEBT

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

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

NO. 67 OF 1995

THE HON P R CARUANA

LIQUID RESERVES

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

NO 68. OF 1995

THE HON P R CARUANA

SPECIAL FUNDS

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, this information is not yet available.

SUPPLEMENTARY TO QUESTION NO. 68/95

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

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

NO. 69 OF 1995

THE HON P R CARUANA

SALE OF PROPERTIES

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The Improvement and Development Fund, Sir.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1995

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

NO. 70 OF 1995

THE HON P R CARUANA

GIBRALTAR INVESTMENT FUND

In respect of the Gibraltar Investment Fund what were:

(a) its receipts from:

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

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

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

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

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

(C) PURCHASE OF SHARES

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

(D) SALE OF SHARES

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

(E) ADVANCES

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

NO. 71 OF 1995

THE HON P R CARUANA

In respect of the Gibraltar Electricity Fund, what were:

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

during the years ended:

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

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

NO. 72 OF 1995

THE HON P R CARUANA

SOCIAL ASSISTANCE FUND

In respect of the Social Assistance Fund what were:

(a) its receipts from:

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

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

(b) its payments to:

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

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

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

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

(B) PAYMENTS

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

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

NO. 73 OF 1995

THE HON P R CARUANA

GIBRALTAR TELECOMMUNICATIONS FUND

In respect of the Gibraltar Telecommunications Fund what were:-

(a) its receipts from:

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

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

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the information is as follows:-

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

NO. 74 OF 1995

THE HON P R CARUANA

REVENUES

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

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

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

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

SUPPLEMENTARY TO QUESTION NO. 74 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 75 OF 1995

GIBRALTAR SAVINGS BANK

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

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 75 OF 1995

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

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

QUESTION NO. 76 OF 1995

THE HON P R CARUANA

GIBRALTAR SAVINGS BANK

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

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

specifying the amount and the recipient of each such advance.

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

None, Mr Speaker.

NO. 77 OF 1995

THE HON F VASQUEZ

DUTY FREE SHOP - WATERPORT

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

NO. 78 OF 1995

THE HON F VASQUEZ

TRIALS DELAYS

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

ANSWER

THE HON THE ATTORNEY GENERAL

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

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

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

SUPPLEMENTARY TO QUESTION NO. 78/95

HON F VASQUEZ:

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

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

HON ATTORNEY-GENERAL:

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

HON F VASQUEZ:

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

HON ATTORNEY-GENERAL:

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

NO. 79 OF 1995

THE HON H CORBY

DRG TRAFFICKING TALKS

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

ANSWER

THE HON THE ATTORNEY GENERAL

Mr Speaker, in London on 27 April 1995.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1995

HON H CORBY:

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

HON ATTORNEY-GENERAL:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P CUMMING:

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

HON CHIEF MINISTER:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

QUESTION NO. 80 OF 1995

THE HON H CORBY

FAST LAUNCHES:

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

ANSWER

THE HON THE ATTORNEY GENERAL

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

SUPPLEMENTARY TO QUESTION NO. 80 OF 1995

HON H CORBY:

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

HON ATTORNEY GENERAL:

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

HON P R CARUANA:

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

HON ATTORNEY GENERAL:

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

HON P R CARUANA:

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

HON ATTORNEY GENERAL:

Mr Speaker, I undertake I will look into that.

HON H CORBY:

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

HON ATTORNEY GENERAL:

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

HON H CORBY:

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

HON ATTORNEY GENERAL:

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

NO. 81 OF 1995

THE HON LT-COL E M BRITTO

BUSKING IN MAIN STREET

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

ANSWER

THE HON THE ATTORNEY GENERAL

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

SUPPLEMENTARY TO QUESTION NO. 81 OF 1995

HON LT-COL E M BRITTO:

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

HON ATTORNEY GENERAL:

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

HON LT-COL E M BRITTO:

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

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

HON J PILCHER:

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

QUESTION NO. 82 OF 1995

THE HON H CORBY

COLLECTION OF PENSIONS

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

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 82 OF 1995

HON H CORBY:

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

HON R MOR:

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

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

HON H CORBY:

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

HON R MOR:

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

HON H CORBY:

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

HON R MOR:

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

HON H CORBY:

But there are still queues.

HON R MOR:

So there is an improvement of 75 per cent.

HON H CORBY:

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

HON R MOR:

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

LT-COL E M BRITTO:

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

HON R MOR:

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

NO. 83 OF 1995

THE HON H CORBY

HANDICAPPED PERSONS' ALLOWANCES

Will Government increase the allowances for handicapped and disabled persons?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 83 OF 1995

HON H CORBY:

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

HON R MOR:

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

HON H CORBY:

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

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

HON CHIEF MINISTER:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

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

NO. 84 OF 1995

THE HON H CORBY

DR GIRALDI HOME

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

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

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

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

SUPPLEMENTARY TO QUESTION NO. 84 OF 1995

HON H CORBY:

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

HON R MOR:

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

HON P R CARUANA:

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

MR SPEAKER:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

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

NO. 85 OF 1995

THE HON H CORBY

DR GIRALDI HOME

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

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 85 OF 1995

HON H CORBY:

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

HON CHIEF MINISTER:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

THE HON P R CARUANA

GIBRALTAR HEALTH AUTHORITY'S ACCOUNTS

What were the Gibraltar Health Authority's:

(a) receipts from:

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

(b) Payments, in respect of:

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

Ex-Gratia Payments
New Equipment
Minor Works

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

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

REVENUE	ACTUAL 93/94
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Group Practice Medical Scheme	10,555,169
Hospital Fees	112,830
Laboratory Fees	9,200
Other Receipts	112,086
SAF	6,000,000
Loan	1,144,314

TOTAL	17,933,599
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EXPENDITURE

01 PERSONAL EMOLUMENTS A	6,333,096
OVERTIME B	844,862
ALLOWANCES C	1,233,280
GRATUITIES D	168,130
TOTAL PERSONAL EMOLUMENTS	8,579,368
02 GENERAL OFFICE EXPENSES	27,207
03 RUNNING COSTS OF MOTOR VEHICLES	1,035
04 ELECTRICITY AND WATER	162,779
05 PROVISIONS	234,395
06 LAUNDRY	206,670
07 HARDWARE UNIFORM LINEN	82,803
08 DRESSING/MEDICAL GASES	278,173
09 G P M S	3,309,451
10 MEDICAL EQUIPMENT	99,721
11 PATIENS APPLIANCES	35,475
12 FUEL	24,938
13 FUNERAL EXPENSES	2,330

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

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

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

EXPENDITURE

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

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

REVENUE**EST
1995/96**

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

TOTAL	20,545,300
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EXPENDITURE

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

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

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

HON P R CARUANA

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

NO. 87 OF 1995

THE HON M RAMAGGE

GIBRALTAR HEALTH AUTHORITY'S ACCOUNTS

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

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

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

QUESTION NO. 88 OF 1995

THE HON M RAMAGGE

GIBRALTAR HEALTH AUTHORITY'S PURCHASES

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

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

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

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

SUPPLEMENTARY TO QUESTION NO. 88 OF 1995

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

No, Mr speaker, it is not.

HON P R CARUANA:

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

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

That is right.

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

NO. 89 OF 1995

THE HON M RAMAGGE

MATERNITY WARD

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

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

SUPPLEMENTARY TO QUESTION NO. 89 OF 1995

HON P R CARUANA:

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

MR SPEAKER:

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

HON P R CARUANA:

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

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

As to what is provided or not?

HON MISS M I MONTEGRIFFO:

As to what is provided, Mr Speaker.

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

NO. 90 OF 1995

THE HON M RAMAGGE

ADDITIONAL OPERATING THEATRE

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1995

HON M RAMAGGE:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

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NO. 91 OF 1995

THE HON M RAMAGGE

NURSING STAFF LEVELS

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

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

SUPPLEMENTARY TO QUESTION NO. 91 OF 1995

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

HON P R CARUANA:

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

HON MISS M I MONTEGRIFFO:

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

MR SPEAKER:

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

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NO. 92 OF 1995

THE HON LT-COL E M BRITTO

AMBULANCE SERVICE

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

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

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

They have a fleet of 3 ambulances.

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

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

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

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

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

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

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

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

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

The brigade responds to:

Emergency calls

Urgent calls

High dependency transfers

Major incidents

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

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

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

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

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

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

2 Accident and emergency ambulances

2 Transport vehicles

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

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

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

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

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

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

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

Analysis of work carried out this year is as follows:

CROSS BORDER TRANSFERS

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 92 OF 1995

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

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

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

The Royal Gibraltar Police have three vehicles.

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

That is correct.

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

Are there any plans to privatise the ambulance service?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker.

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

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

HON J C PEREZ:

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

NO. 93 OF 1995

THE HON LT-COL E M BRITTO

VICTORIA STADIUM

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

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1995

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

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

HON LT-COL E M BRITTO:

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

HON MISS M I MONTEGRIFFO:

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

ORAL

NO. 94 OF 1995

THE HON P R CARUANA

DISPUTE WITH GTC

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

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

SUPPLEMENTARY TO QUESTION NO. 94/95

HON P R CARUANA:

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

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON J C PEREZ:

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

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

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P CUMMING:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

ORAL

NO. 95 OF 1995

THE HON LT-COL E M BRITTO

ELECTRICITY GENERATION

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 95 OF 1995

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

That is the review that occurred in 1993?

HON J C PEREZ:

That is right.

HON P R CARUANA:

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

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

ORAL

NO. 96 OF 1995

THE HON LT-COL E M BRITTO

CAR PARKING SPACES

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 96 OF 1995

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

I do not agree with the hon Member.

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

ORAL

NO. 97 OF 1995

THE HON LT-COL E M BRITTO

PARKING AT RECLAMATION

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

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

SUPPLEMENTARY TO QUESTION NO. 97/95

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

ORAL

NO. 98 OF 1995

THE HON LT-COL E M BRITTO

CLAMPING

Will Government say whether clamping and towing away of vehicles on the public highway will be privatised or contractorised?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the matter in question has been the subject of a contractual relationship since 1988. The Royal Gibraltar Police have a contract in place with Gibraltar Security Services Limited.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the Minister deliberately chooses to misunderstand the question. I am well aware that there is a contract with GSSL. The thrust of the question, and surely the Minister appreciates it, is whether it will be privatised or contractorised to a private company which is totally independent of the Government?

HON J C PEREZ:

Mr Speaker, I do not choose to do that. The hon Member chooses not to put the question clearly. If what the hon member chooses to find out is whether it is changing from a wholly-Government-owned company to another private company he can ask the question as it is. But one does not contractorise or privatise something that has never been part of the Government service and what the hon Member is asking is whether it will be privatised or contractorised. The answer is it has been a contract with GSSL since 1988. If he wants to find out whether it is going to another private contractor, GSSL has already shed some of the activities it had on to other contractors. Some arrangements have been with the workers themselves, others have moved. People that used to be in security have moved to areas in the airport and the former immigration and those that are left behind on clamping and towing away are looking at proposals. I know that there are two local security companies prepared to bid for the work and one company from abroad and the

shareholders will have to look at the proposals that are received and will be looked at in that context.

HON LT-COL E M BRITTO:

Mr Speaker, without getting into the technicalities of the meaning of privatised or contractorised, the way the Opposition understand it is that clamping was originally, despite what the Minister has said, a Government responsibility through the police and subsequently it was contractorised to a wholly-owned Government company so in that sense it has remained up to now a Government responsibility, even though it is carried out by a commercial company if that commercial company is fully owned by Government it is still under the Government. As I said, without trying to be more argumentative about the meaning the thrust of what I am trying to get at is whether the facilities of clamping will be put into the hands of a privately owned commercial company. We hear from the Minister that proposals are being studied and I therefore ask the Minister if suitable proposals are put forward - by suitable I mean on a commercial basis - are Government prepared to accept the principle that..... In other words, are they prepared to give it to a wholly owned private company and therefore accept the principle that profit making arising directly from the enforcement of Gibraltar laws should be put into the hands of a commercial company.

HON J C PEREZ:

I find it strange that the hon Member should come up with that one since he was actually accusing a couple of years ago the Government of doing exactly that with the company. So if he is accusing the Government of making profit out of the contract that we have with the police in its onus of GSSL. If that were true it would be the same if it is transferred to another company but since it is not true, the responsibility for clamping and towing away continues to be the responsibility of the Royal Gibraltar Police whether it is carried out by policemen or it is carried out by a private contractor. The conditions in the contract placed on it by the Royal Gibraltar Police are such that it will inhibit people placing clamps indiscriminately in order to make a profit. it will continue to be under the supervision of the Royal Gibraltar Police as it is today, under their supervision and under responsibility of the Royal Gibraltar Police.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has said that I have criticised something in the past and I want to clarify that point.

I have criticised the concession of powers of clamping to GSSL in the past and we still disagree with that, in principle. Will the Minister accept that I have said publicly, that at least whilst such clamping was in the hands of GSSL, such monies that were collected were for the benefit of Government? The moment it goes into the hands of a private company then the profits go directly into the hands of individuals who are not connected with the Government and who are not for the benefit of the Government. On that basis, will the Minister accept that whereas in theory what he has just told us that supervision and responsibility for clamping will remain in the hands of the police, in actual practice human nature being what it is, when we have traffic wardens entrusted with clamping employed by a commercial company who depend on the figures on the bottom line of a balance sheet at the end of the year, if that traffic warden is not producing X number of clamps during the course of the week or the month to satisfy the directors of that commercial company, then that commercial company is making a profit then that individual traffic warden will be under pressure to use less flexibility and to clamp more in the interests of the profit making of the company. Whereas the supervision in theory by the police may be there, in practice what it will mean is that clamping carried out by a private company will end up with greater hassle of the motorist and a greater number of clamps being placed and less flexibility is shown by the people concerned.

HON J C PEREZ:

Government are aware that the hon Member thinks like that, has thought like that and will continue to think like that for evermore. The Government are confident and have full confidence that the Royal Gibraltar Police is able to control that aspect of the contract and we are happy with the way they have done it with GSSL and we are happy that they will continue to do it in the same manner.

QUESTION NO. 99 OF 1995

THE HON LT-COL E M BRITTO

REPAIR OF HIGHWAYS

Is Government satisfied that it is fulfilling its municipal responsibilities to keep the highway, and other public areas in an adequate state of repair and maintenance?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Government considers that the provision of public funds set aside annually for the repair and maintenance of highways and other public areas is reasonable.

During the current financial year which ends now, the Roads and Highways Section has completed the following works programme. I shall only be highlighting the major works, since mentioning the day to day minor repairs undertaken would be a tedious exercise:

- 1) Completion of the construction of what is known as Safeways roundabout which entailed the realignment of the pavements, construction of the centre island, drainage, planning and resurfacing of that part of the roadway.
- 2) The resurfacing of the newly reclaimed land at Coaling Island and some of the existing roads and reinstating of double concrete channels at the entrance to Coaling Island.
- 3) The reinforcement of part of the podium and the construction of pavements and road along the Western boundary of Harbour Views now called Harbour Views Road. Also the construction of the pavements around the new supermarket and the paving around lamp posts at Europort.
- 4) The re-enforcing and resurfacing of Europa Advance Road.
- 5) The preparatory work and the application of slurry seal which resulted in the following roads being resurfaced.

- a) Line Wall Road junction with John Mackintosh Square and the square itself.
 - b) Line Wall Road junction with Casemates Hill, Casemates Hill and Casemates along the part of the Health Centre.
 - c) Trafalgar Interchange.
 - d) Ragged Staff.
 - e) Part of Rosia Road.
 - f) Willis's Road.
 - g) Part of Corral Road.
 - h) Reclamation Road.
 - i) Waterport Roundabout.
 - j) Hospital Ramp.
 - k) South Pavilion Road.
- 6) The construction of ten new bus laybys including the construction of new pavements and the re-alignment of others.
 - 7) Alteration to pavements at Casemates Square and the preparations for the creation of a new taxi rank in the area including the placing of bollards and markings and the moving of the cabin of the car park attendant.
 - 8) Widening of exit from Europort Avenue into Queensway on a southerly direction.
 - 9) Infrastructural works for the Traffic lights at Europort and the pelican crossings.
 - 10) Reinstating trenches for services contractors such as are Nynex, Lyonnaise, etc.
 - 11) Reinstating of trench at Camp Bay from Nuffield Pool Car Park to the tunnel exit.
 - 12) The commencement of works for the extension and completion of Europort Road.
 - 13) The commencement of preparatory work on a number of roads for the laying of slurry seal which is to take place shortly.

Not included here, although appearing in the same vote in the estimates are works related to sewers because they did not form part of the question.

As far as other public areas are concerned, this financial year has also seen the following projects which, although unconnected with my ministry fall within the ambit of the question of the hon Member.

- 1) The complete refurbishment of the Piazza.
- 2) Continued improvements to existing tourist sites and the Upper Rock and the opening of Nelson's Anchorage at Napier of Magdala Battery.
- 3) The continued improvements and extension to public planted areas and the maintenance of existing ones.
- 4) Improvements to the Alameda Gardens and its continued upkeep which has attracted many favourable comments from residents and tourists alike.
- 5) The commencement of works at the boulevard.
- 6) The commencement of works at Moorish Castle Estate for the creation of a private car park and the introduction of a one-way system.
- 7) The commencement of works at the General Post Office for its partial refurbishment.

These two last items do come under my responsibility. The hon Member will note that in the estimates that have been tabled today, provisions for highways has been increased for this year. I shall be explaining the programme for 95/96 during the course of the debate in the Appropriation Bill.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, it is nice to see that contrary to the impression given at the last debate on the Appropriation Bill the Road Maintenance Section of the Government does get around and do work. We seem to have been given the impression the last time that most of the work was being done by contracted companies from outside Gibraltar. However, the major works, as the Minister has called them, are fair enough but it is also the minor areas which are being ignored by this Government which are the cause of complaints by people. Areas like Landport Tunnel, areas like the steps leading down from Line Wall

Promenade down to Queensway, areas like on the roads resurfacing, East Side Road, which is a promise by the Government of resurfacing now for about two years, areas like Engineer Lane where to drive down by car is like driving down on a fairground ride, the amount of bumping up and down one receives and I could go on, North Mole Road, etc, etc. I have not tried to produce a list as lengthy as the Minister has done although without too much thought I could easily put down something like 10 or 12 areas. It is those areas where I asked the Minister what plans there are for regular maintenance and regular cleaning, Landport and Line Wall Road. Not the areas where cars have to be moved to clean as they are done on a weekly basis but the areas where there are no cars to move but where they need to be cleaned and are not.

HON J C PEREZ:

Mr Speaker, the only thing I can tell the hon Member is that I have already told him, that there will be a programme of work for 1995/96 to be announced at the Appropriation Bill and certainly if I gave the impression at the last meeting that the people in the Highways did not undertake any work, I am sorry that I gave him the wrong impression. I thought he had suggested it and I was the one defending, saying that they did and I would be prepared to give a specific list of the jobs to the Member to which he remarked "ah".

HON LT-COL E M BRITTO:

I did not remark "ah", I said yes I will accept the list of the jobs that they are doing dating back as he originally offered to the beginning of the year and he said "No, I will give it to him from now till the end of the year" and I am still waiting for the list. We did not provide it.

HON J C PEREZ:

I have just read it for him, I read him the list.

HON LT-COL E M BRITTO:

But he offered to provide it last year in terms of the works programme.

HON J C PEREZ:

I have provided it in this financial year.

ORAL

NO. 100 OF 1995

THE HON H CORBY

LIFTS AT ESTATES

What programme of maintenance is in place for lifts at the Government estates?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, lifts at Government estates undergo maintenance on a monthly basis. This is carried out by the electrical section of Support Services Section.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1995

HON H CORBY:

There is no company which undertakes maintenance of lifts at all?

HON J C PEREZ:

Not in Government estates.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister put in "not in Government estates". What is the position on lifts in non-Government properties?

