

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

9TH JANUARY, 1995

NO. 1 TO NO. 64

OFFICE COPY

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QUESTIONS & ANSWERS

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NO. 1 OF 1995

THE HON F VASQUEZ

INDEX OF RETAIL PRICES

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 1 OF 1995

HON F VASQUEZ:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON F VASQUEZ:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

ORAL

NO. 2 OF 1995

THE HON F VASQUEZ

WHITE'S HOTEL

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1995

HON F VASQUEZ:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

ORAL

NO. 3 OF 1995

THE HON P R CARUANA

CIVIL JURISDICTION AND JUDGEMENTS ORDINANCE

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

ANSWER

THE HON THE ATTORNEY-GENERAL

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

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

SUPPLEMENTARY TO QUESTION NO. 3 OF 1995

HON P R CARUANA:

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

HON ATTORNEY-GENERAL:

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

HON P R CARUANA:

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

HON ATTORNEY-GENERAL:

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

ORAL

NO. 4 OF 1995

THE HON H CORBY

DRIVERS OF FAST LAUNCHES

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

ANSWER

THE HON THE ATTORNEY-GENERAL

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

SUPPLEMENTARY TO QUESTION NO. 4 OF 1995

HON H CORBY:

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

HON ATTORNEY-GENERAL:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 5 OF 1995

THE HON P R CARUANA

SPECIAL NEEDS IN EDUCATION

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

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

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

SUPPLEMENTARY TO QUESTION NO. 5 OF 1995

HON P R CARUANA:

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

HON J L MOSS:

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

HON P R CARUANA:

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

HON J L MOSS:

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

HON P R CARUANA:

I can convert it into a question if he likes.

HON J L MOSS:

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

HON P R CARUANA:

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

HON J L MOSS:

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

HON P R CARUANA:

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

HON J L MOSS:

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

NO. 6 OF 1995

THE HON H CORBY

SOCIAL INSURANCE PAYMENTS

How do Government ensure that employers make social insurance payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 6 OF 1995

HON H CORBY:

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

HON R MOR:

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

HON H CORBY:

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

HON R MOR:

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

HON H CORBY:

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

HON R MOR:

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

HON H CORBY:

The Minister has said that there is one official?

HON J L BALDACHINO:

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

HON H CORBY:

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

HON J L BALDACHINO:

Yes.

ORAL

NO. 7 OF 1995

THE HON H CORBY

DR GIRALDI HOME

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

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 7 OF 1995

HON H CORBY:

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

HON R MOR:

It is a permanent arrangement now.

HON H CORBY:

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

HON R MOR:

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

HON H CORBY:

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

HON J C PEREZ:

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

HON H CORBY:

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

HON J C PEREZ:

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

ORAL

NO. 8 OF 1995

THE HON H CORBY

DR GIRALDI HOME

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

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 8 OF 1995

HON H CORBY:

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

HON R MOR:

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

NO. 9 OF 1995

THE HON M RAMAGGE

CONSULTANT PSYCHIATRIST

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

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

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

SUPPLEMENTARY TO QUESTION NO. 9 OF 1995

HON P R CARUANA:

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

HON J C PEREZ:

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

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

ORAL

NO. 10 OF 1995

THE HON M RAMAGGE

CONSULTANT OPHTHALMOLOGIST

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1995

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

Not that I am aware of.

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

ORAL

NO. 13 OF 1995

THE HON LT-COL E M BRITTO

ROAD RESURFACING

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 13 OF 1995

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

NO. 11 OF 1995

THE HON LT-COL E M BRITTO

GASA SWIMMING POOL

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

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

SUPPLEMENTARY TO QUESTION NO. 11 OF 1995

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

Totally unaware of anything.

HON LT-COL E M BRITTO:

So there is no point in asking any further supplementaries.

