

GIBRALTAR
HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

9TH FEBRUARY, 1996

No. 1 to No. 31

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QUESTIONS & ANSWERS

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NO. 1 OF 1996THE HON F VASQUEZ**IMPORTATION OF TOBACCO LICENCES**

How many licences are in issue and how many have been issued during the last 12 months for the importation of tobacco into Gibraltar?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The Imports and Exports (Control) Regulations 1987 were amended on 16th August 1995 by the inclusion of "tobacco and tobacco products" as items requiring an import licence. Since that date a total of 154 licences have been granted for the importation of tobacco and tobacco products.

SUPPLEMENTARY TO QUESTION NO. 1 OF 1996

HON F VASQUEZ:

Is any vetting procedure adopted in the question of granting of these licences? What is the procedure for the application of these licences? And what is the criteria for the granting or refusing of them?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The terminology here may be slightly confusing. Each application for importation of a product which comes within the schedule of the particular regulation is given a licence and the Collector of Customs obviously is entitled to ask for certain conditions to be met. These are in fact indicated in the regulations themselves and there is a form as part of the regulations "Application for Import Licence. I/We hereby apply for permission to place an order with Messrs of for the importation of the following goods:-" This is in effect an import permit and certain conditions are laid down, Information has to be given about the bags, cases, etc, commodity and brand, exporting countries. Hence there have been 154 such permits issued since the regulations were amended.

HON F VASQUEZ:

I am not clear on that. What the Financial and Development Secretary is saying is that he is referring to specific importation transaction licences. What we in the Opposition are interested to know is how many permitted importers of tobacco are there in Gibraltar. It is not the same thing. I think obviously the Financial and Development Secretary is referring to licences per importation. We are asking for importers. How many companies or individuals in Gibraltar at this moment are licensed to import tobacco into Gibraltar?

HON CHIEF MINISTER:

The licence is to import a given quantity in a given period and the importation licence allows anybody to import that. What there are restrictions is on selling into the local market and there are only five distributors. But anybody can import and re-export. It is selling to the local market that is controlled.

HON P R CARUANA:

Does the Chief Minister mean by that that some of these 154 importation licences may have been given to people other than the five quota holders?

HON CHIEF MINISTER:

That is correct, yes.

HON P R CARUANA:

And does the Chief Minister have available to him how many such other people might be involved excluding the five quota holders?

HON CHIEF MINISTER:

The figures provided by the Collector of Customs of the total 154 applications for import licences that have been approved since the regulations were amended are: S M Seruya - four; Restsso - seven; Saccone and Speed - 32; Duty Free Centre - one; Anglo Hispano Bodega - 18; L Stagnetto - 70; Marina Bay/Puche - 22. Making a total of 154.

HON P R CARUANA:

Since that answer will not feature in the written answers that we will get at the end of this sitting and that the Hansard will take some weeks to produce, I wonder if the Chief Minister would kindly agree to facilitate that information to us today.

HON CHIEF MINISTER:

There is no problem, we can give him the figures in writing.

HON P R CARUANA:

Obliged.

NO. 2 OF 1996

THE HON P R CARUANA

COMPANIES HOUSE

Will Government reveal what local persons have a direct or indirect ownership interest in Companies House?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The sole shareholder in Companies House (Gibraltar) Ltd is National Registries Ltd of Suite 812 Europort Gibraltar. National Registries Ltd is jointly owned by Prism Holdings Ltd of 3 Bell Lane, Gibraltar; Faria Filhos E Associados SA of Sitio Pico Cardo, St Antonio, Funchal, Madeira and Goutaland and Company, Compagnie Financiere et Fiduciaire SA of Suite 812 Europort, Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1996

HON P R CARUANA:

Can the Financial and Development Secretary say whether those three ultimate shareholders were the ultimate shareholders at the time that the Government allocated the privatisation contract?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There has been a change in the shareholdings, Sir.

HON P R CARUANA:

And is the Financial and Development Secretary able to confirm that the new shareholder is Prism Holdings Ltd and that that company is owned by partners of the local law firm Isola and Isola?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can confirm that the new shareholder is Prism Holdings Ltd and as to the name, well, I think 3 Bell Lane is a very well-known address, almost as well-known as 28 Irish Town or 57/63 Line Wall Road. His inference is correct.

HON P R CARUANA:

The inference is correct not because the registered office of the company at 3 Bell Lane because like most law firms they have hundreds of registered offices which does not necessarily imply that the partners of that firm beneficially own the company. Is the Financial and Development Secretary able to say whether as part of the privatisation agreement the Government had to approve that acquisition of an interest by Prism Holdings Ltd?