HON J C PEREZ:

They make their own arrangements. What have Government got to do with non-Government property? In Westside, in Montagu, they make their own arrangements with whoever they want to for the maintenance of their lifts. Government have nothing to do with it.

HON LT-COL E M BRITTO:

But is there any statutory obligation for someone to check that such maintenance is carried out?

HON J C PEREZ:

No, Mr Speaker. We have got a guideline. We have the review done on a monthly basis, not necessarily have to do it on a monthly basis but usually the manufacturer is

the one that recommends guidelines depending on the usage, on the type of maintenance that the lift should have and they usually get them replaced in periods of between 12 and 15 years.

LT-COL E M BRITTO:

But my question is, Mr Speaker, it applies equally to Government and to non-Government properties if there is a lift and Government as a responsible landlord maintains it on a regular basis and another landlord in the private sector who is less responsible maintains his less regularly, is there any provision in the legislation for a third party to check that such maintenance is being.....

HON J C PEREZ:

The hon Member is saying whether there exists legislation to ensure that lifts in non-Government estates are regularly checked. I do not know. He should give notice of the question. The question is specifically about lifts in Government estates.

ORAL

NO. 101 OF 1995

THE HON P R CARUANA

BID FOR GBC

What bid proposals were received from Maxfield Productions for GBC?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, no bid proposals were received from Maxfield Production for GBC.

Mr Arthur Maxfield, managing director of Maxfield Production, contacted me personally to explore the possibility of contracting part of the existing television service. I informed the board of GBC of the approach and they accordingly authorised me to continue the dialogue and inform them if any proposal were to materialise.

After several meetings, it became clear that none of the plans which Mr Maxfield had in mind, were sufficiently attractive to be worth pursuing. I informed the board and the matter was not progressed any further.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1995

HON P R CARUANA:

Mr Speaker, is the Minister aware of any other proposals which are still on the table and not yet projected. In other words, are the Government entertaining any other proposal in relation to GBC from the private sector.

HON J C PEREZ:

There is one more long shot proposal which I have been told is going to be put to the Government and to the board by a company from abroad. I am not sure whether it is connected to GBC directly itself or whether it is connected with the development of a second channel if that were possible but it is something that has not been put to us yet. We have been informed that proposals are going to be put to us but they have not been put to us yet.

ORAL

NO. 102 OF 1995

THE HON F VASQUEZ

NEW HARBOURS

What Government offices, stores or workshops are presently located in the New Harbours, and what is the total amount of rent paid for that accommodation?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1995

HON F VASQUEZ:

Mr Speaker, is the Minister saying that there are simply no Government departments or Government agencies located or hired.

HON J C PEREZ:

None, Sir.

NO. 103 OF 1995

THE HON P R CARUANA

MOROCCAN NATIONALS

Will Government inform the House of what the Minister for Trade and Industry said to the Moroccan Minister for Human Rights in relation to the claims of the Moroccan nationals involved in the permanent demonstration outside No. 6 Convent Place?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, I recently visited Morocco to establish contact with the Moroccan Authorities with the purpose of promoting commercial educational and cultural links.

During the course of the visit the opportunity arose in discussion with the Minister for Human Rights to meet a committee of the Moroccan Defence of Human Rights and this was taken up in order to appraise them of the real background. The explanation given to this delegation was basically a restatement of the Government's position which has already been put to Rabat, to the Minister for Overseas Workers on 2nd April 1992 by the Chief Minister when the whole issue was explained in detail.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1995

HON P R CARUANA:

:

Mr Speaker, can the Minister tell the House what the reaction was of that committee to that exposition, which was, as he says, a restatement?

HON M A FEETHAM:

Mr Speaker, the delegation received the information I gave them frankly noticing that the fact that Gibraltar's resources are limited and there are areas where perhaps matters can be resolved and others cannot be resolved and that is the reality of the situation. I think there was a genuine recognition of the situation and if the matter became less politicised I think that a lot of progress could be made.

HON P R CARUANA:

Do the Government or the committee that the Minister has mentioned consider that there is any fault attributable to Gibraltar as a whole or to the Government in particular. Did they express their views as to where they thought responsibility for the solution lay?

HON M A FEETHAM:

No, Mr Speaker. They did not specifically put the blame on the Government of Gibraltar. I think the realities are that they recognise the circumstances were such. A number of events have taken place in Gibraltar which are beyond the responsibility of the Government of Gibraltar. In many areas, particularly the rundown of the MOD, the accession of Spain into the Community, the opening of the frontier, all that has led to a number of circumstances that we have had to face that unfortunately may have put the Moroccan labour force in Gibraltar at a disadvantage.

HON P R CARUANA:

Mr Speaker, and is the Government's position as it was (I do not remember the number of the question I last asked last year) but really as far as the Government is concerned and to the extent that it is up to the Government, that they are quite happy to tolerate that permanent fixture there at No. 6 Convent Place. I ask this question without comment on the merits but the fact of the matter is that regardless of the merits which I think we must all be agreed that that permanent demonstration and specifically the form it takes does absolutely nothing for the good touristic image of Gibraltar in a place which really is at the centre of institutional life in Gibraltar. It could not be more strategically located near the Governor's residence and the principal Government building. Is it Government's position still that, as far as they are concerned, they do not care whether this continues or not or is it not now time either to relocate the demonstration or to put an end to it taking place on a permanent basis? There are laws about permanent demonstration. There are laws about static demonstrations and I am sure that the Government Members do not consider that that demonstration in that place in the form that it takes does anything good to our image with tourists. Am I right or am I wrong in thinking that they agree with that?

HON CHIEF MINISTER:

Obviously, Mr Speaker, if the Government could persuade the demonstrators to relocate to Irish Town it is something that we would welcome. The Leader of the Opposition would do something about having them removed and I would be able to ask him what he was doing. The position as I explained the last time is that, not that we welcome the fact that they are being there, but the fact that they are there does not alter the basic nature of the problem that the people who are there face which is that they are people who have lost their employment but quite apart from anything else they are in the difficult situation of being at an age where it is difficult to find re-employment and that in any case there has been a reduction in the number of jobs in the economy in the last couple of years. Many of these people, for example, were either ex-MOD or ex-construction industry which is where the reduction has taken place. Notwithstanding that indisputable fact they feel that by demonstrating where they are, they will further their cause although it is manifest that that is not going to happen because it cannot happen. Whether they ought to be allowed to stay there or ought to be removed is an area in which the responsibility of the Government of Gibraltar has to be seen in its constitutional context, as to who is responsible for public order in Gibraltar under the Constitution and who is responsible for the activity of the police under the Constitution. We have had one situation in 1993, let me remind the hon Member, where out of the entire Moroccan workforce one person had a deportation order signed. It was somebody that had arrived in Gibraltar in 1988. We felt as a Government that there was some basis for the argument of a Moroccan worker who had been here prior to the opening of the frontier in 1985 who would argue that he had been here at the time that Gibraltar needed him, that he had been brought here by the British Government to replace the withdrawn Spanish labour and that now the frontier was opening and he was being displaced by Spanish workers. That argument cannot apply to people who were new entrants after the re-opening of the frontier, who came in on the very clear knowledge that they were coming in after the entry of Spain into the EC in 1986 and consequently behind the Spaniards in the employment queue under Community law. One individual who had come in in 1988 who had in fact worked for 18 months out of four or five years in Gibraltar, who had been out of work for several years even though the established practice until 1988 was that they were only allowed six months residence in Gibraltar to seek re-employment. One deportation order signed and what happened was that there was an occupation of the airfield. The flight to Morocco

was grounded. The pilot would not take off on grounds of safety. We had a major public order problem and the police had great difficulty in coping and at the end of the day the deportee was never deported and he is still happily roaming around Gibraltar with a deportation order signed by His Excellency the Governor in 1993 openly flaunting the law because we are incapable of enforcing it. We certainly do not want to see a repetition of that in 6 Convent Place, opposite the Governor's residence, or outside our front door and therefore that is the truth. The truth is that the resources which at the time the Governor made clear to me that now that we no longer had a resident battalion we could not very well go to war as it were even though he is responsible for internal security. We have to face that fact and certainly I would be very hesitant of recommending to His Excellency action which would finish up creating a serious rift between the Moroccan and Gibraltarian community which does not exist at the moment, notwithstanding the discrepancies that we have with them and which we would not want to bring about.

HON P R CARUANA:

Mr Speaker, the Chief Minister misunderstands me if he thinks that I am suggesting that he should do that. What I am saying is that the Government of Gibraltar and, I acknowledge, the Government of the United Kingdom as well, for reasons that the Chief Minister briefly alluded to, have a responsibility to at least engage in a process of dialogue with people that have a grievance against the Government of Gibraltar or of the United Kingdom or both, to try and resolve the situation. The existing situation is unacceptable because it appears to be on an indefinite basis, that there are no measures, -there are no talks, there are no proposals, there is no consideration of that grievance, which creates the possibility that that might be discontinued that demonstration, is it to become a permanent feature until they get bored with coming up the Main Street every morning and going back down the Main Street? Is it to become a permanent fixture until they decide to give it up? Do the Government not consider that at least in the interests of Gibraltar's image, if not the merits of their claim, that some attempt ought to be made to try and engage them in a process of dialogue that would persuade them to discontinue the actual demonstration?

HON CHIEF MINISTER:

Mr Speaker, talking about enforcing the law which is the previous question is not about dialogue, it is about are these people breaking the law and if they are breaking the law why are they being allowed to get away with it

and if we accept they are breaking the law, then certainly it is not the policy of the Government to engage in dialogue with people who break the law in order to persuade them to observe the law. That is not the approach of the Government. The position, in case the hon Member does not know, is that when the original grievance was raised with the Government of Gibraltar and the British Government, and I went over and had meetings with the Moroccan Minister for Workers Abroad, in 1992 and we had a visit from the Race Relations Officer of the Transport and General Workers' Union in the United Kingdom, a proposal was submitted to the Government which suggested that there ought to be a formula which would provide for three elements. For the British Government to accept responsibility for its former workers, the people it had imported into Gibraltar; for the Government of Gibraltar to accept responsibility for the workers it had brought to Gibraltar in 1969, none of whom have been made redundant and all of whom are still working; and for the union to try and reach some agreement with the private sector. On the basis of the Moroccans who are saying "Look, it is not that we are against going back to Morocco because we know that Gibraltar cannot provide us with permanent homes for ourselves and our families to become residents and part of the Gibraltarian population because it is not possible to do that in the numbers that there are of us here". There are may be 50 or 60 Moroccans who have married local girls and have settled down, out of 2,000. But the Moroccans were saying "What we are entitled to expect after the time that we have been working in Gibraltar we cannot now go off and start working somewhere else. If we are going to go back to Morocco we need a golden handshake". We said yes and the result of us saying yes was that at the end of the day we found that we were the only ones saying yes. So we tried first of all to get an agreement through the British Embassy to sign with the Moroccan Government involving the Moroccan Workers' Association on a package of voluntary repatriation for those who wanted to go on very generous terms compared to other people leaving the public service in that they are getting a pension at their age, when they leave, irrespective of how young they are which is not actuarially reduced. I explained in last year's estimates that we were providing £3 million lump sum payment and £0.75 million per annum for those returning to Morocco; 250 out of 280 took that proposal. I explained to the House that that would put us in the red over a 48 month period by which time we would break even. Our position was that we would like to see us putting this package for Gibraltar Government Moroccans, the MOD doing something for their Moroccans and maybe both of us with some help from somewhere else looking at the problem of the Moroccans in the private sector. At the end of the day the Moroccan Government would not sign

because the British Government would not sign in Rabat and we finished up signing with Mr Sarsri who works for us in the Victoria Stadium. Those people left Gibraltar voluntarily with what they thought was fair treatment from the Government as an employer. Our position as regards the others is that we are not prepared to enter into a dialogue which, by implication, suggests we are accepting responsibility for the employees of others. I can tell the hon Member that I have repeatedly told Her Majesty's Government that if they want to help us over the MOD run-down it might be a less expensive way of helping us to provide an inducement for Moroccans to volunteer rather than to have a situation where Gibraltarians are made redundant and then we go to vast expense trying to generate new employment opportunities, produce re-training, it might even be in terms of their commitment to provide us with help, although of course it is not so easy to see this money coming from the EEC and so far all the help that they have done is to ask the EEC for money for us. This is something that the EEC would not provide. One of the arguments that tends to be used is that they would not want to do something here in Gibraltar which would create precedence elsewhere. I can tell the Opposite Member that we have not ceased since May 1994 from urging Her Majesty's Government to look at the possibility of doing something for those Moroccans that they brought to Gibraltar. They have not totally discarded it and we have told the Moroccans that it has not been totally discarded but there is no indication that they are on the point of agreeing more positively to come up within a reasonable period of time with some proposals. Therefore, we are caught in a situation where, frankly, we do not want to say to the people downstairs "Call off your demonstration because we are going to sit down with you and discuss a package" because that would be misleading. We are not in a position to deliver anything and it would be wrong to get them to think we are and we are not prepared to accept that responsibility. On the other hand, we do not want to throw the book at them and say "We are going to hammer you with the full force of the law", because they are not a group that we would particularly feel animosity towards and we realise that what they are doing is something that they are doing in defence of their interests and not because they want to go out to flaunt the law and because in fact it is a responsibility where..... It is all very well for the British Government to remind us when it suits them of the constitutional division between foreign affairs and internal affairs and so on. Well this is more than just a grey line, this is a very clear line as to who is responsible for internal security. If there is a security problem because we have got 20 Moroccans with placards what would happen if we had 2,000 Moroccans there and who would handle that security problem. I have

no confidence that we can guarantee public order in that situation and I would not want to put myself in a position where we finish up there.

ORAL

NO. 104 OF 1995

THE HON P R CARUANA

EU STRUCTURAL AID

Why is there a special committee chaired by the Deputy Governor to oversee the implementation of the £4 million EU structural aid for Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

All Objective European Community regions require to set up a Monitoring Committee to oversee the programme (in accordance with article 25 of Council Regulation (EEC) No. 2082/93).

SUPPLEMENTARY TO QUESTION NO. 104 OF 1995

HON P R CARUANA:

Mr Speaker, why is there not a committee then of the Gibraltar Government? What I am saying is are these not funds made available through the UK to the Gibraltar Government and therefore why does this supervision have to be done by the Deputy Governor? Why cannot these funds be made available to a committee created by the Gibraltar Government in its own right?

HON M A FEETHAM:

Mr Speaker, I would venture to add that it is a committee put there by the Government of Gibraltar.

HON P R CARUANA:

But not under ministerial control?

HON M A FEETHAM:

Not under ministerial control.

HON P R CARUANA:

I am asking why that should be so? Is there an element, to ask the question directly, of not wishing to put the funds at the local Government's disposal? Is a distinction being drawn between Gibraltar Government

supervision of the funds and UK Government supervision of the funds through the office of the Deputy Governor?

HON M A FEETHAM:

No, Mr speaker, we are carrying out to the letter of the word the application under the procedural agreement which has been set up in the European Community.

HON P R CARUANA:

In the British Government's case when they receive funds there is a monitoring committee of the British Government, not a monitoring committee of....., let me use the example of, chaired by the US Ambassador [Interruption] entirely appropriate analogy. When there are funds made available to Gibraltar for use in Gibraltar, the decisions as to what those funds are going to be used for..... The original proposal was put together by the Gibraltar Government yet and presumably approved of by the British Government although they have not sponsored it or allocated their regional funds or Objective 2 funds for that or sponsored the application but yet when it comes to the implementation there appears to be a more hands on approach to the monitoring of the application and I just ask whether there is something in that structure, whether it could have been possible for the monitoring committee to have been an entirely GOG, as opposed to GOG chaired by an HMG man committee?

HON CHIEF MINISTER:

Although I would agree with the Leader of the Opposition that the Deputy Governor is an HMG man and not a GOG man, I am not sure that he himself would agree with either of us. Therefore, he is there as a GOG man. The HMG has got its own man on that committee, maybe to watch the Deputy Governor as the GOG man, I would not know but I can tell the Opposition Member that the approval of the specific projects, as we have explained in the past, has to go all the way back through London to the EEC in each specific instance and therefore it is not something that there would be a politician chairing that committee. There would be an official chairing that committee. Whether it was the Deputy Governor or somebody else we think that the workload on the Deputy Governor allowed him the spare capacity to handle this task which other officers in the service did not and therefore we were quite happy to nominate him as the chairman. Her Majesty's Government have nominated their own people on that committee that come out from the UK and there are of course other people from the DTI also involved in participating and discussing the projects. The value of course of having somebody from the United Kingdom, which

is very important for us, is that we are less likely to waste time putting up projects that may not stand a chance of getting approval in the EEC because they have got previous experience of this. So the really important man, frankly, in this committee is not the Deputy Governor, who is not there to overrule the Government of Gibraltar on what it wants to put nor is he there to make sure that we are not channelling the funds into anything else - if that is another concern of the Leader of the Opposition - he is there to chair the meetings and the person that is really important is the person who tells us, as he has told us in some instances..... For example, some proposals that we wanted put in which we thought on the surface were a very good idea, we were told "Forget it because this one is not going to make it and it means that whilst we have the matter going through London and then from London to Brussels and then being reconsidered and coming back you will lose time and you are not able to put in more projects than there is money for." So the answer is that we put in the projects which on their advice stands most chance of getting approval and therefore it is very valuable to have somebody that has been dealing with regional funding because this is the first time we have done it in Gibraltar. We have never had regional funds before. These people are used to the Category 2 regional funding that has been going to places like Liverpool and parts of the Midlands and so forth for many, many years, since 1973, and therefore they are able to tell us there is a shopping list of consequences from the project. If he looks at the actual projects which the hon Member will get in answer to question 105, hon Members will see that we are talking about very small things but nevertheless we have to produce for the EEC not just the actual physical results of the investment of that money but how the investment of that money is supposed to generate potential for economic activity. As I explained at one time during the estimates on the Improvement and Development Fund, building a road to decongest Moorish Castle would not qualify. Building a road to decongest traffic across the frontier - which of course we cannot decongest because all the congestion is the result of our friend Brana on the other side however many roads we put on this side - would qualify because we would be able to argue that the road would generate eventually income for Gibraltar and therefore the Objective 2 funds are designed effectively to take us out of Objective 2. In theory what the community is doing is helping regions that have got above average unemployment to create infrastructure which will bring them out of that above average unemployment and bring them back into the norm. There is no particular significance as to why it is the Deputy Governor that chairs the committee and his input, as I said, is really on behalf of the Government of Gibraltar.

NO. 105 OF 1995

THE HON F VASQUEZ

EU FUNDS ALLOCATION

Further to the reply to Question No. 46 of 1995. What projects have now been approved for the allocation of EU funds, how much is the contribution to each project, what proportion of the overall cost of the project does each contribution represent?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the following projects have to date been approved for the allocation of EU Structural Regional Funds under the Objective 2 Programme:

	EU Allocation	% Grant
	£	
1. Apes Den	17,500	50
2. Jews Gate	10,000	50
3. Moorish Castle	5,000	50
4. St Michael's Cave	15,000	50
5. City Hall	85,000	50
6. Glass Factory	56,250	30

SUPPLEMENTARY TO QUESTION NO. 105 OF 1995

HON P R CARUANA:

Mr Speaker, can the Minister say whether the proposal upgrades the cruiser terminal facilities at the North Move, fall into the categories of this scheme as I think they do and whether that project has been approved? I think it was at the last budget debate, I do not remember whether it was the Minister or the Chief Minister who said that one of the projects in question was an improvement in the access road and terminal facilities for the cruisers and passengers. The Minister has not referred to that, is that not approved?

HON M A FEETHAM:

Mr Speaker, that and a few others are in the process of discussion at the moment. No final decision has been made on it.

HON P R CARUANA:

Mr Speaker, in relation to the glass factory, is that in the form of a joint venture? Is that a venture done by the Government? I think it is Sights Management who have recently issued a public statement of their proposals to set up a glass factory of some sort, a crystal factory, is that the same project and if so as these EU funds being used in effect for the benefit of subsidy to Sights Management's project in that respect?