ORAL

NO. 12 OF 1995

THE HON LT-COL E M BRITTO

TRAFFIC LIGHTS - QUEENSWAY

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

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

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

SUPPLEMENTARY TO QUESTION NO. 12 OF 1995

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

NO. 14 OF 1995

THE HON F VASQUEZ

PUBLIC TRANSPORT

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 14 OF 1995

HON F VASQUEZ:

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

HON J C PEREZ:

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

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

NO. 15 OF 1995

THE HON LT-COL E M BRITTO

POTABLE WATER : EUROPA POINT

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

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

SUPPLEMENTARY TO QUESTION NO. 15 OF 1995

THE HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

NO. 16 OF 1995

THE HON LT-COL E M BRITTO

POWER CUTS

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 16 OF 1995

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO

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

HON J C PEREZ:

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

MR SPEAKER:

We are drifting far away from the question.

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

Yes, Mr Speaker, no problem.

HON P R CARUANA:

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

HON J C PEREZ:

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

MR SPEAKER:

That is the end of the question. Next question.

ORAL

NO. 17 OF 1995

THE HON LT-COL E M BRITTO

STRAIT VISION LTD

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 17 OF 1995

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA

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

HON J C PEREZ:

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

HON P R CARUANA:

True, that is fair comment.

MR SPEAKER:

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

NO. 18 OF 1995

THE HON F VASQUEZ

NEW HARBOURS TENANCIES

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

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

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

SUPPLEMENTARY TO QUESTION NO. 18 OF 1995

THE HON F VASQUEZ:

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

HON M A FEETHAM:

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

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

HON F VASQUEZ:

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

HON M A FEETHAM:

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

HON P R CARUANA:

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

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

MR SPEAKER:

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

HON P R CARUANA:

Does the Minister accept all of that?

HON M A FEETHAM:

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

HON P R CARUANA:

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

MR SPEAKER:

Order, order. Next question.

ORAL

NO. 19 OF 1995

THE HON H CORBY

CONSUMER PROTECTION OFFICE

When will Government establish a centrally located Consumer Protection Office?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

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

SUPPLEMENTARY TO QUESTION NO. 19 OF 1995

HON H CORBY:

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

HON M A FEETHAM:

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

HON H CORBY:

But he has already done so.

HON M A FEETHAM:

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

HON H CORBY:

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

HON P R CARUANA:

Is there no space in New Harbours for it?

HON H CORBY:

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

HON M A FEETHAM:

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

HON P R CARUANA:

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

HON M A FEETHAM:

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

HON P R CARUANA:

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

HON M A FEETHAM:

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

NO. 20 OF 1995

THE HON F VASQUEZ

SHIPPING REGISTER

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

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

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

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

SUPPLEMENTARY TO QUESTION NO. 20 OF 1995

HON F VASQUEZ:

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

HON CHIEF MINISTER:

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

ORAL

NO. 21 OF 1995

THE HON P R CARUANA

MOD RUNDOWN

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

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

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

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

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

SUPPLEMENTARY TO QUESTION NO. 21 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 22 OF 1995

THE HON P R CARUANA

JOINT ECONOMIC FORUM

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

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

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

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

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

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

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 22 OF 1995

HON P R CARUANA:

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

HON M A FEETHAM:

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

ORAL

NO. 23 OF 1995

THE HON F VASQUEZ

UNEMPLOYMENT LEVEL

What was the level of unemployment in Gibraltar of:-

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

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

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

The unemployment figures as at 30th September 1994 were as follows:-

<u>GIBRALTARIANS</u>		<u>NON-GIBRALTARIANS</u>	
<u>UNDER 25</u>	<u>OVER 25</u>	<u>UNDER 25</u>	<u>OVER 25</u>
264	347	1	453

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

ORAL

NO. 24 OF 1995

THE HON F VASQUEZ

JOB VACANCIES

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

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

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

ORAL

NO. 25 OF 1995

THE HON LT-COL E M BRITTO

REFUSE COLLECTION

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 25 OF 1995

THE HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

All at the same time.

HON J E PILCHER:

All on the same morning, Mr Speaker.

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON J C PEREZ:

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

NO. 26 OF 1995

THE HON LT-COL E M BRITTO

TOXIC SUBSTANCES

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 26 OF 1995

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

The 27th October 1994.