HON CHIEF MINISTER:

The privatisation that took place of the Companies Registry in 1993 produced a reaction from a number of people because the owners of the registry were non-Gibraltarians. The position was that after representations from the Bar Council and ATCOM I gave an undertaking that we would monitor any changes in the ownership so as to ensure that it did not go into the hands of people who were not considered to be of benefit to the finance centre activities and

the company registry in Gibraltar. Therefore, when the holders that held that particular share wanted to transfer the shareholding and sell it to a local firm, the matter was brought to the attention of the Government in case there was any objection and as I understand it was brought to the attention of the consultative committee that the registry set up.

HON P R CARUANA:

Perhaps the Chief Minister would say why at the time that the privatisation of the Companies Registry was effected the possibility to invest in it was not widely offered amongst local professionals and can he comment on how very shortly after the original privatisation in favour of Liechtenstein interests we were told at the time, a law firm of which the general secretary of the GSLP is a partner comes to acquire a one-third interest in the Companies Registry which has not been offered more widely by tender or otherwise to other professionals in Gibraltar that might have wanted an interest in the Companies Registry.

HON CHIEF MINISTER:

In April 1993 the Government received proposals from ATCOM for the privatisation of the registry and those proposals were not as good as the proposals that were put together by another local company which was the one that was accepted. The reason why we do not interfere in the transfer of shares in a business, once a business has been contracted, is because it has no effect on the contract and if the Opposition Member were tomorrow to have a position where he wanted to buy a share in Land Property Services and the shareholders of Land Property Services are prepared to sell it to him, he would find that I would not seek to interfere simply because I disagree with his politics.

NO. 3 OF 1996

THE HON H CORBY

DRUGS ADVISORY COUNCIL

How many times have the Drugs Advisory Council met in the years 1993, 1994 and 1995?

ANSWER

THE HON THE ATTORNEY-GENERAL

If the hon Member in referring to the Drugs Advisory Council means the Advisory Council on the Misuse of Drugs, I can confirm that the Council met twice in 1993 and has not met during 1994 and 1995.

When the Council did meet, discussions mainly centred around additions to the list of prescribed and "over the counter" drugs and this has continued to be constantly monitored by professionals in the field without the need for the Council to meet.

SUPPLEMENTARY TO QUESTION NO. 3 OF 1996

HON H CORBY:

Can the Attorney-General state what are the guidelines regarding the Drug Advisory Council and to whom they report? There must be very little reports if they have only met twice in 1993.

HON ATTORNEY-GENERAL:

The Advisory Council is constituted under the Drugs Misuse Ordinance (section 27) and the parameters of the work that they do is set out in that section. The committee is appointed for a certain amount of time (three years) and it finished its tenure of office in 1993.

HON H CORBY:

And they report to?

HON ATTORNEY-GENERAL:

I will find out.

HON H CORBY:

She does not know. Due to the increase in drug offences which has surged from 325 in 1988 to 810 in 1994 - that is according to Government statistics and this has happened not only in Gibraltar but world-wide it is a disease that has come to many countries - how can she explain the reason for the inactivity of this council when they should be very much in the foreground?

HON CHIEF MINISTER:

I do not think it is true to say that the Council has been inactive. I think it is true to say that the activity of the Council has not been a factor in either increasing or reducing the growth in the problem of drug abuse which as the Opposition Member recognises is not peculiar to Gibraltar. Therefore in looking at the work of the Council since it was set up, the primary area in which they have been involved has been in a wider concept of drugs which includes things like alcohol, and the review of the list of drugs which are controlled drugs which require a

prescription as opposed to drugs which are sold over the counter. The Council additionally was involved in looking at things like campaigns carried out by the youth service, by the Education Department and by the Environmental Department occasionally in promoting the dangers of drugs and encouraging people to be conscious of those things and stay away from them. The fact that the people in the Council are 90 per cent people in the Government in those areas means that that work has continued.

HON H CORBY:

It seems practically impossible to say that the work has been carried on if it is an Advisory Council which has not met in 1994 and 1995, as the Attorney-General has said. Then what co-ordination is there between the committee as such which met twice in 1993, in 1994 they have not met at all and in 1995 they have not met at all either? What co-ordination is there between the Council and the work that they do if they do not meet?

HON CHIEF MINISTER:

The answer which I am trying to make the hon Member understand is that if we have got the Commissioner of Police, the Collector of Customs, people from the Education Department and the Employment and Training Unit, they are in contact in the things that they do without having to meet as a Council and the experience in reviewing the work of the Council was that we found that the fact that they met two or three times a year was not a necessary ingredient for the work that they were doing because the work that they were doing was an on-going exercise and that work has continued to go without the need for formal meetings. That is what I am telling him.

HON H CORBY:

Will the Chief Minister not agree with me that the Drug Advisory Board has no part to play if there are different people doing different things within their department? Why is the Council in place then?

HON CHIEF MINISTER:

No, I do not agree with the hon Member because in fact what I am telling him is that having reviewed what was being done when the Council met and when the Council did not meet we found that there was no significant difference in the output because the people concerned work together anyway.