HON M A FEETHAM:

Mr Speaker, no subsidies are given. A project is considered under the single programme document which is available to anybody in the Mackintosh Hall. We have made this clear and the projects committee examines the proposals and make decisions accordingly. It is not a joint venture and Government are not participating in it at all. They will put 50 per cent of the contribution and the other 50 per cent comes from the European Community.

HON P R CARUANA:

These funds are available to the private sector as well. It is not limited to public projects?

HON M A FEETHAM:

No, no, it is available to anybody who wishes to put a proposal to the Government. We have made this very clear and in fact there are a number of sectors in the private sectors that are coming forward with proposals.

HON F VASQUEZ:

I would be interested to know, Mr Speaker, how many applications have been rejected out of hand before even being referred to the European Community of the projects that have been referred to the special committee, does the Minister know?

HON M A FEETHAM:

Mr Speaker, personally I am not aware of any.

HON F VASQUEZ:

Mr Speaker, I see that of the projects that have been approved to date and who will receive from 50 to 30 per cent proportion of the cost of the project, we have received about £200,000 more or less it would seem from

this EU contribution where some £3.8 millions have been earmarked. Can the Minister confirm that there are applications in the pipeline that are being considered and have been referred that would, as it were, take the application for EU funds up to the £3.8 millions but have been allocated by the European Union or do we still have a certain amount of slack left?

HON M A FEETHAM:

Mr Speaker, there are quite a number of projects that the Government wishes to proceed with that would take up a substantial part of the money that is available. We certainly would not like to see any money being returned.

HON F VASQUEZ:

Is there a time limit?

HON M A FEETHAM:

I think this particular one goes up to 1997.

HON F VASQUEZ:

Mr Speaker, can the Minister confirm that the large projects are Government projects as opposed to private sector projects?

HON M A FEETHAM:

Yes, Government projects. On a matter of clarification the programme is from 1994/96 not 1997.

ORAL

QUESTION NO. 106 OF 1995

THE HON M RAMAGGE

ROYAL NAVAL HOSPITAL

What is the current status of negotiations between Government and MOD on the Royal Naval Hospital?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government has not entered into any negotiations with the Ministry of Defence for the transfer of the Royal Naval Hospital.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1995

HON P R CARUANA:

Mr Speaker, is it still the position as I think it was when last this House considered this subject that the Ministry of Defence is willing to hand over all or parts of the Naval Hospital but the Government will not accept it in the condition that it is in and if that is true are there any discussions going on in respect of that issue or is it just shelved on that basis?

HON M A FEETHAM:

Mr Speaker, I am not aware of any formal proposals to hand over the Royal Naval Hospital but I have made it very clear that we are aware of major structural defects that there are with that building and that I will not take responsibility for accepting it until the building is remedied by the Ministry of Defence, or demolished so we will have the Conservation Society criticising the MOD and not the Government.

ORAL

NO. 107 OF 1995

THE HON F VASQUEZ

UNEMPLOYMENT

What was the level of unemployment in Gibraltar as at 31st March 1995:*

(a) Gibraltarians

(b) non-Gibraltarians

divided into under and over 25 years old age groups?

* Note: not 31st December 1994 as originally submitted.

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, the unemployment figures as at 31st December 1994 were as follows:-

<u>GIBRALTARIANS</u>		<u>NON-GIBRALTARIANS</u>	
<u>UNDER 25</u>	<u>OVER 25</u>	<u>UNDER 25</u>	<u>OVER 25</u>
256	344	NIL	461

The figures for 31st March 1995 are not yet available.

SUPPLEMENTARY TO QUESTION NO. 107/95

HON F VASQUEZ:

Mr Speaker, we are now 24 days on from 31st March, can the Minister say when he expects the figures will become available?

HON J BALDACHINO:

Mr Speaker, if we take it as what happened in December, it was about 16 days after the hon Member asked the question which I gave him the figures. It will take about two weeks to three weeks.

HON F VASQUEZ:

Will the Minister please undertake to provide the Opposition with those figures in writing when they are available?

HON J BALDACHINO:

Seeing that he changed his views when he asked the question and seeing that it was a misprint on his part, Mr Speaker, I will try and get my Department to provide the figures almost at the same time that I did for the ones on December.

ORAL

QUESTION NO. 108 OF 1995

THE HON F VASQUEZ

JOB OPPORTUNITIES

What steps do Government take to ensure equality of opportunity for job applicants within private companies to which Government contracts public services?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, as far as the ETB is concerned, when a vacancy is opened by a private company, the suitable applicants are submitted for that vacancy irrespective of whether that company happens to have a contract with the Government or not.

SUPPLEMENTARY TO QUESTION NO. 108 OF 1995

HON F VASQUEZ:

Mr Speaker, is the Minister aware that when Immigration and Security Ltd recently announced vacancies (this is the company that recently took over the immigration role) there were in excess of 400 applicants interviewed for those 15 vacancies and it is understood that in fact a number of those vacancies were reserved for GSSL ex employees. Is this a matter that the Minister can comment upon at all or not?

HON J BALDACHINO:

Mr Speaker, I was not involved in those negotiations. The vacancies that were opened at the ETB, people were sent and were registered as unemployed. It might also have been that some people from the GSSL were transferred to the company for the immigration purposes, but that was a transfer, it was nothing to do with the ETB.

HON P R CARUANA:

Can the Minister say whether when the Government privatised or contracturised the substantial part of the public service like that, the Government make it any of their business perhaps by including it in the privatisation or contracturisation contracts as to the criteria that should be applied and the methodology that should be employed in the filling of the posts by that contracturised or privatised company for the employment

of people to fill the labour demand or is this something that is just said, "Well that is in the private sector, how Security and Immigration Ltd fill their vacancies is a matter entirely for them to be decided by the directors of that company and they can employ whoever they like on whatever criteria they like"?

HON J C PEREZ:

Mr Speaker, depending on the contract that the company has. They have certain specifications within the contract that they need to meet and then they decide the level of people that they need to meet the tasks under that contract. On this specific one there was not a straight transfer of GSSL employees from one company to the other. They had actually to apply for the jobs and pass a test and pass an interview and they needed a level of knowledge and a level of skills which were required from them and there was not an automatic transfer but obviously if there is a Government-owned company that was at risk of losing a contract at Kvaerner and therefore without employment for those people and there is another company that has jobs, preference is normally given to these people in order to pass them on to the other company and then the other vacancies were opened out to the general public.

HON F VASQUEZ:

Is the Minister confirming that various opportunities and vacancies at the new company were reserved for GSSL employees?

HON J C PEREZ:

They actually applied first and they were taken on and then other vacancies arose after that, yes.

HON H CORBY:

Mr Speaker, will the Minister say whether qualifications were sought in as far as employment was concerned? Were there any criteria for exams?

HON J C PEREZ:

They underwent an exam and I know they underwent certain standards which the new company wanted from them but that is up to the company in looking at the contract that they have got and what the basis of the contract is and what they feel the qualities and skills that they need in order to undertake that contract. It is not something that the Government directly do with them.

HON F VASQUEZ:

Mr Speaker, does the Minister acknowledge or think that the Government have a moral obligation when they are contracturising a service which previously was carried out by Government employees and they are offering these vacancies or these vacancies come on to the market, does the Minister not think that perhaps Government have a moral obligation to all Gibraltarians to have a fair crack of the whip, that all Gibraltarians who are currently unemployed should at least have the opportunity of applying for and demonstrating that they might be just as competent and capable of carrying out these tasks as employees of other Government owned companies?

HON J C PEREZ:

Government as an employer has the first obligation to its employees. Therefore, it has an obligation to pay at the end of the week the pay packet to people it has under its responsibility, whether under Government-owned companies or directly. Therefore, if there are people that are going to lose the jobs that they have as a result of losing the contract with Kvaerner which is the primary function that they were for initially when they were in GSL and they are going to be made redundant, and there is no work for them to do then if the Government is creating a number of jobs somewhere then they are given the first opportunity. It is not the first time. At the time of the restructure of the Gibraltar Broadcasting Corporation there were some people in GBC that were given the opportunity of applying to the airport for the first jobs that came out at the airport and some of them were transferred. This happens automatically and concurrently. It is a way of restructuring the Government labour resources in a way that we can have a job for everybody that is employed at the end of the day.

HON F VASQUEZ:

Is the Minister saying that the Government consider their employees at GSSL are employees of the Government?

HON J C PEREZ:

Mr Speaker, I am saying that the people in GSSL are employed by a Government-owned company and neither are the people in GBC Government employees. The only people in GBC that are Government employees is one who decided to be seconded there but that the obligation exists at the end of the day of the Government as a shareholder to look at the jobs of these people.

HON P R CARUANA:

Mr Speaker, I understand that from the point of view of an employer what the Government obviously and logically want to do is to re-deploy its own labour force so as to have to avoid making redundancies which they have promised never to do or having to pay for those redundancies if they ever decided that they had to make them. But does similarly the Minister accept that the consequences of that policy decision is that there is a whole sector of the workforce outside the Government and Government-owned and joint venture companies that really never get a look in in the job opportunities. If there is always priority for people wishing to transfer out of a Government Department, if there is always priority for somebody wishing to transfer from a Government company in which they are less required than in this one and they are constantly circulating the available pool of labour within the public service and Government owned companies, the effect of that is that people who are not already on that treadmill are really excluded from the whole and important sector of employment opportunities.

HON J C PEREZ:

That pre-supposes that it continues to happen like the hon Member is suggesting. It is not the case. It does not continue to happen like that. It happened on one occasion and that is it. Government employees have not got the first right of a job to those places, they have got within.

HON P R CARUANA:

Mr Speaker, I have understood that that was Government policy but there was no recruitment..... [Interruption] And from Government to Government-owned companies? This is part of the beauty of privatisation and contracturisation is it not?

HON CHIEF MINISTER:

Mr Speaker, let me make the policy clear for the benefit of the Opposition Member. The position is that when there is a reduction of workload in one area, the Government believe in avoiding making people redundant. We do not want any redundancies within the public service and we do not want any redundancies within any company in which we have a shareholding. That has been our policy since 1988. The inevitable consequence of that is that when there are suitable people surplus in one area, we try and get them accepted by any contractor that is taking work from us. The reality of that is, as the hon

Member quite rightly says, is that somebody that works for us has got greater protection than the rest of the population. It is a point that I have been making consistently in the current state of dispute in which the people who have got the protection of which the hon Member is very conscious do not seem to be so conscious themselves of how well off they are compared to the rest of the population who have to compete for those jobs. Therefore we do not believe in the policy, for example, that was carried out by the MOD in making people redundant and then giving the contract of the work that those people were doing to a private contractor and then letting the people who were redundant have to compete for their own jobs. In this particular case that has initiated the question, in fact the contractor insisted that although he would give the employees within the security company, who would otherwise have become redundant, the opportunity to be considered first, they would not be taken on if they were not suitable. We never insist on a contractor having to take somebody whether that contractor finds the person suitable or not because, of course, if we did that we would then be at the mercy of the contractor for any deficiency of the service because the contractor would be able to say to us "If you are not happy with the service I am giving you it is because you have forced me to take so and so who was sort of being shifted from pillar to post because nobody wanted him". We do not do that. All that we do is try and give people who are not required in a particular area, the opportunity of being given first bite of any jobs that come up to avoid redundancy. In some cases we have found that there have been employees who have said "I would rather get a golden handshake and go" and we have lost people through redundancy but in every single case it has been because the person has found the redundancy payment more attractive than, say, working in the air terminal.

ORAL

NO. 109 OF 1995

THE HON F VASQUEZ

WORK PERMITS

Will Government state how many work permits are currently in issue to workers from Far Eastern countries?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, the ETB does not keep detailed nationality figures in respect of work permits. We can only say, broadly, that out of the 2000 work permits maybe 20 or 30 might be from Eastern countries.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1995

HON P R CARUANA:

Mr Speaker, can the Minister say whether the jobs being fulfilled by the people who appear to be of oriental extraction at New Harbours, whether those are jobs that could be done by Gibraltarians? If, indeed, he knows what they are doing.

HON J BALDACHINO:

I am fully aware of what they are doing at the moment, Mr Speaker. The jobs that the orientals who are now occupying New Harbours cannot be done by Gibraltarians even though trainees will be taken on by the company to train them and therefore start reducing the workforce that they have from the Orient until, say, fairly high complement of Gibraltarians taking the jobs.

HON P R CARUANA:

Will the Minister say what that activity is and whether it is an activity that is carried out with the full knowledge and support of the Government of Gibraltar and whether it is one of the industries that they have positively encouraged to come here?

HON CHIEF MINISTER:

Mr Speaker, we do not want to announce at this stage what it is that is going to be produced there. It would be something that would be an export product and we all know the difficulties that we have in exporting things from

Gibraltar across the land frontier or anywhere else and therefore the position of the Government is that the proposals to set up an entity there which, as my hon Colleague has explained initially involves bringing people with the required skills and then alongside those people local trainees being employed. When we know that they are going to be able to fulfil the task without impediment from other sources we feel the company should make the announcement at the appropriate time.

HON P R CARUANA:

Mr Speaker, when the Chief Minister started giving that answer it was so shrouded in secrecy that I thought that they are producing some sort of nuclear missiles. I am glad that that is not his concern but if the Government are to be associated with this venture and certainly we for our part having criticised the Minister for Trade and Industry for his failure in the past to have attracted such activity, we would not seek, far from it, to criticise any such business activity that is started in Gibraltar, if there is to be a light manufacturing capability established there capable of producing jobs for Gibraltarians which is the point and not simply creating a convenient location from which Chinese gentlemen can assemble computer discs or whatever. Of course that is to be welcomed. But if the Government are to associate themselves with this project in the sense of giving facilities and of sponsoring, will the Government take steps to ensure..... and of course I have got to be very cagey in putting the question because not having answered my previous one about what it is that they are doing, I can only base myself on the rumours and it is not a good source of information. Will the Government make certain that the activity is entirely legitimate in the sense that it involves no breach, for example, of copyright laws and things like that? That may be something which the Government may wish to check. I do not know what the activity is. I am relying on the information that is being given to me as to what it is they are doing and it is the sort of activity that goes on in the country from which these gentlemen come and it would put our minds at rest if the Government would simply confirm that either it is not that activity, disk-copying and things like that, or that if it is steps will be taken to ensure that it does not bring Gibraltar into disrepute as has happened, for example, in Singapore and in other countries that have allowed themselves to be used as a copying jurisdiction in breach of other people's intellectual property rights.

HON M FEETHAM:

Mr Speaker, some times by not saying something it is better than actually saying it. First of all, the hon Minister has already mentioned what we are talking about which is not what we wanted to do in the first place, which does not help the situation. Secondly, the project itself has been approved by the Department of Trade and Industry in the UK, customs in the UK, and other European Community requirements. So far as we are concerned we are quite happy about the situation.

HON F VASQUEZ:

Is it the practice, when deciding to accept or not accept the proposal for the location of light industrial activity in the New Harbours area, to seek the approval of the DTI in England for the activity to be carried out or is this coincidental that the DTI in this case have approved the activity in question?

HON M FEETHAM:

No, it is not a question of the DTI approving, because we in terms of access to the Community we have got access to the General Systems of Preferences we therefore have to clear with member countries certain conditions.

HON F VASQUEZ:

Will the Government confirm that they are making it their business to make sure that these oriental gentlemen that are working on this project are employed because they have specialist skills and not because they are a cheap source of labour and therefore undercutting the local labour force?

HON J BALDACHINO:

Mr Speaker, I have already answered that in my original answer. Yes, they are specialists in specialist fields which they are going to do something which is of a specialist nature and at the same time, when they start their operations, they will take on Gibraltarians to be trained in those specialist skills and therefore start reducing the workforce and being taken over by more Gibraltarians. It would create employment for Gibraltarians. Obviously it is a specialised skill.

ORAL

NO. 110 OF 1995

THE HON F VASQUEZ

WORK PERMITS

Will Government say whether they have a policy of not renewing the work permits of workers involved in industrial disputes?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 110 OF 1995

HON P R CARUANA:

Mr Speaker, this question is asked because in a public report relating to the dispute recently at White's Hotel it was reported that the Government or the ETB - I do not distinguish between the two even if the Minister wants to - one of the issues was that the Government would not renew the work permits of the Moroccan workers whilst they were in dispute with the Hotel but when they were told it was not a dispute that it was only a claim then, a public statement was issued saying that "Now, it is OK, now their work permits can be renewed". That was the information given out by the union and by the Official Receiver. Therefore, it prompts the question whether it is important to the Government when considering the renewal of foreign workers' work permits whether or not they are in dispute with their employer. Therefore, because if it will not be renewed whilst they are in dispute, but it will be renewed if it is only a claim it suggests that the distinction is important.

HON J BALDACHINO:

Mr Speaker, the public statements were made in the press. They were not made by me. I was never quoted and I never made any public announcement over the issue. The question in the Bell's Hotel was not of renewals. It was a question of issuing work permits. The previous owners were the White's Hotel. The work permits did not expire until about three or four days after the dispute was resolved. The question was that the new employer who were Bell's Hotel were asking for the issue of permits to the Moroccan workers which previously were employed by White's Hotel so they asked for the issuing of work

permits and that is why the ETB refused to issue the work permits until there was a dispute under 7(5)(b) and the hon Member should know because the legal advisers of one of the parties was their chambers.

HON P R CARUANA:

The position is exactly as I have said it. Whether the question is a renewal or an issue is neither here nor there. It appears to be the policy of the ETB, which as far as I am concerned is synonymous with Government, that work permits will not be issued, even on a transfer of undertaking basis, to employees who are in dispute. If workers are being made redundant on an insolvency of their previous employers they had better not then be in dispute because if they are they have got to pack their bags and go because the new work permits will not be issued to them. Is that not what the Minister is saying?

HON J BALDACHINO:

No, Mr speaker, it was not a transfer of undertaking. There was not and that is what I was asking from both sides, from the employer and from the union to tell me that there was no dispute. There was no transfer of undertaking. If there had been a transfer of undertaking, the claim, as I understood it, from the union was that all the years service that the person had accumulated from the previous employer had to be counted and the employer as I understand it was saying "As a gesture of goodwill we are taking new employees over and we are prepared to give them 50 per cent of the years that they have accumulated." If somebody had said to me that the thing was going to be taken through the court and they were going to resolve and there was no dispute then I would have given the instruction to the ETB to issue the work permits. There was not a transfer of undertaking at that time.

HON P R CARUANA:

Mr Speaker, what is the relevance to the Minister as to whether these men were in dispute. The fact of the matter is that they were employed in a hotel and the receiver of that hotel, in order to better position himself for a sale of the asset, decided that he would inject the hotel out of the company in which he was receiver into a new company and therefore for that purely technical reason the employer of all these Moroccans that had been working in White's Hotel in recent history were being transferred from one company controlled by the receiver to another. What is the relevance to the Minister in his decision of whether or not to issue the new work permits in the name of the new company that they

were in dispute. If the new company was willing to employ them, notwithstanding that they were in dispute, why does the Minister make it his business to make sure that they have given up their dispute before issuing them a work permit?

HON J BALDACHINO:

I have not asked anybody to give up any dispute, Mr Speaker. The law states quite clearly that the issuing of work permits, if there is a dispute, the ETB should not issue and therefore there was not a transfer. If there had been no dispute then obviously the work permits were issued, when one of the parties said "I am not in dispute".

HON P R CARUANA:

But is it not therefore clear, from what the Minister is saying that it is the policy of the Government that the ETB should not issue work permits to employees who are in dispute with their employers?

HON J BALDACHINO:

Trade dispute!

HON P R CARUANA:

Whatever. Why does he carry on saying no when it is clear to everybody listening to him that it is yes.

HON J BALDACHINO:

Mr Speaker, the question was the renewal of the work permits of workers involved in industrial dispute. The answer is no to that one. If he is saying the issuing of the work permits then I would have said yes.

HON P R CARUANA:

Oh, I see, so it is Government policy not to issue work permits to workers who are in dispute with their intending employer?