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON H CORBY:

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

HON J E PILCHER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J C PEREZ:

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

ORAL

NO. 27 OF 1995

THE HON H CORBY

HOUSING ALLOCATION

Which Government Minister holds political responsibility for housing allocation?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 27 OF 1995

HON H CORBY:

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

HON J E PILCHER:

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

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

HON H CORBY:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

MR SPEAKER:

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

HON P R CARUANA:

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

MR SPEAKER:

Ask the question.

HON P R CARUANA:

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

HON J E PILCHER:

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

HON H CORBY:

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

HON J E PILCHER:

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

HON H CORBY:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

But the secretaries are civil servants.

HON CHIEF MINISTER:

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

ORAL

NO. 28 OF 1995

THE HON H CORBY

HOUSING MANAGER

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 28 OF 1995

HON H CORBY:

Who was currently the Housing Manager who left?

HON J E PILCHER:

Mr Clive Coom.

HON H CORBY:

Who is currently doing the function of Housing Manager?

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

Even though he is doing it in fact?

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

ORAL

NO. 29 OF 1995

THE HON H CORBY

HOUSING DEPARTMENT

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

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

ORAL

NO. 30 FOR 1995

THE HON M RAMAGGE

HOUSING MAINTENANCE UNIT

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

ORAL

NO. 31 OF 1995

THE HON H CORBY

TOWN RANGE AND QUEENSWAY

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 31 OF 1995

HON H CORBY:

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

HON J E PILCHER:

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

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

HON H CORBY:

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

HON J E PILCHER:

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

ORAL

NO. 32 OF 1995

THE HON H CORBY

NORTH GORGE HOSTEL

When will Government demolish the North Gorge hostel?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

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

SUPPLEMENTARY TO QUESTION NO. 32 OF 1995

HON H CORBY:

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

HON J E PILCHER:

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

ORAL

NO. 33 OF 1995

THE HON H CORBY

'E' BLOCK, EUROPA

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 33 OF 1995

HON H CORBY:

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

HON J E PILCHER:

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

HON P R CARUANA:

Would the Minister say what the proposal is?

HON J E PILCHER:

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

NO. 34 OF 1995

THE HON LT-COL E M BRITTO

CEMETERY

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 34 OF 1995

THE HON LT-COL E M BRITTO:

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

HON J E PILCHER:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

ORAL

NO. 35 OF 1995

THE HON LT-COL E M BRITTO

STREET MARKET

When will Government relocate the Street Market?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 35 OF 1995

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

Certainly since we came in.

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

NO. 36 OF 1995

THE HON F VASQUEZ

MAIN STREET BEAUTIFICATION

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 36 OF 1995

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

ORAL

NO. 37 OF 1995

THE HON LT-COL E M BRITTO

ATTORNEY-GENERAL'S RESIDENCE

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

ANSWER

THE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 37 OF 1995

HON LT-COL E M BRITTO:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

MR SPEAKER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

Short-term contracts?

HON CHIEF MINISTER:

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

HON P R CARUANA:

They go?

HON CHIEF MINISTER:

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

MR SPEAKER:

Order, order.

HON CHIEF MINISTER:

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

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

ORAL

NO. 38 OF 1995

THE HON P R CARUANA

DELEGATION OF POWERS : INCOME TAX ORDINANCE

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

ANSWER

THE HON THE CHIEF MINISTER

The Government took both decisions.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

MR SPEAKER:

One more question and no more.

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

And I say no.

HON CHIEF MINISTER:

And I say yes.

ORAL

NO. 39 OF 1995

THE HON H CORBY

OLD AGE PENSION SCHEME

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

ANSWER

THE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 39 OF 1995

HON H CORBY:

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

HON CHIEF MINISTER:

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

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

ORAL

NO. 40 OF 1994

THE HON P R CARUANA

FLOKS EYE CLINIC

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

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

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 41 OF 1995

THE HON P R CARUANA

TAPPING OF TELEPHONE

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

ANSWER

THE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 41 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

ORAL

NO. 42 OF 1995

THE HON P R CARUANA

PRICE WATERHOUSE REPORT

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

ANSWER

THE HON THE CHIEF MINISTER

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

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

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

SUPPLEMENTARY TO QUESTION NO. 42 OF 1995

HON P R CARUANA:

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

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

MR SPEAKER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

NO. 43 OF 1995

THE HON LT-COL E M BRITTO

PRIVATISATION OF THE PUBLIC SERVICE

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

ANSWER

THE HON THE CHIEF MINISTER

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

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

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

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

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 43 OF 1995

HON LT-COL E M BRITTO:

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

HON CHIEF MINISTER:

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

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

HON LT-COL E M BRITTO:

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

HON CHIEF MINISTER:

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

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

ORAL

NO. 44 OF 1995

THE HON P R CARUANA

REPRESENTATIVE IN LONDON

Do the Gibraltar Government have a representative in London?

ANSWER

THE HON THE CHIEF MINISTER

The Government have an Information Bureau in London.

SUPPLEMENTARY TO QUESTION NO. 44 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

ORAL

NO. 45 OF 1995

THE HON P R CARUANA

GIB OFFICES

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

ANSWER

THE HON THE CHIEF MINISTER

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

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

SUPPLEMENTARY TO QUESTION NO. 45 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 46 OF 1995

THE HON LT-COL E M BRITTO

EU FUNDS

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

ANSWER

THE HON THE CHIEF MINISTER

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

NO. 47 OF 1995

THE HON P R CARUANA

BANKING SUPERVISOR AND INSURANCE SUPERVISOR

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

ANSWER

THE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 47 OF 1995

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

ORAL

NO. 48 OF 1995

HON P R CARUANA

GIBRALTAR REGISTERED BUILDING SOCIETIES

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

ANSWER

THE HON THE CHIEF MINISTER

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

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

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

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

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

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 48 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

ORAL

NO. 49 OF 1995

THE HON P R CARUANA

MEETING MR HURD/MR SOLANA

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

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 50 of 1995.

NO. 50 OF 1995

THE HON P R CARUANA

"MECHANISM" TO COMBAT DRUG TRAFFICKING

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

ANSWER

THE HON THE CHIEF MINISTER

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

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

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

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

SUPPLEMENTARY TO QUESTION NOS. 49 AND 50 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

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

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

ANSWERTHE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 51 OF 1995

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

ORAL

NO. 52 OF 1995

THE HON P CUMMING

PERCENTAGE ANNUAL GROWTH RATE

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 53 OF 1995

THE HON P CUMMING

JOINT ECONOMIC FORUM

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 54 OF 1995

THE HON P CUMMING

THINGS GETTING BETTER

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 55 OF 1995

THE HON P CUMMING

BALTICA CASE

Will Government now make a statement on the Baltica case?

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 56 OF 1995

THE HON P CUMMING

"MECHANISM" TO CONTROL ILLICIT ACTIVITIES

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 57 OF 1995

THE HON P CUMMING

FAST LAUNCH ACTIVITY

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 58 OF 1995

THE HON P CUMMING

FAST LAUNCHES

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 59 OF 1995

THE HON P CUMMING

SECONDARY CONTROLS AT FRONTIER

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 60 OF 1995

THE HON P CUMMING

DIALOGUE WITH CAMPO MAYORS

When will Government resume dialogue with the Campo mayors?

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 61 OF 1995

THE HON P CUMMING

ECONOMIC EXPECTATIONS

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 62 OF 1995

THE HON P CUMMING

BACKLOG OF EU DIRECTIVES

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

ANSWER

THE HON THE CHIEF MINISTER

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

ORAL

NO. 63 OF 1995

THE HON P CUMMING

IMPROVEMENT OF INTERNATIONAL IMAGE

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

ANSWER

THE HON THE CHIEF MINISTER

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

NO. 64 OF 1995

HON P CUMMING

CONSTITUTIONAL CRISIS

Will Government take steps to avoid a constitutional crisis?

ANSWER

THE HON THE CHIEF MINISTER

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

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

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

HON P CUMMING:

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

MR SPEAKER:

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

HON P CUMMING:

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

MR SPEAKER:

No, certainly not.

HON P CUMMING:

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

HON CHIEF MINISTER:

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

HON P CUMMING:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

MR SPEAKER:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

MR SPEAKER:

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