NO. 4 OF 1996THE HON P R CARUANA**FAST LAUNCH LEGISLATION**

Will the Attorney-General explain the loophole which a recent court decision has identified in the fast launch legislation?

ANSWERTHE HON THE ATTORNEY-GENERAL

The Fast Launch (Control) Ordinance which was enacted in 1987 provides in section 9 that a fast launch can only be used by the holder of a valid licence under section 4 or the holder of a valid permit under section 8.

There are only three such licences in existence.

The police apprehended a vessel with an engine which had a horse power which brought it within the ambit of this Ordinance and which was not licensed under section 9(1).

The Ordinance provides that it is an offence to use such a vessel without a licence and this provision is in section 9(2).

Section 9(3) states that a person guilty of an offence under subsection (1) is liable on conviction or indictment to a fine and imprisonment for two years.

Counsel for the defence has argued that subsection (3) referred to an offence in subsection (1) whereas the offence is in subsection (2) and concluded from this that no penalty was provided in subsection (3) for the offence in subsection (2).

The ruling in this case is being appealed against.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1996

HON P R CARUANA:

Given that the loophole is so obviously technical and so obviously correctable, can I ask why the Ministers have not brought legislation to this House to correct it as a matter of urgency as indeed they have done on the question of the income tax and the recent court case which rendered it impossible to collect arrears of PAYE from directors. Would the Attorney-General say why there is no legislation before this meeting of the House to correct that loophole so that the fight against the fast launches can be continued uninterrupted?

HON CHIEF MINISTER:

The Opposition Member has obviously chosen to ignore that the fight against the fast launches has nothing to do with the legislation because he has just been told that there are only three fast launches licensed under this ordinance and that in fact this has nothing to do with the fast launches which everybody keeps referring to. The three licence holders are three people who have nothing whatever to do with any activity other than having a launch with a horse power in excess of 200. We do not accept just because of one test case that there is a loophole because the law has been there unchallenged since before we were elected and was approved by this House and if we were to accept the argument that has

been used, we need to review heaven knows how many other laws to find out whether there are offences mentioned in one section and penalties mentioned in another section and that means that the law is inoperative and therefore before we proceed to what may mean an amendment that removes the figure two and put the figure one, we want to make sure that the ruling that has been made is sustainable and we are not convinced.

HON P R CARUANA:

The Chief Minister, with the greatest of respect to him, is entirely wrong. This ordinance does two things. It enables people to apply for licences and we know that three people have and no more and then it punishes everybody else who uses such launches without a licence. So everybody except the three licence holders who use a launch in contravention of the ordinance are guilty of an offence. Indeed that is the legislation. It is the only piece of legislation that the police have available to them in Gibraltar to prevent people using fast launches without a licence as is proved by the fact that this is the section that they tried to use in this case (it is not a test case) and the case was thrown out by the Magistrate. It is only a few weeks since a similar court, a court in Gibraltar ruled that the Government's legislation to try and make directors responsible for PAYE had a loophole as well and it has taken the Government three weeks, no more, to bring a Bill to this House to try and correct that and if they are willing to correct legislation about PAYE liability of directors, the moment the court identified a loophole, I want to know why they do not take the same urgent view of legislation to arm the police with powers to combat unlicensed fast launch operations?

HON CHIEF MINISTER:

Because we have taken the view that in the other case the law needs changing and in this case the decision needs challenging and the hon Member is wrong in saying that this affects more than three licence holders and that it affects everybody else because in fact nobody else other than this one instance since 1987 have we had somebody with an engine which comes within the provisions of this Ordinance. So it is not true that there are hundreds of boats which require a licence under this Ordinance and therefore it is not the case that this legislation has a loophole which allows other people to do things that is not already possible under the existing legislation. Changing the law as the hon Member has suggested we could do would not have had any effect at all on the action that the Government are taking and will continue to take to make sure that Gibraltar is not used as a base for boats that are engaged in trafficking in drugs between Morocco and Spain which is what concerns us all.

HON P R CARUANA:

But in the meantime the fact of the matter is that we are naked in terms of penalty imposing legislation against launches that do fall within this category, why not close the loophole? Otherwise launches that do fall into this category will be able to operate with impunity.

HON CHIEF MINISTER:

No, Mr Speaker, in the meantime what is happening is that the one vessel in question which was found to have an oversized engine is in police custody and will continue in police custody until the appeal is heard.

NO. 5 OF 1996

THE HON P R CARUANA

GIBRALTAR CRIMINAL INTELLIGENCE UNIT

Why is the new Gibraltar Criminal Intelligence Unit based at the Gibraltar Security Police office within HM Naval Base?