HON J BALDACHINO:

No, Mr Speaker. There were two employers. White's Hotel employed a certain amount of workers. Bell's Hotel was trying to employ those same workers let us put it that way. There was no transfer of undertaking.

HON P R CARUANA:

Mr Speaker, if the Minister thinks I have got the facts wrong I implore him to correct me. What we have here is a hotel standing in Governor's Parade and it was owned by Anglo Hotels International Ltd and it got into financial difficulty with its bank and the bank put in the receiver. The receiver took over the administration of the hotel and continued to trade with the same employees as Anglo International Hotels. One fine day somebody advised him that it would be beneficial to the principal bank that had put him in as receiver if the hotel were injected or transferred out of Anglo International Hotels into a new company which I understand is called Bell Properties or something. Therefore, it became necessary to either dismiss the employees of Anglo International Hotels Ltd or to offer them new positions with the new company that was to become the owner of the same hotel and at the time that this happened these men either did not have work permits or they were expiring or it became necessary, technically, to obtain new work permits for them in the name of the new employer, namely Bell Properties Ltd. The third point, the ETB said to these men "We will not issue you with new work permits if you are in dispute with the receiver" and when it became clear to the Minister that it was not a dispute but simply a claim then the work permits were issued in the name of the new employer.

HON J BALDACHIONO:

Not to the men, to the employer.

HON P R CARUANA:

Would the Minister correct me if on the facts I have made a mistake?

HON CHIEF MINISTER:

Mr Speaker, on the facts the request for the permit to employ non-EC labour is made by an employer and not by the worker. That is a fact. Therefore no worker was refused any work permit because there are no work permits issued to workers. There was one employer, Anglo International Hotel, who summarily dismissed all its employees, generating a state of dispute with the union representing those employees and a claim against that employer for unfair dismissal. There is provision in the Employment Ordinance which was put there by the previous Government at my request on behalf of representations made by me in the union's name, that where an employer was in dispute he should not simply be given work permits

and allowed to carry on trading. That is the origin of the proviso in the law and therefore the employer was not given the permits thus strengthening the bargaining position of those affected which is the purpose for which it is there because the stage was reached very recently where the employer, faced with a state of illegality, having continued operating the hotel, because it has two choices. Either it continued operating the hotel notwithstanding the fact that it did not have a permit or it closed the hotel which would have made it very difficult to sell. So what it tried to do, if it is for the reason the Opposition Member says, to get rid of all the staff and then re-engage them the following day with a company with two £1 shares and with consequently nothing to back the liabilities to the employees. If Bell Hotel had simply taken on this workforce their acquired rights would not have been worth the paper it was written on because the entire asset of the new employer was two £1 shares. In that situation very recently the position was reached where the terms of transfer as between the old and the new entity were agreed and consequently the ETB was glad to have been helpful in solving the problem.

HON P R CARUANA:

Does the Chief Minister accept that if the receiver had called the bluff and simply said "Well, fine, I will employ new employees" the victims of the Chief Minister's philanthropy would have been the employees who would automatically have become illegal aliens in Gibraltar and presumably would have had to leave if the law had been applied? Therefore, that legal provision does not cause to the benefit of the employee if the result to him, personally, is that he becomes an illegal alien without the work permit.

HON CHIEF MINISTER:

Mr Speaker, the Opposition Member is saying what might have happened had something else happened. I cannot predict what that would have done but clearly the answer to that question is had that happened something else would have been done other than what was done. What was done was done in the context of the actions that were being taken by the prospective employer.

ORAL

NO. 111 OF 1995

THE HON F VASQUEZ

1ST JULY LAW

How many UK nationals have had applications for work permits refused under the "1st of July law" since its implementation?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, a total of 18 permits have been refused to employers wishing to fill vacancies by employing UK nationals who did not already form part of the local labour market, on 1st July 1993.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1995

HON F VASQUEZ:

Mr Speaker, I wonder if the Minister can confirm that the vast majority of English nationals who found employment in Gibraltar in the late 1980s and at whom the 1st of July law was predominantly aimed were employed in the building sector in Gibraltar? Would that be a fair statement?

HON J BALDACHINO:

I would say that was a fair statement, yes, Mr Speaker.

HON F VASQUEZ:

Can the Minister confirm that the object of the 1st of July law was to provide greater employment opportunities for Gibraltarians in that very sector?

HON J BALDACHINO:

In that sector and in every other sector, Mr Speaker.

HON F VASQUEZ:

Thank you.

ORAL

NO. 112 OF 1995

THE HON F VASQUEZ

SPANISH NATIONALS IN EMPLOYMENT

How many Spanish nationals are presently employed in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, it is not possible to say on a particular date, how many Spanish or any other nationals are employed in Gibraltar. The most recent estimate available to the Government is the one that reflects the returns of P8's by employers. On this basis the numbers in 1994 are around 550 Spanish nationals as compared to 700 in 1993.

SUPPLEMENTARY TO QUESTION NO. 112 OF 1995

HON F VASQUEZ:

And, Mr Speaker, can the Minister confirm that a good proportion of these Spanish nationals are employed in the building industry in Gibraltar?

HON J BALDACHINO:

Mr Speaker, I confirm that that statement is incorrect.

HON F VASQUEZ:

Can perhaps then the Minister state in what type of employment predominantly these Spanish nationals are employed in Gibraltar? If he is able to.

HON J BALDACHINO:

Mostly employed in the hotel and catering trade.

QUESTION NO. 113 OF 1995

THE HON F VASQUEZ

APPRENTICESHIPS

Will Government restore a system of apprenticeships in basic skilled trades?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

Mr Speaker, as has been made public repeatedly, the ETB is responsible for training in the private sector and the Government itself has no plans to undertake training other than that for existing employees.

SUPPLEMENTARY TO QUESTION NO. 113 OF 1995

HON F VASQUEZ:

Mr Speaker, the Minister I think accepts and acknowledges the fact that the Opposition do not distinguish between the ETB and the Government of Gibraltar. We consider the two to be one and the same things and the question I put to the Minister then is this: where does the Gibraltar Socialist Labour Party administration of Gibraltar imagine that the next generation of Gibraltar's skilled and semi-skilled workers are going to come to service those sectors of the economy that need to have trained employees, our bricklayers, our masons, our electricians, our fitters, our plumbers? Where do they imagine they are going to come to in the next generation in Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, I am flattered by the hon Member's thinking that we are going to be here also for the next generation and not just for the next election after 1996. Therefore, I acknowledge that we have got a long term policy because we expect to be in office for a very long time. The Gibraltar Socialist Party administration, as he has correctly said, for Gibraltar. The position is that we have been working on a programme to increase the Gibraltarian content of the construction industry - which is related to his previous question as to where the labour was coming from before - and we have been successful. Therefore there are more construction workers of the type that he has described today in the construction industry that have been trained by private sector firms with assistance, financially, from the ETB

and from the European Social Fund. The statistics indicate that there is a growing trend and there is still scope for increasing. About half of the jobs of the industry in fact are in unskilled workers, and there the Gibraltarian content is relatively small but the amount of training in that area that is required is limited although even in that area there is some training required because, frankly, a semi-skilled labourer on a building site is not simply somebody that we can pick from the unemployment benefit queue and put on a building site without having some sort of familiarity with what working on a building site entails. Part of the reason why we have been successful in the programme to which the Government refer is because we are talking about small local firms engaged in projects which are not major projects. I think we still have a problem for example in totally new building of the scale that we had in Westside I and Westside II and Queensway of getting a higher Gibraltarian content. That is a very difficult one to tackle because the kind of skills that are there are mobile skills, ie. dependency on companies like this from our experience of dealing with the sector is that on a very big project specialists are brought in that do nothing but foundations and whether they are brought in as they were for Safeways or they are brought in as they were for Westside, they do work for six weeks and then they go. We have not got a volume of an industry in Gibraltar for people to become that narrow in their specialisation. Therefore, for example, we do not tend to produce bricklayers. We tend to produce masons who do bricklaying, external rendering, internal plastering and therefore we produce versatile workers who are more inclined to be involved in property refurbishment and extensions than in major construction projects from zero. But the programmes which have been initiated since 1988 and which are going to be extended this year as the Member will find out when the estimates of expenditure are discussed, will I am sure make him very happy.

HON F VASQUEZ:

I very much hope so, Mr Speaker, but I do doubt it. The Chief Minister has referred to funding from the European Social Fund as having funded the training of young Gibraltarians. Is he referring to those young Gibraltarians that were employed in companies such as SOS 24 Ltd and PCS Ltd? Is this the sort of training that he had in mind?

HON CHIEF MINISTER:

They are only one element of the total. We are talking about several thousand people having put through the scheme who are not unemployed, who are working.

QUESTION NO. 114 OF 1995

THE HON H CORBY

GOVERNMENT FLATS

Are all Government flats handed over to housing waiting list applicants put in a fit state for habitation before being handed over?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 114 OF 1995

HON H CORBY:

Mr Speaker, then can the Minister explain this. I have the letter here from an applicant, I will read just a few lines of it to illustrate my point. "I am asking on humanitarian grounds that I be allocated a decent house in return after a hard day's work. The ones that have been offered up to now are just as bad as the one I have and I have no money to do the substantial repairs myself.....". This is a person who has seen quite a number of flats, has gone into the number of flats and found that the flats have not been refurbished and are in a worse state than the one that he presently occupies.

HON J PILCHER:

Yes, Mr Speaker, I know exactly the origin of the letter. The person the hon Member is referring to who is unfortunately a social case, I have seen the person, the parents, the mother and the problem in this particular case is that it is a social case, which we are trying desperately to help. It is because we are trying desperately to help him that before we do anything with any specific pre-war house we advise the family to go and see it and therefore it is likely that even before we make a decision on what to do with the house, this person who is a social case, is asked to view the house first so that he can have first bite at any house, pre-war, that comes in the Government's favour obviously if the composition of the house is such that it is available to him.

HON H CORBY:

Mr Speaker, I do not know if the Minister is aware but he was told by the Housing Allocation Unit to go and see a house which was condemned by Government. They said "You are going to see this flat but you will not be able to take it because it is in such a bad condition that it is condemned by Government". Why was this offer made to this person by the Housing Allocation Committee?

HON J PILCHER:

I have already explained the situation, Mr Speaker.

HON H CORBY:

The Minister has not, not on this issue. My question was if the flats were offered in a fit state of habitation how can a house be offered if it is condemned?

HON J PILCHER:

I have already explained the situation, Mr Speaker.

HON H CORBY:

The Minister has not.

QUESTION NO. 115 OF 1995

THE HON H CORBY

HOUSING WAITING LIST

What procedure is undertaken when a flat is offered to a person on the housing waiting list?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

There has been no new procedure introduced in the allocation of flats to persons on the waiting list. The allocation is done, as it has always been, in accordance with the provisions of the Housing Allocation Scheme.

SUPPLEMENTARY TO QUESTION NO. 115 OF 1995

HON H CORBY:

Will the Minister say whether the person who allocates this flat goes to the premises himself before the house is offered for inspection?

HON J PILCHER:

I am not sure I understand the question, Mr Speaker.

HON H CORBY:

The flat is allocated. Does anybody in the Housing Allocation Unit go physically to the flat being offered in order to assess if refurbishment has to be undertaken or if the house comprised with four rooms, kitchen and bathroom?

HON J PILCHER:

Yes, Sir.

HON H CORBY:

Again here, Mr Speaker, I have a case. A family was offered a four room, kitchen and bathroom and when the flat was viewed it was found to be three rooms, kitchen and bathroom and they could not explain it. After a while they found out that one of the partitions had been done away with to make the other bedroom into a very big one. The person who was there offering the flat to this

family had not even known that there was a partition there. He just found three rooms, kitchen and bathroom, instead of three bedrooms two bedrooms because one of the partitions had been taken off. It gives me that idea that nobody goes there first to inspect the premises but go there with the family as and when the flat is allocated.

HON J PILCHER:

Mr Speaker, I have to reply as I replied to first. Obviously, Mr Speaker, every single system in the world has its failings. I do not, for a moment, say that the system is 100 per cent perfect. The hon member has mentioned one case which I know nothing about. If he cares to pass to me I will try and give him a reason why that happened but my initial answer was yes, Sir, and my answer continues to be, yes Sir. The houses are inspected before they are allocated and all I can say is if he passes me the details of that particular house I will check it but I am not for a moment saying that the system is 100 per cent perfect. What I am saying is that that the system that there is and there are reasons, perhaps, why that particular case failed the test but I obviously can answer for policy. I cannot answer for every single person in the whole of the Ministry of the Environment does.

HON H CORBY:

Mr Speaker, on one final one. The trouble is that if people go and at times they like the flat but the flat has not been refurbished and there are extra expenses to the person occupying the flat then they come under the paragraph which says that they will be taken out of the Housing Waiting List if this is not allowed by the Housing Allocation.....

HON J PILCHER:

No, Mr Speaker, that is incorrect. This is what I thought the hon Member was saying when he was going on about this specific case. Given the fact, Mr Speaker, that the Government found itself in a situation where particularly, as we have publicly stated, given the fact that on the back of 'Release of Government Accommodation' of people going to Sir William Jackson Grove (better known as Gib V) what the Government found is that we had a tremendous amount of Government housing coming back into stock that was not possible for the Building and Works Department to be able to repair hundreds of houses coming in. What then happened is that we call the person that is top of the waiting list, we show them the property and we say "We know that this property is not

totally in a fit repair and refurbishment state." If the person then says "It does not matter because I will want to accept it like this" because obviously of the problems that they have on housing then that person is allocated the house. If not, the person is told quite clearly that saying no to that particular house will not have an effect on that person's housing allocation and we have had situations when these persons have said no; the house has been refurbished and then it has been allocated but obviously that is a delay factor between the person saying "No, I will not accept it unless it is refurbished" and the refurbishment of the house because there are so many houses coming back that it is not possible for the department to do it. Therefore the choice that is given to the person is "If you are living badly, do you want to move in now and refurbish it yourself, or do you want the department to refurbish it but it could take anything between three months and a year?" Some people say "Yes, I will take it as it is" and other people say "Yes, I will wait for it to be refurbished" in which case the house is refurbished and there is no loss at all in pointage or in offers being made to those persons.

HON LT-COL E M BRITTO:

Mr Speaker, if the respective tenant decides to go for the first option and inhabit the house that is not totally habitable, does the department offer him any compensation in terms of materials, so that expenses in renovating the house are not entirely out of his own pocket?

HON J PILCHER:

No, Sir. I would just like to add that I would not..... this is why my answer to the previous question was yes because the houses are fit for habitation. What they are not is in a total state of repair but the answer is no.

HON LT-COL E M BRITTO:

But would it not make sense to do so, Mr Speaker? From the way I understand it, the system is designed to help the person with the problem but it is almost a form, although I am sure it is not intended that way, of blackmail in saying to him "Take the house as it is, it is going to cost you a number of pounds to repair it out of your own pocket or if not, continue living in your unacceptable conditions and it could take a year before the house is ready". Would it not be humane, if nothing else, to offer him at least the materials from the Housing Department, the materials which the Housing Department themselves would have to use to repair the

house? I am not suggesting that the department pay for the workforce that he needs to bring in but the very least that can be done is to provide some materials free of charge.

HON J PILCHER:

Mr Speaker, it is much more complicated than it appears at first. The reason why we have to draw a line in a yes or a no is because if we have a grey area then it is a never ending story. First of all let me explain that the houses are checked for safety purposes and anything which is major. If there is anything which is major other than in pre-war properties, because those are properties that are affected by overall policy on the way forward (there is another question on the order paper about that) it is normally minor repairs to the house which, I would say, in 99 per cent of the times the tenant would change it. So, if we put a new bath, 99 per cent of the time the tenant would come in change the white bath and put in a pink one or a brown one or a yellow one. I say it is a grey area because the moment we do that then we never end. We have to say "Yes to the sand, yes to the cement, yes to the tiles, yes to the tiles cement." I think the decision that the person has to make is do they accept it as is and spend a minor amount of money in refurbishing the house which they would have done anyway, or do they wait. I think there is no middle ground on this because it is, as I say, a never ending story.

HON LT-COL E M BRITTO:

Mr Speaker, I accept the Minister's comments that it is a grey area and I accept that it is difficult to be able to make a decision in those areas but that is what leadership and being in government is all about and I would suggest.....

HON J PILCHER:

Yes, Mr Speaker, that is why I said yes or no, depending, because that is the leadership we produce.

HON LT-COL E M BRITTO:

Yes, but leadership is providing the right answer and I am afraid in this case the Minister is giving the wrong answer which is not leadership, that is taking the easy way out. I would put it to the Minister, if he will accept it, if the Housing Department has looked at the property and has decided that certain things need to be done and is calling in a tenant and saying "We will do certain things to it" and then they know what they are going to do before giving it to the tenant and if they

draw up a list before the tenant arrives and they say "We will paint that wall but not change the ceiling, re-tile the floor but not change the bath" and give the tenant a list of what would be done and say to him "Right, you can have the house now and we will give you the bath and the paint for that wall but we will not under any circumstances give you a new ceiling even if you ask for it" then I do not see that the situation is so grey as the Minister would have us believe.

HON J PILCHER:

Mr Speaker, as I understand it the purpose of Question Time is for me to give information to hon Members. It is not for me to discuss the policy. I accept the right that I have to lead. I have told him what I am doing and the proof of the pudding is in the eating and the eating is that we now have something like 15 people in the 1RKB list, 20 on the 2RKB list, 60 in the 3RKB list, which is 5 per cent of what we had when we came in in 1988.

HON H CORBY:

Is this a change of policy once the Ministry for Housing has been changed, because in the past people were given the paint and the money for the tiles if they decided to come in on their own because it saved Government the labour side of it? Is it a change of policy now because I know that a year, two years ago, this was the policy of Government to allow these people materials in order to refurbish the house which the Minister says that they will do if the tenant does not accept it and it might take three months to one year? The policy before that was that the person going in saved the Government on the workforce and materials like baths, retiling, paint, etc was given.

HON J PILCHER:

Mr Speaker, there is one fatal flaw in that argument and the argument is the Government do not save on manpower because the Government always have to pay manpower because it employs X number of people and whether they are putting tiles or doing something else, the manpower always has to be paid but to answer the question honestly yes, it is to a point a change of policy. It is a change in the new policy produced by the Ministry of the Environment in looking overall at the role of the Ministry of the Environment which now includes the Ministry of Building and works.

QUESTION NO. 116 OF 1995

THE HON H CORBY

USOC PRE-FABS

How many families are still awaiting reallocation from the pre-fabs at USOC and Town Range and when will the Minister envisage that this will be completed?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, there are 26 (8 on offer) families still awaiting reallocation at the prefabs of USOC and 9 (1 on offer) families at Town Range. As previously stated in this House the above families are in two different categories. Town Range has been declared a decanting area and therefore the allocation is imminent and controlled by departmental reports on structural safety. In the case of the USOC area these will be allocated in accordance with the conditions of the Housing Allocation Scheme.

SUPPLEMENTARY TO QUESTION NO. 116 OF 1995

HON H CORBY:

Mr Speaker, the Minister said that this would be undertaken within six months. This is some time ago. What is the delay in taking those people out within the time lapse that the Minister said.

HON J PILCHER:

Mr Speaker, there is no delay. Obviously it is the availability of houses and this is why in trying to be honest to the hon Member I have to be careful because I may have said and I do not doubt it, a period of six months but obviously it depends on the availability of houses. I assure the hon Member that not all the ex-tenants at Town Range were in the same type of danger and this is why the imminent ones I think, about nine, were moved immediately. This is an area that we want to decant because overall some areas are structurally unsafe, others are not, but obviously to repair the building we have to get everybody out. It is imminent and it is imminent in our balancing the houses that are available with all the different categories on the waiting list. We have waiting lists on points, medical,

decanting, social cases and all these things have to be balanced by the Housing Allocation Committee. It is them who dedicate the priorities on trying to be fair on everybody because if they allocate all the houses on decanting cases then the people on the housing waiting list do not have an immediate availability of houses. In Town Range it is imminent and I hope that by the next House of Assembly we will have reduced the problem considerably but I think it is on the availability of houses.

HON H CORBY:

Will any people in the prefabs remain in as far as permanent housing at prefabs is concerned?

HON J PILCHER:

No, Mr Speaker.

ORAL

NO. 117 OF 1995

THE HON H CORBY

USOC PRE-FABS

What plans do Government have for the pre-fabs and Town Range once these are vacated by the present tenants?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

None, Sir, the future of these and other premises is the subject of an exercise being done by the Building and Works Section of the Ministry of the Environment.

SUPPLEMENTARY TO QUESTION NO. 117 OF 1995

HON H CORBY:

I know that the prefabs were envisaged with a lifespan of five years and the tenants there signed a contract for five years. If the prefabs at USOC are going to be used and this was the reply the Minister gave some time ago as a decanting centre and that is why I have asked the question. Will that not convert itself in the long run to a Filipino ghetto in the middle of town?

HON J PILCHER:

No, Mr Speaker, what I said to the hon Member last time is that the prefabs had been an expensive exercise of Government in order to alleviate a specific major problem that Gibraltar had when we came in in 1988. Having spent that money on buildings that have a life of 15 to 20 years I am not, for a moment, saying that we should have people there for 15 and 20 years, but if the buildings are there, my intention was to keep, perhaps not all of them but maybe one or two blocks as a decanting centre. Not a decanting centre to be used as part of normal decanting procedures of Government but I think if the hon Member casts his mind back to, for example, the immediate decanting of Penney House when Penney House developed overnight some cracks and we had to move 20 families, there is not anywhere that is capable of dealing with that on an emergency basis. That was what I was thinking about when I said that perhaps the Government should keep, maybe not the four blocks at USOC but maybe two blocks because having got them there it would be difficult to knock them down and find ourselves in a repetition of Penney House like we had in the past, where

we had to find - I remember it must have been a nightmare at the time for the AACR Government because there were no houses - places for these people. This is what the initial answer said, it is the subject of an exercise being done presently by Building and Works where we are going to try and see the future of a lot of the old pre-war houses that we had and how do we utilise those, whether as part of the refurbishment programme or whether we demolish them. This has to form a part of the middle to long-term future of the housing stock of the Government.

HON H CORBY:

Will the Minister then commit himself to saying that this decanting centre will not become permanent residences for people who are put in the prefabs?

HON J PILCHER:

I would guarantee that under the GSLP administration, as the Chief Minister said to Mr Vasquez we will be here for a long time, that will not happen.

NO. 118 OF 1995

THE HON H CORBY

COELHO AND ANDERSON HOUSES

Are there plans to refurbish the facade of Coelho House and Anderson House?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The overall plans for the financial year 1995/96 are now being prepared by the Buildings and Works Section of the Ministry of the Environment and therefore at this stage I am not in a position to answer this question.

SUPPLEMENTARY TO QUESTION NO. 118 OF 1995

HON H CORBY:

Mr Speaker, is the Minister aware that Coelho House has not been painted for quite a number of years, the plaster is now falling off and there is now water penetration in some of the flats? I have had people coming to me very concerned about this matter. In so far as Anderson House is concerned I have been there myself, the balconies are in a very bad state, the shutters of this block are held by the tenants with wires and ropes attached to the inside of the house because if they did not do that these shutters would fall down on the street. It can be dangerous because there are people who walk underneath these flats and if the Minister goes there himself he will see that the balconies are in a very bad state of disrepair.

HON J PILCHER:

Yes, Mr Speaker.

ORAL

NO. 119 OF 1995

THE HON H CORBY

HOUSING ALLOCATION UNIT

Can Government state whether any functions of the Housing Allocation Unit has been privatised or contractorised since the answers to Question No. 29 of 1995?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1995

HON H CORBY:

Could the Minister please state why the people who were there before in the housing allocation side of it, are no longer there?

HON J PILCHER:

Mr Speaker, if the hon Member cares to look at his question the answer is none, Sir.

HON H CORBY:

Why was this change then undertaken of putting other people into the Housing Allocation Unit?

HON J PILCHER:

Mr Speaker, that was explained in answer to Question 29, explained in the last House and stated publicly prior to the answer to Question 29. So the question is: has anything happened after the answer to Question 29 of 1995. The answer is none, Sir. If he wants me to explain what happened before I will but that is prior to Question 29.

NO. 120 OF 1995

THE HON H CORBY

'E' BLOCK

Why is 'E' Block not being used for allocation of flats to people on the Housing Waiting List?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

In answer to question 33 of 1995, the hon Member was informed of the proposal that was submitted by a private sector developer and told that this was being considered by the Government.

As has been made public, the Government accepted the proposal in Question 33 for the reason stated therein. As the result of this development, the nine existing units will be demolished to make way for 28 residential units.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1995

HON H CORBY:

Mr Speaker, does not the Minister think that those houses which are sound and were used by the Gibraltar Regiment only a few months ago, or probably nine months ago, would be better suited for the functions of offering them as accommodation for the waiting list now that he says he has so many people for a one, two and three..... This is a sound building. There are plenty of sites that Government could allocate and leave those buildings intact, which are sound, for Gibraltarians that are living badly and need those accommodation.

HON J PILCHER:

Mr Speaker, I know I am not here to ask questions but surely that is a rhetorical question.

HON H CORBY:

It is not a rhetorical question, Mr Speaker. I am stating why this sound building and why was not this area or another area given to the private contractor when this block of flats is in perfect condition for housing allocation.

HON J PILCHER:

Mr Speaker, because if I felt like he has just explained that I should feel I would not have accepted the proposal by the private sector developer that demolishes nine houses and creates 28. If I felt like he has just explained I would have said no to the private developer and therefore it is precisely because I do not agree with him that I have accepted the private sector development which creates 28 houses and I gave him the answer to that in Question No. 53 of 1995. [Interruption]

MR SPEAKER:

No, no, order, order, I think it is clear. That is the policy of the Government and that is the policy of the Government. You are trying to persuade him to change his mind, he does not and we cannot carry on for ever. Next question.

ORAL

NO. 121 OF 1995

THE HON H CORBY

GOVERNMENT LANDS

How are plots of Government land allocated to private developers and the public?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the sale of a property by the Government is normally done by public tender unless there is a specific commitment to a sitting tenant or similar situations where it is done by direct negotiations.

In other cases, it responds to private sector initiatives where people put forward proposals which the Government evaluate in terms of the overall interest that that proposal may have and then the negotiations on the price of the land is done by the agent for the disposal of Crown Land, Land Property Services Ltd.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1995

HON H CORBY:

I take my grandchildren down to school, there is a plot of land at the end of Flat Bastion Road which is now being developed. I have seen machinery, I do not know who it belongs to but there is machinery and people working down there. This has never gone to tender or been published. Does that mean that if I want a piece of land I go to Land Properties or whoever is responsible, I submit whatever I am going to pay for the land and this is not sent to tender to see if the Government can get much more money from others that might be interested in the area?

HON J PILCHER:

Yes, Mr Speaker, the answer to the hon Questioner is yes. If he is interested or if a developer is interested in the piece of land, he then approaches Land Property Services and I said who evaluate the price of the land and then Land Property Services make a recommendation to the Government. The Government would then either accept the recommendation or as we have done in the past decide to test their recommendations by putting the land on the market. We have done it on both options.

HON H CORBY:

What I am trying to get at is that land is allocated to anybody that wants a piece of land. I see a piece of land somewhere in Rosia Dale and I say "I want this". I might not be getting through to the Minister but what I am saying is that once work starts nobody can offer anything else because nobody is none the wiser.

HON J PILCHER:

Of course, Mr Speaker, because I have just explained to the hon Member that the negotiations are conducted by Land Property Services who then make a recommendation to the Government. If the Government decide to accept the recommendations and go for a private sale then that is one method. The other method is that the Government decide that we do not like the recommendations and put the plot out to tender. We have done both of those and I believe we have done both of those successfully but, the value of the land is a matter for Land Property Services who are the experts on the valuation of land. If the Hon Mr Corby saw a piece of land and came to Land Property Services and made a proposal which Land Property Services recommended to the Government, gave the Government a very good return for the land, perhaps the offer would be accepted. If, on the other hand, the Hon Mr Corby did not make such a good offer for the land, the Government might then either directly by recommendations of LPS or indirectly by not accepting the recommendations of LPS say to Land Property Services "Well, put the plot on the market and we will determine what the market price is". We have done both of those.

ORAL

NO. 122 OF 1995

THE HON LT-COL E M BRITTO

VARYL BEGG ESTATE

What changes are being planned to the existing parking arrangement at Varyl Begg Estate and how many free parking spaces will be lost as a result of these changes?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, there are already agreed plans to build 150 garages at Varyl Begg Estate as part of an overall programme to build garages in the estate. This scheme was requested by the Varyl Begg Tenants' Association who have been fully consulted throughout the planning stage.

This will result in the loss of 78 free parking spaces which is compensated by the provision of a further 72 free parking spaces as the result of the demolition and refurbishment of the old swimming pool area. The overall loss resulting from this phase is of only 6 parking spaces.

Before any further phase is planned, the Varyl Begg Tenants' Association will be fully consulted.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the initiative for the garages and the parking spaces come from the Tenants' Association or from the Government?

HON J PILCHER:

From the Tenants' Association, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, I understand that a survey, and I appreciate that most of this happened in his predecessor's time in the Ministry, but I understand that a survey was conducted by the Tenants' Association. Would my information be correct that something like 120 tenants indicated that they wanted garages and something in the order of about 150/200 preferred paying parking spaces as opposed to free parking spaces? I have not seen the

survey myself so my question is was the survey conducted on the basis of an either or? Do people want the garage or a paying parking space? Or was it 120 want garages plus another 150/200 making a total of 300 odd, want garages and the others want parking spaces?

HON J PILCHER:

Mr Speaker, there was no survey carried out as such. The whole process was done in a general meeting of the Tenants' Association and what it did was that an allocation of the garages or the parking spaces should be carried out by the tenants themselves, in this case the Association. I have not seen the figures but the figures quoted by the hon Member must be more or less on those lines. I think there was 120 that said wanted garages and I think in the other figure of parking spaces there were some who said that they wanted a garage and a parking space so in the figure of the parking space there might have been some who said that they wanted a garage. The whole question of the Tenants' Association was that if somebody had a garage then he could not have also a parking space because that was preventing other people who did not have a garage from having a parking space. The whole idea of paying a rent for the parking space was based that this was being carried out in other Government estates before my time, before 1988. There is, for example, St Jago's do pay I think about £7 a month for a parking space and the whole idea why the proposal was made to the Government was that the Tenants' Association were saying that the overflow from Westside I and Westside II were parking in Varyl Begg. I do not know if a survey was carried out or not. But they would prefer to pay a nominal fee for a parking space and have their own parking space rather than have other people coming in from other estates and parking in their parkings and therefore it would become a private parking rather than a public parking like it is now in Varyl Begg.

HON LT-COL E M BRITTO:

I thank the Minister for that detailed information, Mr Speaker. What concerns, and that concern is to a great extent alleviated by the original figures given by the Hon Mr Pilcher that in actual terms by the loss of the swimming pool, not a loss of parking spaces which is I appreciate a minimal figure. What concerns me is that out of some 600 tenants in the Varyl Begg Estate if less than half of those indicated that they wanted parking space or garages, by implication the other half did not want a change. Therefore there are going to be and there are obviously for the people who have approached us saying that they feel aggrieved that where they park now someone is going to build a garage.

HON J PILCHER:

Mr Speaker, the hon Member himself has agreed that the figures are clear that there will be no overall loss of free parking spaces. The real loss is six. I am not convinced yet - I am meeting the Varyl Begg Tenants' Association - that we necessarily should go to paying parkings unless, like for example in Sir William Jackson Grove, everybody was entitled to one parking space and if the area in question does not fit that bill then I think it is difficult. I agree with the hon Member I think it is difficult to go down the path of hiring out every single car parking space and every single garage only to find that half of the people in the estate have not got access. I am not saying no because obviously at the end of the day it is really up to the Tenants' Association in relation and in conjunction with the tenants to advise the Government what they feel is the best possible solution but always taking into account the feelings of everybody not just necessarily the majority.

HON LT-COL E M BRITTO:

I am glad the Minister makes that distinction, Mr Speaker, about taking into account the feelings of everybody because the other point that I wanted to make, speaking in terms of the 300 people who do not attend meetings. My information is a little bit confused but my understanding is that following the initial meetings with the Hon Mr Baldachino the proposal was made to one meeting of tenants where my information is that the attendance was in the region of about 100. A survey was then carried out and there were further meetings between the association and the Minister but then the subject agreement and proposal which the Minister has mentioned has not been ratified, according to my information, even by a general meeting and contrary to what the Minister said, by a meeting of tenants. We have a situation where, in theory, an association has said yes but the majority of the tenants are finding a solution imposed on them which some of them have not heard about and others have heard once the decisions have been taken to proceed. What I would ask the Minister is to ensure that when they deal with a tenants' association which may be democratically elected but that does not, if I may say so, absolve the Government from the responsibility of ensuring that the Tenants' Association on something as major as changing parkings, which affects all tenants, is speaking, one on behalf of all the tenants, and secondly that they ensure that all tenants have been informed and have had an opportunity to express a view before the decisions are made.

HON J PILCHER:

Yes, Mr Speaker, I think that that is reasonable and logical and I think when I said that we would take account of the minority, what I meant is of course the Government of Gibraltar as a landlord has a responsibility which obviously it just cannot shed off because the Tenants' Association wants one thing or the other. But the Tenants' Association are a very important factor in bringing to the Government the feelings of the tenants and what I meant by majority or minority is that obviously we have to ensure that everybody is informed and if we have 98 per cent of people in favour and two per cent of people against that I think is as unanimous as we can get it but if we have 52 per cent in favour and 48 per cent against, then from the point of view of trying to coordinate what the tenants feel in this specific instance is something we would have to monitor. Having said all that there is no consequential loss in free parking spaces in this phase so none of that applies.

NO. 123 OF 1995

THE HON F VASQUEZ

ARREARS OF RATES

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the forecast rates arrears owed to the Government of Gibraltar in respect of commercial premises for the period ending 31st March 1994 was approximately £4.9million. This figure is still subject to final audit. It is anticipated that there will be no major changes to this figure during the course of the financial year 1994/95 as there is a balanced position of billing and receipt during the course of this year.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1995

HON F VASQUEZ:

A couple of questions, the first question: does that figure include penalty rates or just rates?

HON J PILCHER:

Yes, Sir, it does include penalty rates.

HON F VASQUEZ:

Can the Minister explain why for the current year there seems to be a balance between the bills and the receipts which obviously has not been matched in previous years?

HON J PILCHER:

Mr Speaker, because the Government immediately following the last audited accounts and the comments of the Principal Auditor, felt that it required to do more on the arrears side and has put various mechanisms during the course of the year which is now producing some results for the Government.

HON F VASQUEZ:

Can Government confirm then that there are mechanisms in place now whereby Government actually chase current arrears? As soon as people get into arrears people are sent reminders and attempt is made to recover those immediate arrears?

HON J PILCHER:

Yes, Sir, there is a parallel structure to follow up arrears, i.e. historical arrears and normal arrears which is what the person is technically after the first month not after the first quarter.

HON F VASQUEZ:

Can this be equated to the old Rates Arrears Section that used to exist in the Rates Department? Have Government resuscitated the Rates Arrears Offices?

HON J PILCHER:

Mr Speaker, we are not absolutely sure what the old Rates Department did. We have extended the contract of Land Property Services which deals with all Government lands as an abnormal extension of that we have been negotiating for the last two years with Land Property Services and have put in stream this particular agreement over the last 12 months.

ORAL

NO. 124 OF 1995

THE HON LT-COL E M BRITTO

ENVIRONMENTAL HEALTH DEPARTMENT

What proposals currently exist for the privatisation of the Environmental Health Department?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the Government are evaluating proposals made by the civil servants employed in the department and as is customary in these cases, where matters are under consideration, it is not prepared to make anything public until a decision is taken.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, so as not to waste any time, is there any point in asking supplementary questions or will the Minister not answer any?

HON J PILCHER:

No, Sir.

NO. 125 OF 1995

THE HON LT-COL E M BRITTO

IMMIGRATION CONTROL SERVICES

How much is to be paid annually to Security and Immigration Limited for provision of immigration control services and on what basis is that remuneration calculated?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, the cost of the service by the contractor is reflected in the estimates which have been tabled in the House and is below the cost that was being incurred previously, directly and is the result of the recommendations of the value for money audit done by Price Waterhouse on the initiative of the Principal Auditor.

SUPPLEMENTARY TO QUESTION NO. 125 OF 1995

LT-COL E M BRITTO:

Mr Speaker, has there been any reaction, on a political basis, from Spain to the changes at the control at the frontier?

HON J E PILCHER:

No, Sir.

HON LT-COL E M BRITTO:

Mr Speaker, was or has there been any reaction from the British Government to the changes at the frontier?

HON J E PILCHER:

Mr Speaker, the hon Member has to understand that the Immigration Control Services were actually contracted by the Gibraltar Government after consultation with His Excellency the Governor who is responsible for the police vote. Not the vote as such but the responsibility for the police. I would not like to mislead the House.

HON LT-COL E M BRITTO:

Were any reservations expressed by the British Government through His Excellency the Governor or was 100 per cent approval given to the changes.

HON J E PILCHER:

No, Mr Speaker, I think they went a step further I believe. I am now working from memory and I put in a caveat like my hon Colleague said. I think that in fact there was a press release issued by the Convent which was very praiseworthy of what had been done, of what the company had done previously and welcoming with no qualifications whatsoever.

HON LT-COL E M BRITTO:

I appreciate the basis of the original answer about the contents of the estimates but the final part of the question has not been answered. On what basis is the remuneration to the new company calculated?

HON J E PILCHER:

It is on the basis of the report submitted by Price Waterhouse on the initiative of the Principal Auditor and which was termed a value for money audit report.

HON P R CARUANA:

That supplementary question does not base it on the sense of how did the idea originate. On what basis is the remuneration package calculated, meaning is it cost plus a fixed percentage of profit. How is the remuneration arrived at through the police budget passed on? In other words, how is the fee for the contractual service calculated?

HON CHIEF MINISTER:

Mr Speaker, there is no question in this of a performance-related payment for obvious reasons. It is not a question of based on turnover or anything like that because the company cannot control the number of people who cross the frontier. It is based on reaching an agreed price for the cover that is required by the Government based on the cost that the operation involved before, the experience of the replacement of immigration officers at the airport and at the port which had been negotiated before and therefore it is an extension of the contract that was already in place because, as we have explained already, in the value for money audit what was

identified was that we already had put in place a more cost-effective contract doing the same work and that therefore the parameters were what had already been negotiated previously.

HON P R CARUANA:

I presume that Government when it is buying-in services, which is in effect what they are doing when they contractarises out a public service, must have a policy as to the extent to which they are prepared to accommodate a profit margin. In other words, the Government presumably calculate the cost of providing the service. This is not an opportunity for a private company to create a windfall or to earn an enormous profit from providing for the Government. So Government must presumably go through the process of calculating what is a reasonable price, based on what are the anticipated costs to the contractor operator and then allow a degree of margin for profit. Presumably that is an exercise that is done. Is that how this has been done? In other words, have the Government calculated what so many employees at so much, plus a bit for administration, plus a bit for..plus 10 per cent profit margin, is that the sort of exercise that has been done?

HON CHIEF MINISTER:

Well no, actually we have got better yardsticks than that. We have got a better yardstick than that because it used to be done by a Government owned company and therefore we have what it costs us to do with direct labour, what it cost us to do with a Government company and what it cost to do when we are neither employing people directly nor employing people indirectly through being a shareholder and of the three the third option is the cheapest. Why? Because, obviously if we say to ourselves we are paying so much money for electricity, there is a tendency for somebody to put the light out if at the end of the day the bill will come out of their pocket. But if at the end of the day they get paid the same whether the lights are left on all night or not there is a tendency for the light to stay on all night so therefore the yardstick is one where the profit may well be greater than the one that we were making when we owned the company but it will be because people are taking more trouble and are more profit conscious when they stand to gain and share from that profit. But we know what we were spending ourselves and therefore it is based on a reasonable margin based on that but that may well be improved by virtue of the greater effort I think the built-in incentive that people have when they go is of that nature. It is not quite the same calculation when we have got people who are leaving the service. When we

have got people who are leaving the service then in fact we take into account that we are making a compensating service immediately. That is to say in this particular case the position is that although the workload of the police force has been reduced substantially by removing the number of officers that were allocated to that task, those officers will be carried in the service for a number of years until they go by natural wastage. One of the reasons frankly where in Government we decided as a matter of policy that the Price Waterhouse value for money audit was all very well in theory but essentially we only did maybe 10 per cent of what they were recommending, was that what they were recommending only saved money if we then sacked everybody whose job was disappearing. But if what we are going to do is pay a contractor to do everything and keep on paying all the people who were doing that to do something else then at the end of the day we would not have enough money to pay them both. So the fact that we have worked on the premise of there being a saving here which will partly fund the number of officers redeployed is reflected in the estimates.

HON P R CARUANA:

Mr Speaker, when it comes to the degree of profit margin that is permitted, these contractorised companies are not cooperatives of the workers that transfer. I know that in this case there has been recruitment from the labour market but in a case where there is contractisation or privatisation which basically involves the transfer of the public servants that were doing that work into a company, not everybody shares in the company presumably? Not everyone that transfers shares in the company. There is therefore a small nucleus of individuals, who presumably come from the top management involved, who in effect get an extraordinary opportunity to participate in profit from an activity the opportunity of which has not been made widely available. There is no tender process as such so is this something that is taken into account when Government decide the cost of this service? In other words how much they are paying and therefore do Government in effect, although not consciously, regulate the extent of profit being made at taxpayers' expense?

HON CHIEF MINISTER:

Mr Speaker, I do not know whether the hon Member is trying to suggest that there is a deficiency in the system which will allow people to become millionaires by manning the frontier but if that is the position then there is no possibility of doing that within the amount of money in the budget which he has got a copy of. The point that I am making is first of all the level of remuneration to the people who are going to do the work apparently is competitive with alternative work in the private sector since 400 people applied for 15 jobs. [Interruption] Three hundred of the four hundred were already employed. Yes, only 100 were unemployed. Three hundred were employed people already. [Interruption] In areas like the finance industry people apparently wanting to leave the finance industry to sit there and look at passports. I can tell the hon Member that we have had both ex MOD redundant people applying and so on, so the range is very wide. We were surprised ourselves that there was that degree of interest but at least it shows that it was not a question that the price of the contract had been squeezed so low that in order to make a reasonable profit people were having to be grossly underpaid. There was no indication of that. The basis upon which the contract was negotiated, as I have explained in this particular instance, and this is not the golden rule. For example, where we went out to tender in the case of the work done by the Moroccans it was based on a number of competing bids coming in and we decided as a matter of policy that rather than give one contractor one single contract we wanted to break it up in order to give the opportunity to more people to do it. In this case it was obvious from the analysis that had been carried out that the people who were already doing it were the people who were best placed to give us the most competitive price. I am saying that that price leaves a not unreasonable profit margin on the premise of what we know the operating costs were when the company that run the terminal was Government-owned. It may well be that the individuals who used to be employees of that company, who then did as it were a management buy-out except that they did not have to pay anything to buy themselves out, they simply became the owners of a company and we rented them the assets and we contracted their labour. The assets still belong to the Government. The terminal is Government property, not the property of Terminal Management. On that basis what was negotiated took into account the operating cost, the kind of salaries they would have to offer to recruit people of a certain calibre but it does not mean that the people who manage the company may not be able to improve on that margin by running the company more efficiently. That is

what the basis of the whole exercise involves for those who take on this responsibility. As far as we are concerned, we are convinced that we are doing it in the way that produces value for money which is what started the exercise off.

ORAL

NO. 126 OF 1995

THE HON H CORBY

JOHN MACKINTOSH'S BUST

Will Government relocate the bust of the late John Mackintosh?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

Mr Speaker, having just moved the bust two months ago, we do not think it is appropriate to move it from its present location again.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1995

HON H CORBY:

Mr Speaker, this question comes from various sectors of the community who look upon the most prominent benefactor of Gibraltar. Would the Government re-think? It is in a niche on one side of the House of Assembly, out of the way. It would be more prominent if this was erected on a pedestal on the west side of the Piazza. Will the Government rethink it, because it is not my question, it is the question of a majority of the people in the street?

HON J E PILCHER:

Mr Speaker, the people who speak on behalf of the wishes I suppose are the trustees of John Mackintosh. The trustees, given the various possibilities chose the present area. There were other possibilities in various other areas. They were very happy and have congratulated the Government for the prominent place that it has given John Mackintosh. There might be other people in Gibraltar that are not happy but I can tell the hon Member that the trustees are very, very happy and I have a letter which I will copy to the hon Member tomorrow which says precisely that.

HON P R CARUANA:

Mr Speaker, if the trustees are happy on the basis of the best choices of the various choices available then I shudder to think what the alternative venues that were offered to them actually were.

HON J E PILCHER:

The Leader of the Opposition always shudders about everything, but the alternatives were very open like various other places snap in the middle on a pedestal below the arches, on top of the steps, on one side, and they chose that as the best possible location and who am I, or him, to object to that?

ORAL

NO. 127 OF 1995

THE HON H CORBY

SAN PABLO BATTERY

What plans do Government have for the garden at North Bastion known as San Pablo Battery?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The area in question is a development area which at one stage formed part of the development plan which encompassed the whole of Casemates. In the short term, the Government is in discussion with the Gibraltar Kennel Club in order to grant a temporary licence for the use of this area by the Kennel Club and other dog owners and members of the general public.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1995

HON H CORBY:

Mr Speaker, this is a green area; one of the few green areas in the north of town. This garden was used for the old people to play the old petanca game and then it is a very good area for people to take their children because all the areas that were green areas within that complex now hold the Dr Giraldi Home, hold the showroom of Fiat. There was a garden in front of the Dr Giraldi Home which has now disappeared as well and this is the only green area where families can take their children and their prams and enjoy the garden which if refurbished would be a very good area for families and children to enjoy. If the Minister gives it to the Kennel Club the majority of people in Gibraltar would be left without a green area and a garden to enjoy.

HON J E PILCHER:

No, Mr Speaker, first of all they will not be left without a green area because the arrangements are that it has to be kept as a green area. We are not prohibiting, if the hon Member heard the reply, it says "temporary licence for the use of this area by the Kennel Club, other dog owners and members of the general public." So provided the mother with the pram does not mind a dog running around they can share it. The question is that in this specific area it is an area where we will allow, which is something that we do not allow anywhere else,

for dogs to roam around freely. That is what we have been asked by the Kennel Club who complained, and I think rightly so, that there are no areas in Gibraltar because we have debarred dogs from virtually every public area. Therefore in this particular area the old man can play the petanca if he does not mind the dog running after the ball.

HON H CORBY:

Mr Speaker, I am perplexed by the answer that he has given that if a person takes a child who is six months old and that person takes him in a pram to a green area where the mother can enjoy the gardens and is pounded by an alsatian or a bull-terrier, it is not very safe for the mother to take..... I do not think any mother would take the risk of having dogs roaming around freely and taking the children to the recreational area.

HON J E PILCHER:

I have news for the hon Member. In many cases the house is shared by the pram, two or three children and three or four alsatians.

HON H CORBY:

Let me tell the Minister that if a person has a dog in his house it knows him but his neighbour's dog, if he knocks on the door will not know him at all and probably bite him. If someone has a pet in his home it is his responsibility and it is domesticated within the family and there is no risk to the people concerned. It is a risk if someone takes another dog from another area where he lives, then the scenario changes drastically.

HON J E PILCHER:

Mr Speaker, joking apart, it is I believe and this is the decision that has been made, that there are enough areas in Gibraltar: the new playing areas, the Alameda Gardens and lots of nice public areas, the Rosia Parade promenade where mothers can take their children, where dogs are not allowed and in a small area like that where there are many dog owners that would really like to be able to exercise their dogs, I think, that the answer is irrespective of the comments being made, it will be kept as a green area and we will allow the Gibraltar Kennel Club and the many dog owners that there are in Gibraltar who take their ownership to heart and will keep the place properly clean. I think that is our preferred option.

ORAL

NO. 128 OF 1995

THE HON LT-COL E M BRITTO

TOURISM MARKETING PLANS

Will Government give details of the tourism marketing plans they are considering jointly with Morocco?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No such plans exist at present. There are ongoing discussions with private sector operators in Gibraltar and the Gibraltar Information Bureau in order to target the two-centre holiday market and to look at the Morocco market in relation to the Gibraltar Shopping Experience.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the question asked what was being considered and the Minister has confirmed that there is consideration being given. Can he give us more details or he is not prepared to go any further than what he has said already?

HON J E PILCHER:

No, Mr Speaker, there are no more details other than we are at the moment, in conjunction, as I said, with certain private sector operators, looking at a visit to Morocco to try and establish that plan. There is no information at this stage.

ORAL

NO. 129 OF 1995

THE HON LT-COL E M BRITTO

CHARTER FLIGHTS

When will charter flights to Gibraltar begin?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No application has been made to Gibraltar airport by any charter flight operator.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1995

HON P R CARUANA:

Mr Speaker, will the Minister say then what became of the proposal which brought the Minister for Trade and Industry and Mr Sherriff rushing to the television screens a couple of months ago?

HON M A FEETHAM:

The matter of area operations from Manchester and possibly via London is still a matter which is being looked at by certain tour operator, particularly with the Caleta Palace in Gibraltar. At the moment there has been no application formally made.

HON LT-COL E M BRITTO:

Is it then unlikely that anything will happen for this summer season?

HON J E PILCHER:

It is highly unlikely given the date at which we are at the moment that there will be but as we have said in the past provided that there are specific conditions which charter operators must meet, the Gibraltar airport is available and ready to accept charter flights.

HON P R CARUANA:

Would the Government welcome that?

HON J E PILCHER:

Yes, Mr Speaker, provided, as I said in the past, that certain conditions that are inherent in the CAA application for charter licences are taken on board. Yes, we would welcome it. What we would not agree to would be for the situation where we get a charter flight operator not backed by a tour operator that virtually becomes a ticket sale operation which undermines the scheduled operation.

NO. 130 OF 1995

Question No. 130 of 1995 was withdrawn.

ORAL

NO. 131 OF 1995

THE HON P R CARUANA

ARCHE TRUEHAND AND VOLLENMEIDEN

Are Government making any provision for the possible payment of damages in the case of Arche Truehand and Vollenmeiden -v- Attorney General for Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1995

HON P R CARUANA:

Mr Speaker, given the dual status of the Attorney-General of Gibraltar as adviser to both His Excellency the Governor and to the Government of Gibraltar, and given the decision that has already been made by the Supreme Court in that case, if damages are assessed would that be an issue that the Chief Minister would take up with the British Government? I realise that there is an element of hypothetical in that question.

HON CHIEF MINISTER:

More than an element of hypothetical since it has not even started we will assess the situation if and when we need to.

HON P R CARUANA:

It is not true that it has not even started. The court has made a finding already that there was an unlawful solicit of information by the Attorney-General. That is what the Supreme Court has already ruled.

HON CHIEF MINISTER:

Yes, Mr Speaker, but the hon Member is not asking me to say what I think of what the court has ruled. He is asking me what I am going to do to provide for what the court has not ruled. The answer is we are not making any provision and whether we should or we should not, we shall decide when we need to decide.

ORAL

NO. 132 OF 1995

THE HON P R CARUANA

INCOME TAX

Do the Government foresee the possibility of announcing reductions of income tax rates or increases of allowances or broadening of the tax bands, during the next 12 months?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1995

HON P R CARUANA:

Mr Speaker, and that answer extends both to implementation and to announcements of future tax years during the next 12 months? So during the next 12 months the Government will not say "For next year we will....."

HON CHIEF MINISTER:

If what the hon Member wants to know is whether I think I need to promise tax cuts like Mr John Major to win the next election, then the answer is I am as confident of winning the next one as Tony Blair is without promising tax cuts.

HON P R CARUANA:

I am obliged to the Chief Minister for that very perceptive answer.

ORAL

NO. 133 OF 1995

THE HON LT-COL E M BRITTO

DEPARTMENTAL MANPOWER DEDUCTIONS

Will Government state what departments of Government they intend to subject to further manpower reductions and state what the intended manpower level of each such department will be?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government have no plans on the level of manpower that is used in each department. There is a constant exercise of re-structuring departments in order to put to best use existing manpower resources. There have never been any reductions in manpower levels other than by natural wastage or through a particular service no longer being undertaken by direct labour in which case those concerned have been redeployed elsewhere.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, the Government have announced in the past target figures for the civil service in the region of just over 200, that, by implication, means that they must have studied the overall structure of the civil service and drawn up the figure after coming to revised figures for each department, or have they just pulled the figure out of thin air?

HON CHIEF MINISTER:

Mr Speaker, I do not expect to have to answer supplementaries to a question that I answered Mr Ken Anthony in 1989, when the statement and the position that was made then was made clear then. The hon Member is talking about manpower in Government departments and he ought to be more specific if what he is talking about is the administrative grades in the civil service. The civil service is a single unit and we certainly do not accept that whether we have 10 people in the Treasury and 20 people in Convent Place is a question which is either agreed with the unions or determined by any golden rule. The position is that when there is a change in the workload of a department we review the numbers employed in that department, in the administrative grades who are

totally interchangeable as the hon Member well knows, that is to say any administrative officer can be redeployed within his grade to any other posting and therefore what we do is we keep under review the amount of work that is being done. Let me give the hon Member a very simple example. If we have got a situation where there is a reduction of manpower because 250 Moroccans leave, then we have to consider whether the number of people we have got engaged in calculating weekly wages is still what is required given that there are now 250 less weekly wages to calculate. It does not mean that there is a plan saying that this is what we are going to do. The position is that we analysed way back in 1989, we made the public statement then, we answered question in the House in 1990, we defended the position in 1992 on the basis that we thought the final position of the administrative grades could be put at a figure of something like 200 administrative grades given the kind of function that is done in Gibraltar and the kind of function that is done in the United Kingdom. On the basis that we already have many more people in posts than that, we committed ourselves to keeping everybody in post and therefore if the hon Member, for example, looks at the wastage that there has been the situation is that we used to have a Telephone Department. We used to have clerks engaged in doing the administrative work of that Telephone Department. The position the Government took was that when the Telephone Department disappeared if the people employed in the Telephone Department all went voluntarily to the new joint venture with Nynex, then that would be fine. But if they did not all go voluntarily we would carry the extra people in other departments notwithstanding the fact that they were not needed and that is what we have been doing since 1989. The position therefore is that there has been minimal reductions in the administrative grades since 1989 other than in connection with services that no longer exist. But even in those services we took the position of saying "If there is any telemechanic who cannot do anything else that does not want to go on being a telemechanic because it means leaving the Government, we will keep him on telemechanic pay for the rest of his life but he has to accept that he has got to do some other job." Two stayed and were redeployed elsewhere in the Government service. That is the policy and it is a policy that we have defended, frankly, innumerable times because we honestly believe it to be a generous policy in balancing the requirements of the service and the rights of the population to expect us to run the public service as economically as we can manage. We have had full cooperation in this policy until now from those concerned. I regret that we are not getting it now but we cannot change that policy or pretend that it is something else because it would not be true.

HON LT-COL E M BRITTO:

Mr Speaker, when that target for 200 administrative jobs in the civil service was set by the Government three years ago or possibly even more [Interruption], six years ago at that stage the Government did not have the benefit of hindsight they have now with the number of privatisations, or contractirisations like Nynex and the restructuring there has been in Government departments or the proposals that they have at the moment for further privatisation. For example, my information is that the Government are studying proposals for the Immigration Department, for the Environmental Health Department, for the Road and Sewers Section, for DTI, which was mentioned by Government Members earlier on today and that in fact Government Stores are in the process of going through an upheaval where although civil servants are still in place Government Stores will grind to a halt as from the 1st May or 1st April. I mention these examples because there have been privatisations, there are more going to come, in the light of all those changes is the figure of 200 still the target figure or is it a changing scenario as new privatisations roll on?

HON CHIEF MINISTER:

No, no, it is not a changing scenario because on the basis of the commitment to a job for life that was given it would take 12 years to get to 200. At the present rate of natural wastage which is about one person a fortnight, so if we are carrying for the next 12 years supernumerary persons even though I may be here with a stick, having lost all my hair still fighting three elections from now I do not really think that I can be had both to answer for what I said six years ago and for what I might say 12 years hence. I think that is asking for a bit much.

HON LT-COL E M BRITTO:

I think that the Chief Minister misunderstands me, Mr Speaker. He concentrates on wastage. The point I am trying to make by mentioning privatisation is that in that privatisation there will be much large descaling of administrative jobs than there would by natural wastage.

HON CHIEF MINISTER:

The explanation that I have given the hon Member is that the commitment that we have got means that if tomorrow we have a situation where the Environmental Health proposals are found to be accepted... The proposals are coming not from administrative grades. The proposals are coming

from Environmental Health Officers and industrial workers who are members of ACTSS and TGWU, the administrative grades of GGCA are not technically involved in that requirement because the requirement is a requirement where somebody is contracting to do work which can only be done by people with technical qualifications. If we go ahead with that proposal - and we have not yet made up our minds whether it is something that we consider to be in the public interest or not in terms of value for money - but let us suppose for the sake of hypothesis that we were to say yes to that. The contractor, which would be the people in the civil service who would leave the civil service and set up their own company, might take clerical support from the open market or taking clerical support from within the service. Whether they do or they do not will determine whether we are closer or further away from the 200. In the absence of people leaving at a rate faster than they have done until now, it will take 12 years to get to 200, that is the point I am making. We have got no evidence to suggest that the movement is going to be faster because in the administrative grades, frankly, the scope is more limited than in the technical grades for contracting out and in the administrative grades the reality of it is that contractors can get qualified staff in the market rather than take them from within the service, which we are happy to review that. What we tend to do, frankly, is that when we have looked at situations like this in other context we say "We are prepared, if there are people who want to go, since we do not want to keep people who do not want to stay because we think that they are not going to be happy staying behind against their will and that will affect their commitment to the job, we are sometimes prepared to consider having to pay more for the contract in the knowledge that if they take somebody from within the service it will be more expensive than if they take somebody from the labour market generally because the maximum of a Clerical Officer in the Government is now heading for £11,000 to £12,000 a year and reasonably well paid jobs in the financial services are running at about £8,000 or £9,000 for clerical officers." It is not easy to tell the Opposition Member whether anything that is happening is going to mean that we are going to be finishing with less than 200 or that the target is going to be closer because the target of 200 is still a long way away. All that might happen is that we might get there in six years instead of 12 years but I doubt it very much that we will get there that fast.

ORAL

NO. 134 OF 1995

THE HON LT-COL E M BRITTO

CIVIL SERVICE CONTRACTORISATION

Have Government dropped plans to contractorise civil service and administrative work to a private company?

ANSWER

THE HON THE CHIEF MINISTER

The Government have never had any such plans. As has been made public, these proposals were submitted in October 1994 to the Government by the GGCA and a private company, jointly and subsequently the GGCA informed the Government in February that it did not want to proceed with the proposal.

SUPPLEMENTARY TO QUESTION NO. 134 OF 1995

HON LT-COL E M BRITTO:

I take the point of the Chief Minister's answer but by implication because the proposals were studied they must have been attractive to Government. If I can reword the original question, have Government any plans to reconsider or to study or to encourage new proposals?

HON CHIEF MINISTER:

When we looked at those proposals which were agreed in principle after five months of consultation and then we found we got a dispute where everything is being blacked because we do not consult whereas in fact the position that we took as a Government was that we were not interested in those proposals unless the GGCA could guarantee us that it had the support of the membership. If the whole purpose of the exercise is to produce a more cost effective and efficient service, then we do not produce a more cost effective and efficient service by having everybody up in arms. So we were not interested. When they first came to us we said that they looked attractive to us. There were certain aspects to it which were less attractive but we could see that it had to be something that was of benefit to us and benefit to the GGCA otherwise why should the GGCA come up with the idea in the first place. We were not over the moon but nevertheless we could see a benefit to it provided it was something that the majority would go along with and would not give us problems. We agreed in principle subject to

the matter being put to a meeting of the members and the members supporting the in principle agreement. When it was put to the members in a meeting, not only did they not support the in principle agreement they got rid of everybody who had negotiated it. All I can say to the Opposition Member is that I have been a union negotiator for 14 years and I find it very peculiar that I should have a mandate as a union official to go into negotiation, come out with proposals which have to be voted on, and people should get rid of me because they do not like what they are being asked to vote on. All negotiations that we do with unions are like that. We negotiate something and they say "We cannot sign until we go back and consult the members." The members say no or yes but they do not see anything wrong in negotiating for five months and if they think there is something wrong in negotiating for five months why do they want consultation? It is a complete mystery. I can tell the Opposition Member that we did not initiate it and we have no intention of initiating anything like because frankly from our point of view there are better ways to go about it than the way it was proposed. We were willing to go along with the proposals that they put to us.

NO. 135 OF 1995

THE HON LT-COL E M BRITTO

HARBOUR VIEWS STRUCTURAL DEFECTS

As the largest property owner in Harbour Views, what is Government's position in relation to claims by the Harbour Views Purchasers' Association of substantial and serious structural and other defects affecting the estate?

ANSWER

THE HON THE CHIEF MINISTER

The provision of finance to assist home ownership is on the basis that the Government owned company providing the financial resources for the purchase of half of the property is not involved in the maintenance of that property. It is a condition of the 50/50 scheme that the owner/occupier assumes full responsibility for the state of the property when entering into the contract.

I have been approached by the Harbour Views Purchasers' Association committee and I will be replying to them in due course explaining the position.

The Government cannot take responsibility for saying whether the claims of defects in the estate are accurate or not but if they are accurate there are legal remedies.

SUPPLEMENTARY TO QUESTION NO. 135 OF 1995

HON LT-COL E M BRITTO:

The implication of that answer, Mr Speaker, is that the Government was not a party to the report being prepared in the first place. Is that correct?

HON CHIEF MINISTER:

That is correct. We were given a copy of the report as a matter of courtesy after it had been commissioned by the association.

HON LT-COL E M BRITTO:

And have Government now studied the report and have they informed an opinion on whether they should be worried about the contents of the report, because even if they

have not got a responsibility for maintenance it is still a 50 per cent owner in a lot of the properties.

HON CHIEF MINISTER:

Undoubtedly that is the case, Mr Speaker, and what I have pointed out to the owners is that if they keep on saying that the estate is in such a bad state they are going to be responsible for considerably reducing the value of their assets. We seem to have forgotten that all these people have got mortgages and that the building societies and the banks all have surveyors that have surveyed it before giving the mortgages and that we ourselves as the Government initially were involved in having technical people declaring the property as being fit under the building licence. From the Government point of view irrespective of whether we are providing 50/50 finance or not 50/50 finance, the building has been certified by the professionals that we employed. We cannot forget that. We cannot say that as the co-owner we think it is defective but as the regulator we think it is OK. So therefore the question is a nonsense question. If we had felt that the property was not fit to be sold because it had defects then the technical people that we employed should never have given the seal of approval.

HON P R CARUANA:

Yes, but Mr Speaker is it not the case that a lot of these defects appear, if indeed they are correct. The defects alleged in the report are defects that have arisen over time after the event that the Chief Minister has described. These defects did not exist at the time that the building inspector went round to see if he should issue a certificate of fitness.

HON CHIEF MINISTER:

Mr Speaker, I have not read the report myself but in reading the question I can tell the Opposition Member that substantial and serious structural defects do not appear after the inspector has given approval. There cannot be substantial and serious structural defects without something having gone seriously wrong in the construction period. If what we are talking about is other defects like efflorescence on bricks, that happens, I am told, quite frequently in quite a number of new buildings and if one feels that it is because the wrong cement was used or whatever then one argues one's case. As far as we are concerned, the political responsibility of having made available through a Government company which, as I have explained to hon Members in the past, is a company which is a vehicle but is not a company that actually employs people to do things, it is a vehicle

through which the finance is channelled essentially the equivalent of an interest-free mortgage for 50 per cent of the property does not mean that we join with the other co-owner in suing everybody. I am certainly not going to express in the House an opinion one way or the other as to who is right and who is wrong.

ORAL

NO. 136 OF 1995

THE HON P R CARUANA

EU DIRECTIVES

Will the Chief Minister identify the 51 or so EU directives, treaty obligations and other matters which Government have been requested by HMG, in the letter from Mr Hurd to the Chief Minister, to transpose into Gibraltar law as a matter of priority?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1995

HON P R CARUANA:

Mr Speaker, will the Chief Minister say why that should be so, given that this list appears to be generating so much heat in the sense that there are constant insinuations, indeed allegations, in the British press that there is non-compliance, that there is friction, that there is tension because of a list of alleged failures on our part to comply. The Chief Minister at every opportunity that suits him makes jocular reference to those that refer to non-existent nuclear plants or non-existent chemical plants pollutting non-existing fresh rivers. I think it would be helpful for the rest of us to put into context the size of the alleged political problem if we knew what the measures were. Would the Chief Minister say why he feels that he should not or is not willing to publish them?

HON CHIEF MINISTER:

Well, Mr Speaker, because I do not make a practice of publishing my correspondence with the Secretary of State for Foreign and Commonwealth Affairs and this is a letter from him to me and he has had my reply and he has written since and I have written since and if the danger that seems to have passed which was the subject of question No. 51 in January of direct rule were to resurface then I might consider it tactically the right moment to publish whatever I want to publish.

ORAL

NO. 137 OF 1995

THE HON F VASQUEZ

GDP FOUNDATION

When did the Government become aware of the GDP Foundation?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 138 of 1995.

ORAL

NO. 138 OF 1995

THE HON F VASQUEZ

GDP FOUNDATION

Has any Minister, or any agent acting on behalf of the Government or any Minister of the Government of Gibraltar, directly or indirectly ever had control of funds held in the GDP Foundation?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I have nothing further to add to the replies I gave the Opposition Members a year ago.

SUPPLEMENTARY TO QUESTIONS NO. 137/95 AND 139/95

HON F VASQUEZ:

Mr Speaker, a year ago in reply to Questions Nos. 107 and 108 of 1994, the Chief Minister said and I quote from the Hansard record "Mr Speaker, the Government is not prepared to make any comments or statements on any matter which is at all connected with the court case that is taking place in Denmark regarding allegations involving former employees of Baltica and will not make any statement on this matter until after the judicial process is over." We have heard the judicial process in Denmark is indeed over. I understand that of the four defendants, one was convicted, three were acquitted, we have always said in any event that the questions that are asked in this House relating to Government's knowledge or not knowledge of involvement or lack of involvement in the GDP foundation has little or nothing to do with the proceedings in Denmark so I now ask the Chief Minister why having given an undertaking which seemed to reply to questions once the judicial proceedings in Denmark are over he still refuses to answer perfectly straightforward questions as to the Government's involvement with this GDP foundation?

HON CHIEF MINISTER:

Mr Speaker, the Opposition member is incorrect in saying that I gave any undertaking because when he asked the identical Question 107 of 1994 what I told him was that I would not tell him and when he asked why I would not tell him I said because I chose not to tell him. It is the prerogative of the Government in dealing with the

questions to decide whether to provide the answer or not and I have told him I am not prepared to make any statements in anything that is remotely connected with the case. There is nothing he can do about it and he can ask me 20 times and I will tell him 20 times. This presumably is the 21 time and the answer is the same as the last time.

HON F VASQUEZ:

The Chief Minister says that he refuses outright to answer the question. That is not the case. He refused with a qualification. He said the reason and the reason that we have consistently heard in this House as to why Government will not answer to the repeated press allegations of involvement of Ministers in funds in Liechtenstein. We repeatedly invited him to reply. We have even offered public funds to fight a libel action against these papers concerned and repeatedly the reply has been "We will not comment on these matters because the judicial process is still in hand in Denmark" and I quote from Hansard again. The Chief Minister's words were "We will not make any statements on this matter until after the judicial process is over". The judicial process is now over, why do we not have a reply? Clearly there has been a change of position. The Chief Minister says not, why will the Chief Minister now explain his change of position?

HON CHIEF MINISTER:

Mr Speaker, I am not going to explain anything. I realise how anxious the hon Member is to clear our reputation but since I happen to think that he is one of the primary factors in besmurgung the reputation of the elected Government I have to say I take a very cynical view of his concern. The answer is that I told him I would not give him a reply on his question a year ago and I am telling him now I will not give him a reply. Whether in fact the court case is entirely over or not I am not actually totally sure because my understanding is that the convictions and the sentencing is being appealed against but independent of that, whatever statements I choose to make I will make when I choose to make it at the time of my choosing and in the forum of my choosing and whatever questions he puts he will get no answer to in the House.

ORAL

NO. 139 OF 1995

THE HON P R CARUANA

NEW STATUS FOR GIBRALTAR

Do Government have a clearly mapped out, desired new status for Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 140 of 1995.

ORAL

NO. 140 OF 1995

THE HON P R CARUANA

CONSTITUTIONAL DEVELOPMENT

Will the Chief Minister say what representations, if any, he has made to the Foreign Secretary following the willingness expressed by Mr Hurd to listen to views on how the Constitution might be developed?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government have not put to the UK proposals for Gibraltar's decolonisation.

I have already made this clear in the House in questions previously tabled.

The position of the Government on the need to update the 1969 Constitution, in particular in relation to European Union legislation and defined domestic matters was explained to Mr Hurd on 20 February 1992 and on many more occasions since. He has always been willing to listen.

SUPPLEMENTARY TO QUESTIONS NOS. 139/95 AND 140/95

HON P R CARUANA:

Mr Speaker, that does not answer the first question which asked whether the Government had any clearly mapped out desired new status for Gibraltar. The reason that question is asked is that the Chief Minister recently told the BBC World Service that, and I quote him "So you know it is not something that we can say we have got a clearly mapped out what the new status for Gibraltar is or should be. What is clear is that the present status is unsatisfactory. There are many political situations in life where it is easier to identify what you do not want than to know what the answer is to put right." Are we to deduce from that statement made to the world at large that the GSLP Government the Chief Minister, in fact, does not know what he wants to change Gibraltar's new status into or is it his position that all he wants to do is modernise some aspects of the 1969 Constitution without altering our status as a UK Dependent Territory?

HON CHIEF MINISTER:

Mr Speaker, the position is that the Government of Gibraltar have got a mandate to carry out what they committed to do in the election campaign in 1992 and therefore whatever position the GSLP may have on the desired new status of Gibraltar is not the right of the GSLP in Government to pursue with the British Government because of the GSLP in Government committed itself in 1992 to pursue was the need to review the operation of the 1969 Constitution to ensure that whilst UK continues to be responsible for defence and foreign affairs, the application of Community law to Gibraltar's domestic affairs is consistent with the right to self-government of the people of Gibraltar. That is what we have been pursuing, what we said we would do. We are still as entitled, not as a Government but as a political organisation, to have views, on the future but obviously whereas in Opposition it is possible to put those views across because it is possible to separate the role, in the Government it is not.

HON P R CARUANA:

Mr Speaker, I understand what was said in the Chief Minister's last manifesto and indeed that aspiration and that desire not to see the European Union legislation transposition situation, be allowed to erode our legislative sovereignty as a House, is, he knows, an aspiration that we share and support whenever we feel that we can. I was not asking him whether he was pursuing any status what I was asking him was whether as a matter of political conviction he has a view regardless of whether he can implement it for lack of mandate this time. But the question was calculated to ask whether Government have a clearly mapped out desired new status. Is there something that they desire even though they cannot implement it because they do not have the mandate to do so. In other words, what I seek is the Chief Minister's vision rather than a restatement of his mandate that I can.....

HON CHIEF MINISTER:

Mr Speaker, he wanted my vision in Question No. 243 of October 1993 and he wanted my vision in Question No. 126 of April 1994 virtually a year ago where he said "Will Government say what constitutional status it wishes to obtain for Gibraltar?" and he is getting the same answer now as he got in 1994 and in 1993, that is a vision that I choose not to share with him.

ORAL

NO. 141 OF 1995

THE HON P R CARUANA

OVERFLIGHT RESTRICTIONS

What reply have Government had to their request to Her Majesty's Government to take action in relation to the recent overflight restrictions imposed by Spain on civilian private flights to Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I understand that Her Majesty's Government have taken the matter up with the Spanish authorities through the Embassy in Madrid: for the time being normality appears to have been restored.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1995

HON P R CARUANA:

Mr Speaker, it is implicit in that answer then that there has not been a formal reply. He has read the same Convent press release and noted that aeroplanes are now arriving again as I have?

HON CHIEF MINISTER:

No, what I am saying is that when I raised the matter with His Excellency the Governor I was told it would be pursued and I was told it had been pursued and then without Her Majesty's Government having had a reply from the Spanish Ministry of Foreign Affairs at least not one that has been relayed back to me, normality has happened by divine providence. It is not that we have had confirmation that it was either a deliberate policy or not a deliberate policy or a mistake or not a mistake, it just happened without warning and then it stopped happening without warning.

ORAL

NO. 142 OF 1995

THE HON LT-COL E M BRITTO

SALE OF SAND

Do Government intend to sell sand to Algeciras Council?

ANSWER

THE HON THE CHIEF MINISTER

Well, Mr Speaker, I certainly do not wish to bury Sr Patricio Gonzalez in sand so the answer is we are not planning to sell him any sand.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1995

HON LT-COL E M BRITTO:

Mr Speaker, in view of the GSLP's record I have to repeat the question: Are the Government saying that no sand will be sold either by themselves or by anybody else on their behalf? Is that the answer to the question?

HON CHIEF MINISTER:

The answer to the question is the answer that I have given. He has asked me whether the Government intends to sell sand to the Algeciras Council. The answer is no, the Government do not intend to sell sand to Algeciras Council.

LT-COL E M BRITTO:

In view of the fact that the Algeciras Council or someone representing the Algeciras Council has seen fit to tell the world at large in the Spanish press that it is going to purchase sand from Gibraltar, can I then ask the Chief Minister is he aware of any proposals for sand, which I take is a public asset, to be sold from Gibraltar to the Algeciras Council?

HON CHIEF MINISTER:

Mr Speaker, I do not believe I have to answer in this House for stories in the Spanish press or the press of anywhere else but I am aware that the possibility of exporting sand from Gibraltar has been under consideration as a commercial venture for a very long time, really since 1985 when the frontier opened because apparently the stock of sand that we have here which was originally being extracted for domestic use when the

frontier was closed, now seems to be the biggest source potentially of building sand in the vicinity. I am given to understand that in theory it would be a commercial proposition that sand should be quarried in Gibraltar and exported to Spain instead of being quarried in Spain and exported to Gibraltar. We as a Government have no inhibitions about trading with Spain but it is not a question of selling sand to the Algeciras Council. It would be a question of selling sand to building contractors and my only reservation on the proposal is that if I was to be the private company pursuing this possibility, I would think twice before I invested money in a facility and then I find myself with queues of sand trying to enter Schengen with Brana's permission.

HON P R CARUANA:

Mr Speaker, but the position is, is it not, that the Government consider deposits of sand in Gibraltar wherever they are located, natural sand that is, to be public asset and this will be something that the Government would have to sell to anybody who wanted to engage in its export. It is a public asset owned by the Government and would have to be sold by the Government to the exporter or otherwise sold directly by the Government to the importer in Spain, is that the position?

HON CHIEF MINISTER:

No, the position is that if somebody wants to put proposals to the Government to revive the quarrying operation that was in existence in the 1980's we are interested in those proposals but certainly not through a joint venture, a Government-owned company, direct labour or anything remotely putting the responsibility of the operation on us. It would be a question of negotiating a royalty or a franchise or whatever for each ton that was removed and I understand that the people who have been examining that possibility think that for an operation of that nature to be viable the market has got to be bigger than the market just in Gibraltar and that the reason why it was not viable when it was done in the 1980's when it lost a lot of money notwithstanding the fact that it had a grant of £600,000 from ODA which was quite substantial in those days, was that the volume given the capital investment, did not compensate. At that time there was no choice about the volume because the frontier was closed. The only people they could sell to was the local industry.

ORAL

NO. 143 OF 1995

THE HON P R CARUANA

PROPOSED VISIT BY SR. BRANA

Are Government aware of any proposals for Sr. Brana to visit Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I understand that Senor Brana has let it be known that he has political clearance to visit Gibraltar from his Government. I am not aware that anybody has invited him to visit us.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1995

HON P R CARUANA:

So it is then not the case that an invitation has been extended by the Gibraltar delegation at the last round of Seville talks?

HON CHIEF MINISTER:

Absolutely not the case. Nobody has extended an invitation from the Government. I do not know whether the Hon Mr Corby invited him to join him in his nightly forays.

HON H CORBY:

Mr Speaker, I would not invite Mr Brana to my house let alone anywhere else.

HON P R CARUANA:

Mr Speaker, on a serious note, given that this is the first talks of a recognisably tri-partite nature and given that we want to participate in those talks on a situation of equality of status and given that we do not wish them to become a situation where Britain and Spain discuss the terrible drug-related problems that we have in Gibraltar, outside our shores as if they were discussing some contagious disease, would it not actually be politically advantageous to Gibraltar to insist that the venue for the talks rotates amongst the three delegations and actually make the Spanish delegation come to Gibraltar to participate in a round of those talks?

HON CHIEF MINISTER:

No, Mr Speaker, this is a matter of judgement but in the judgement of the Government of Gibraltar we do not wish to see Sr Brana rotating through Gibraltar under any circumstances and we think that if he did what we are likely to see in the Spanish press is some totally misrepresented version of what he was doing here. In fact, notwithstanding the fact that the hon Member and I both know that not only are these tri-lateral talks but they are tri-lateral talks over which the Foreign Secretary in his press conference made clear we had a veto. He said so, the talks would not take place unless we agreed. I can tell the hon Member that in all the pronouncements of Sr Brana he keeps on treating them as bi-lateral. If he thinks they are bi-lateral he can commute between Madrid and London.

ORAL

NO. 144 OF 1995

THE HON F VASQUEZ

FRONTIER RESTRICTIONS

Have the Government undertaken a study of the impact on the local economy of the worsening restrictions at the frontier?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 144 OF 1995

HON F VASQUEZ

Mr Speaker, do not the Government consider that it might be prudent to do so and I am not saying that it ought to be circulated but this is a matter of economic planning. We remember, for example, that in 1984 shortly before the opening of the frontier the previous administration commissioned a report that proved quite useful at the time as to the possible repercussions on the economy of the opening. Bearing in mind that forewarned is forearmed might it not be prudent for this Government just to consider and bearing in mind the impact undeniably that the restrictions are having on the private sector of Gibraltar to look carefully at the impact that the restrictions are having to consider possible measures to be taken to combat those.

HON CHIEF MINISTER:

No, Mr Speaker, because knowing the impact, whatever that may be, I do not think will give us a solution on how to combat it. As far as we are concerned, the policy of the Government in developing the economy is to try and develop activities which make us less vulnerable to harrassment at the frontier irrespective of whether there are restrictions or there is normality.

ORAL

NO. 145 OF 1995

THE HON P R CARUANA

SPEECH AT GRANADA UNIVERSITY

Will the Chief Minister publish a transcript of his recent speech and questions and answers at the Granada University?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1995

HON P R CARUANA:

If he will not do that, Mr Speaker, will he at least speculate in this House about which of his remarks might have been misinterpreted by a recent correspondent in a local newspaper as having demonstrated anti-British sentiments which I presume was not what the Chief Minister meant or intended or indeed think were the effects of his remarks but can he at least speculate, since I was not there, and the televised reports were truncated as to which of the remarks this man might have been referring to when he wrote that letter making those allegations against him?

HON CHIEF MINISTER:

I made no remarks there, Mr Speaker, that I have not made in Gibraltar and I suppose this particular man might think I am anti-British if he had heard me in Gibraltar as opposed to Granada. Since I do not know who the man is or what he was doing there, he certainly was not a student in Granada University, I cannot tell what it is about what I said that led him to that conclusion. All I can tell the hon Member was that the Gibraltar media were there and obviously they did not feel there was a need to reflect my being anti-British. But, of course, there are and there have been expatriate elements in Gibraltar who accuse me of being anti-British because I have said, perhaps, that when the British Government pursue things it pursues what suits the United Kingdom and not what suits Gibraltar. I do not hide when I say that.

HON P R CARUANA:

Is the Chief Minister saying that it was remarks of the nature of the one that he has just made?

HON CHIEF MINISTER:

To the extent that the hon Member is asking me to speculate as to what went on in the mind of somebody that I do not know.....

HON M FEETHAM:

We do not know whether he was there neither.

ORAL

NO. 146 OF 1995

THE HON P R CARUANA:

CONTACT WITH SPANISH POLITICIANS

Will the Chief Minister make a formal statement about his contact with Spanish politicians during his recent visits to Madrid?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, as I have already made public, my recent visit to Madrid was to attend a dinner hosted by the secretary of the group Siglo XXI and not in order to me to make contact with Spanish politicians or for any Spanish politicians to make contact with me.

There were at the dinner some Spanish politicians but it had no significance whatsoever.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1995

HON P R CARUANA:

Mr Speaker, I truly do not comprehend that answer and certainly it is entirely inconsistent with the events as they have happened. Does the Chief Minister remember telling me in answer to question No. 124 of 1994 when I asked him whether the Chief Minister was pursuing contacts with Spanish politicians and if not is it his intention to do so? Does he recollect answering amongst other things "I do not share the apparent enthusiasm of the hon Member for contacts with Spanish politicians and in that sense I have no intention of pursuing any". If the Chief Minister did not regard his visit to Club Siglo XXI as an opportunity to have the contacts with the Spanish politicians that he told this House he had no interest or intention in pursuing, why did the Government issue on the 4th April 1995 press release No. 14 of 1995 in which the Government highlight the fact that the dinner is a private function and I quote for the benefit of Hansard "The dinner is a private function where leading journalists, national trade union and political figures and prominent individuals in the field of culture and business get together in an informal atmosphere". If the Chief Minister is that disinterested in meeting with Spanish politicians as he likes to say when it suits him, why did he go out of his way to put in a Government press release that this was an opportunity to meet Spanish

political figures to quote his exact words, in an informal atmosphere?

HON CHIEF MINISTER:

Precisely, Mr Speaker, to preempt the Opposition Member trying to draw the conclusions which he is trying to draw which are totally unjustified. I did not know who was going to be at the dinner but I knew that he would no doubt want to stir up the issue by claiming that I was having secret meetings with politicians in Madrid and to prevent him from doing it I actually came up with a press release pointing out that I was going to Madrid before somebody said I was having a clandestine meeting.

HON P R CARUANA:

Is it not more likely that what he was simply doing was inflating his sense of international self-importance by letting us all know here in Gibraltar that he was rubbing elbows with important political figures over his dinner and that at the time that he got his minions to write this press release in fact he had forgotten the uncomplimentary terms in which he had stated that he had no intention of pursuing contacts with any Spanish politician?

HON CHIEF MINISTER:

Mr Speaker, the position is that I made the statement that I made in a Government press release precisely because I regret to say I know the Opposition Member well enough by now to know that he would try to make political capital out of an issue which has no political significance. In fact, when I spoke with my host she asked me not to make any statement because these things that she had been organising in her house for the last 20 years are on the basis of no publicity is given and she does not tell anybody else who is going there so I did not know who was going and nobody else knew that I was going. She certainly did not want me saying "I am going to be there at such a time" so as not to generate media attention when I got there but I told her that given what politics are like in Gibraltar I could not just disappear over the horizon without giving any kind of explanation and that I would explain more fully, which I did, when I got back. As it is, the dinner was not some attempt to make contact with me surreptitiously and it was not any attempt by me to make contacts surreptitiously with anybody else since I did not know who was going to be there until after I got there and therefore all that I did was I accepted an invitation to this lady's house in a dinner where the motive that she had for inviting me was one that seemed to me, on the surface, to be well

intentioned because she said that she thought I had made an effective impact in the lunch at Club Siglo XXI and that there were many people who had not been at that lunch and that it would be a useful thing if they were to meet me and I were to have an opportunity to get to know a certain level of society in Spain and that it would show that they are not so hostile to Gibraltar and that would show them that I was not so hostile to Spain and she thought she was doing Gibraltar and me a good turn. I accepted the invitation was in good faith and I took it up in good faith. It had no further meaning than that.

HON P R CARUANA:

Mr Speaker, with regret, that explanation is simply not tenable. The Chief Minister must have known and, incidentally, to deal with the first point that he makes, I do not say that there is anything wrong with the Chief Minister having contacts with Spanish politicians. Indeed I am constantly urging him to dialogue with them. So he should not worry about my reaction with signposted conversations with Spanish politicians. What I am telling him about is the inconsistency of his statements on that subject here. He must have known before he went that there would be Spanish politicians there because the Government's press release is not issued when he came back, it was issued on the morning that he left. This is a press release that was issued on 4th April, it says "The Chief Minister returns on Wednesday, during his absence the Hon J Pilcher will perform the functions of Chief Minister". He knew before the dinner that there would be political figures present so let him not come now saying that he discovered that there were political figures there when he looked around him at the table. He issued a press release before the dinner saying that this was an opportunity for him to meet political figures. So let me not now say that this was something that he discovered after the event and then issued this so that I would not make political capital.

HON CHIEF MINISTER:

No, Mr Speaker, what I am saying to him if he cares to listen carefully to the explanations I so patiently provide him with, is that I did not know who was going to be there and that what I described was the categories of people that Paloma Segreres said were likely to turn up to these events. He does not have to believe me but all I can tell him is that if he asks a question and I give him a truthful answer then he has to accept that that is the truth or else he has to assume that I am blatantly lying in which case I do not see why I should keep on bothering to stand up and give him answers. If he cares to read an article written by somebody called Candido in

El Mundo he will find that this particular journalist who was there said that to try and build up the fact that I was there into some sort of contact with Spanish politicians was a complete fabrication because he was there and there was no particular meaning to it. Therefore this is not presumably what the hon Member was talking about in 1994 when he was saying to me would I establish contacts with politicians, presumably he did not mean, by contacts with politicians whether I would share my apple tart with Savedra or somebody else. Presumably that is not what he had in mind. That is all I have done.

ORAL

NO. 147 OF 1995

THE HON F VASQUEZ

FIGHT AGAINST DRUGS

Do Government agree with His Excellency the Governor's decision to deploy MOD resources in Gibraltar to assist the police and customs in the fight against drugs?

ANSWER

THE HON THE CHIEF MINISTER

The decision was taken by Her Majesty's Government with the full support of the Gibraltar Government.

SUPPLEMENTARY TO QUESTION NO. 147 OF 1995

HON F VASQUEZ

Mr Speaker, was there any consultation with the Gibraltar Government in the lead up to that decision or not?

HON CHIEF MINISTER:

It is not a question of consultation with us. His Excellency the Governor has been working very hard to get the United Kingdom Government to agree to this for some time because we both agreed this would be a useful thing.

HON P R CARUANA:

Mr Speaker, the Convent press release dealing with this subject was careful to emphasise that the assets would be deployed in relation to the fight against drugs and indeed the set up of the tri-partite business about drugs, as far as I understood it when it was produced, spoke also about drug trafficking. Subsequent to that, Spanish officials started coining the phrase "illicit trafficking" which I understood to mean to include, in their minds, the fast launch activities involved with American cigarettes, or whatever, but at least it certainly included that. Is the Chief Minister aware of the press release issued by the Convent today in which the Convent makes references to the fact that the second meeting of the representatives of Spain, the United Kingdom and Gibraltar to hold technical discussions on the problem of illicit trafficking. Is that, as far as the Chief Minister is concerned, a formal extension of the remit of those talks beyond the original remit which was limited to drugs in the Gibraltar area because if

this is no longer Sr Brana's language. This is now a Convent press release. I do not know whether the Chief Minister has seen it, perhaps the Gentleman Usher would pass it to him.

HON CHIEF MINISTER:

The answer, Mr Speaker, is that as far as I am concerned if it is an extension on the remit it will be bilateral.

HON P R CARUANA:

Does that mean that if it is not limited to drugs the Gibraltar delegation will not attend?

HON CHIEF MINISTER:

No, it means that if a policy decision has been taken by Her Majesty's Government in this matter, which I very much doubt, I accept what the hon Member says about the things but the hon Member must understand that I cannot make myself responsible for press releases which are not issued by my office, whoever drafted that press release in the Convent, I will now approach to find out whether illicit trafficking means something more than what was agreed originally we were engaged in. I would not expect it to be because I would expect that the United Kingdom Government, before they took a policy decision of such a magnitude, would seek to reconcile their views with those of the elected Government. I would think that it is more likely that whoever did the drafting did not know what he was doing.

HON P R CARUANA:

I suppose some in Gibraltar may wish to take that as evidence of the contrary view, namely a formal recognition on the part of the British Government that the tobacco activity is not illicit.

HON CHIEF MINISTER:

Mr Speaker, I do not have to answer in this House for what the British Government think or do not think. What I think, I have explained ad nauseam and is well known.

HON P CUMMING:

Mr Speaker, the Chief Minister has just said that he was agreed with the Governor that these very fast police boats were a very good thing because they would be very useful. I wonder whether he would specify to what exact use those fast boats can be put seeing as that it is

perfectly legal for these launches to come in and out carrying tobacco.

MR SPEAKER:

Hardly related to this question.

HON P CUMMING:

The Chief Minister said in answer to this question that he thought that these launches would be very useful. The police boats that is. I wonder whether he might specify what exact use he thinks they may be put.

HON CHIEF MINISTER:

Mr Speaker, even if I was answering the Opposition Member's questions which I am not, it is not a question I would answer.

ORAL

NO. 148 OF 1995

THE HON F VASQUEZ

FAST LAUNCH ACTIVITIES

Do Government have any concern that Gibraltar's reputation as a reputable and well administered territory may be suffering as a result of the smuggling activities of the fast launches?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 149/95 and 150/95.

ORAL

NO. 149 OF 1995

THE HON F VASQUEZ

FAST LAUNCHES ACTIVITIES

Do Government share the concern, recently expressed by the Gibraltar Teachers' Association, various parents associations and other bodies, about the damaging social effects of the fast launch activity?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 148/95 and 150/95.

ORAL

NO. 150 OF 1995

THE HON F VASQUEZ

FAST LAUNCH ACTIVITIES

Do the Government consider they have any moral or legal obligation to curtail the smuggling activities of the fast launches based in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I have explained what the position is on innumerable occasions inside and outside the House and I have nothing further to add.

SUPPLEMENTARY TO QUESTION NOS. 148, 149 AND 150 OF 1995

HON F VASQUEZ

Mr Speaker, the Chief Minister has indeed in the past given an explanations as to his Government's policy in relation to this on going activity. The reason for the questions is that over the last few months and I think certainly since the Chief Minister made any public statement in relation to this matter, the situation has appeared to have got considerably worse, in what it is the increasing evidence of mounting lawlessness in Gibraltar as related to the smuggling activity. We have seen, for example, the serious arson cases that have taken effect, and in the concern that increasing numbers of public bodies in Gibraltar are making publicly in relation to their concern as to the damaging effects socially that the activity is having in Gibraltar. In the light of these does the Chief Minister have any intention of making any further statement or elucidating further or giving some indication as to what he considers might happen in the future in relation to the fast launch activity emanating from Gibraltar?

HON CHIEF MINISTER:

No, Mr Speaker.

HON F VASQUEZ:

Mr Speaker, as the Government of Gibraltar, does not the Chief Minister and his Ministers have any concern, are they are embarrassed to be Ministers of this territory, to be seeing what is going on, to be seeing what I think

is the increasing besmirching of Gibraltar's reputation internationally in the press in front of our visitors. It is adding ammunition to Mr Brana's continuing campaign against Gibraltar. Have they no concern in relation to the situation in Gibraltar or are they simply going to sit idly and let the situation deteriorate in the way that it is.

HON CHIEF MINISTER:

Mr Speaker, I have made clear what the position is. He can ask as many questions as he wants, it will not change anything.

ORAL

NO. 151 OF 1995

THE HON P CUMMING

FAST LAUNCHES ACTIVITIES

What is the Governments present policy in regards to the fast launch activity?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 152/95 to 154/95.

ORAL

NO. 152 OF 1995

THE HON P CUMMING

SIGLO 21 CLUB

Would the Chief Minister make a statement to the House on his address to the Siglo 21 Club in Madrid on the 8th March this year?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 151/95, 153/95 and 154/95.

ORAL

NO. 153 OF 1995

THE HON P CUMMING

POLITICAL SITUATION

Do the Government consider that in the present political situation Gibraltar is economically viable, and if so for how long?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 151/95, 152/95 and 154/95.

ORAL

NO. 154 OF 1995

THE HON P CUMMING

GOVERNMENT'S ECONOMIC PLANS

What are the Government's present economic plans?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the answer to the four questions is the same as the answer I gave in January to Questions Nos. 52 to 64 of 1995.

SUPPLEMENTARY TO QUESTIONS NOS. 151/95 TO 155/95

HON P CUMMING:

Mr Speaker, if I could return very briefly to the question on the Government's present economic plans to ask a few supplementaries. I would like to ask the Government whether perhaps in the absence of their answer about [Interruption] if I could just read just one sentence, relevant to this questions and answers in the House from March of 1993 and quoting the Chief Minister he said in January 1992 "We made clear in our election manifesto that the primary thrust of the policy of the Government would be to spend a lot of effort and time and money promoting Gibraltar in order to attract investment". My supplementary question is does this remain the policy of the Government today? That is to say, and I ask the House to note especially, the comment about a lot of money, a lot of time, a lot of effort. A lot of money on promoting Gibraltar in order to attract investment, as the main thrust, in the words of the Chief Minister, in 1993 about the main thrust of its economic policy.

It seems to me that the time has now come and I would ask the Chief Minister to agree with me to re-evaluate the effectiveness of this because all about us we are seeing increasingly that these plans simply are not effective and therefore I would ask the Government when they will re-evaluate this main thrust of spending money, on attracting investment. I would like to ask the Chief Minister whether he considers, as part of the Government's economic policy, to squeeze the Government's workforce in order, by privatisation and other means, to get more work work out of them for less money, whether this is a new aspect of his economic plans? I would like

to ask whether the Government consider that having Europort, 84 per cent empty is one of the most potent symbols of the Government's economic failure and also whether or not they believe that they have misled the people of Gibraltar in the first years of this Government with their talk of self-sufficiency? And whether or not they believe that they have provoked Spain so that Spain works harder to sabotage our economy? And whether or not they consider that they have alienated Britain so that Britain is increasingly less inclined to help us? I would like to ask on this questions' supplementaries whether their position is like that of Mr Macawber in David Copperfield who was always looking about him in the hope that something would turn up? If I may momentarily return to the question on whether the Government consider that in the present political situation Gibraltar is economically viable and if so for how long to ask the following supplementaries. I would like to ask them whether they still stand by the statement in their manifesto which says there is no political self-determination without economic viability. In other words, whether they consider the first need is for economic viability and later for self-determination as they believed at the beginning of their time in Government? The question that I asked about economic viability was brought to mind on reading the Chronicle's report. I would like to ask the Chief Minister to confirm what the press said about his Madrid initiative in the Chronicle of the 9th March under the heading "Let us bury the hatchet". The Hon Mr Bossano is quoted as saying "Gibraltar's efforts at attaining economic viability are increasingly being hampered by Spain for political reasons". I would like to ask the House to note that this statement implies that economic viability is not here, that our efforts to attain it, at some time in the future, are being increasingly hampered so therefore it seems that the Chief Minister has answered this question by saying not to what is not economically viable and it is becoming increasingly unviable by increasing hostility from Spain for political reasons.

Mr Speaker, my next supplementary question is whether they did not take this into consideration at the beginning when they made their economic plans, did they think Spain were going to sit back and say "How wonderful Mr Bossano is doing with his self-sufficiency, let us help him". How come that an economist of his stature did not take this into account, a vital factor in the chemistry that makes up our community life. These political attempts by Spain to hamper our economic viability of course we all condemn but I would like to ask the Chief Minister to agree with me that this community cannot eat condemnation and therefore just condemning and condemning Spain is not the solution. I

would like to ask the Government whether the Government do not take into account in making the main thrust of their economic activity, marketing for investment abroad. If they do not take into account the unwillingness of large investors to put their money into a territory rendered politically unstable by Spain's hostility and by provoking them there is more hostility and more instability? Consequently big investors come, look and go and I would like to ask the Government whether they remember the Hon Michael Feetham's statements over the radio shortly after his visit to South Africa when he was saying in a moment of frustration he said "I bring all the investors here and everybody goes and talks to them about the frontier and the difficulties at the frontier and then they go, just forget about the frontier". Is it not time that the Government stopped forgetting about the frontier and the effect that this has on our economy.

MR SPEAKER:

I must call you to order now. Remember that supplementaries are only allowed to clarify a matter of fact given in the answer. I have allowed you a long way.

HON P CUMMING:

One more question Mr Speaker. This is the question asking for a statement on his address to the Club Siglo XXI and what I wanted to ask the Chief Minister was to confirm press reports, which Mr Speaker ruled in the last House, reading from the Hansard, in fact there was a legitimate to ask Government to confirm statements made about their policies in the press. I would like to ask them to confirm that the Chronicle correctly reported what happened in the Club Siglo XXI when they said that the Hon Mr Bossano spoke in a conciliatory tone extending the hand of friendship to consider a new approach to finding a modern-day formula for the Rock and goes on to ask whether in the context of Gibraltar recognising that the long standing claim to Gibraltar by Spain was not going to change and what I really want to ask him is that the statements that he made in Club Siglo XXI. I would like to ask him in what way that new policy that he presented there differs from the policy that I myself have been presenting and meeting with his indignation and fury? He says "Gibraltar is prepared to recognise that Spain has been pursuing a long standing claim for the sovereignty of the Rock and Spain should in turn recognise another reality, the existence of the people of Gibraltar." Excellent, excellent, is he not proposing mutual concessions? Mr Speaker, the Chief Minister claims that his silence to my questions is in the interests of democracy, it seems to me Mr Speaker that it

is in his own interests that he will not answer these questions,

MR SPEAKER:

OK, that is your question, you have said one question. You have brought about three or four in one.

HON P CUMMING:

Mr Speaker, each question would normally have several supplementaries.

MR SPEAKER:

When you get an answer is when you can put a supplementary. You cannot put supplementaries into a question which has not been answered. I have allowed you because of the circumstances but I am afraid I have got to stop you now.

HON CHIEF MINISTER:

Mr Speaker, grateful as I am to the Opposition Member for providing light entertainment at the end of the long working day, the answer to his supplementaries is the same as the answer I gave to supplementaries to questions Nos. 52 to 64 of 1995.

HON P CUMMING:

Mr Speaker, now I can ask supplementaries because the Chief Minister has answered again.

MR SPEAKER:

But it has got to be to the point.

HON P CUMMING:

Obviously, Mr Speaker. I want to go back to the question on which I have not asked any supplementaries on, the question of the Government's present policy in regard to the.....

MR SPEAKER:

I think you have had the answer that the Chief Minister is not going to answer you and therefore I cannot allow any more supplementaries. We must carry on now with the business of the House.