ANSWER

THE HON THE ATTORNEY-GENERAL

The Gibraltar Criminal Intelligence Unit was set up with the assistance of Her Majesty's Government who have seconded a HM Customs Officer as head of the unit. As part of this support, office premises were also made available at HM Naval Base given the need to have an independent facility in a secure location.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1996

HON P R CARUANA:

Are we to assume from that answer firstly that the Royal Gibraltar Police headquarters is not considered to be a secure location? Are we further supposed to assume from that answer that this unit does not, in an operational sense, answer to the Commissioner of Police or to the Collector of Customs? And if those two suppositions are correct, to whom does this seconded HM Customs official answer in an operational sense? Who is his immediate superior in Gibraltar?

HON ATTORNEY-GENERAL:

I do not know, is the answer to that. I do dispute that the Royal Gibraltar Police headquarters are not secure. I think it is a question of an independent facility within a security..... but I do not know to whom they are responsible.

HON P R CARUANA:

Frankly, none of the Government Members on the political side have risen on this occasion as they arise on almost all other occasions and I am frankly reluctant to see the Attorney-General thrown to the wolves on this issue.

HON CHIEF MINISTER:

Mr Speaker, it is not a question but if he were asking me whether I have thrown the Attorney-General to the wolves, first of all I do not think there are wolves there other than wolves in sheep's clothing on that side of the House and I think even though they may be wolves in sheep's clothing I do not think any of us on this side need to worry about any of their antics. What I can tell the hon Member is that he knows full well that constitutionally and until the Constitution is changed, the operations leading to the work that is done by the police and indeed to some extent by the customs in pursuing crime is not something in which there is any political involvement and there is no reason why there should be. So I can tell the Opposition Member that the offer of assistance from the United Kingdom in respect of setting up the unit was something that was welcomed by the Government because as far as we were concerned it seemed to be closely aligned to the idea of GADU which has been discussed many, many times and which the Government have supported and particularly the Hon Mr Corby has supported. There have been many occasions when the possibility of having a central unit in which intelligence is fed from two sources with a professional heading it to

advise and co-ordinate how that work should be done has been discussed and that is what this is supposed to be doing. The Unit collects information and makes the information available presumably to the police, when the police need it, and to the customs when the customs need it. It is not a unit that is there to actually act to prosecute people or arrest people or do anything else. I have not asked that they should report to me and I assume that the unit will keep informed the head of the two services that make it up as a matter of course.

HON P R CARUANA:

I am aware that the Governor has constitutional responsibility for the police which, of course, is not the same with customs. What I want to know is whether the reporting authority which is what this in effect is for the purposes of the Criminal Justice Ordinance, the authority to which professionals in Gibraltar are obliged to report, is a local law enforcement agency or whether it is a UK law enforcement agency. In other words, if it were a local law enforcement agency I would expect it to be within a local law enforcement structure. That is the question: are we reporting to a Gibraltar law enforcement agency albeit one that is located within HM Naval Base as a matter of availability of premises convenience or are we in fact reporting to a law enforcement agency which is not Gibraltar Customs or Gibraltar Police or a combination of the two?

HON CHIEF MINISTER:

Subject to my being corrected, my understanding is that we are reporting to a local law enforcement agency because the secondment of the head of the Unit is not indefinite. He is seconded from the UK Customs, he is a Higher Executive Officer and he is paid for by the Foreign Office.

HON P R CARUANA:

Is he seconded by the Royal Gibraltar Police or Gibraltar Customs? In other words, does he form part of the disciplinary structure of either of these two Gibraltar bodies?

HON CHIEF MINISTER:

He is seconded as head of the Unit. I am not aware whether he is actually deemed to be a police officer. He is in fact a serving officer of Her Majesty's Customs and Excise in the United Kingdom and if there was no unit and if this was not being done as a joint operation with the Royal Gibraltar Police, I would expect him to be with the Gibraltar Customs.

HON P R CARUANA:

Mr Speaker, let me be clear. I have no objection to the secondment of technical expertise from the UK just as we seconded assistance from the UK for the Income Tax Office. But in that case it was clear. That gentleman was seconded by the Income Tax Office of the Government of Gibraltar. He was under the Commissioner of Income Tax's authority and there is no doubt about what his status is. I, by the same token, would ask the Chief Minister to ensure that this gentleman, whose technical assistance is most welcome, nevertheless be placed within the local hierarchical infrastructure, either of the police or of customs, so that he is answerable in Gibraltar in an operational and disciplinary sense either to the Commissioner of Police or the Collector of Customs and in my opinion it should be to the Commissioner of Police.

HON CHIEF MINISTER:

I will take note of what the hon Member has said but what I have to tell him is that as far as I am aware the role of the person concerned is in fact to head the Unit because of his expertise and nothing else. Therefore since the Unit is a unit which collects intelligence, holds it in a secure location and has it available for the two services that make it up I cannot see why the hon Member is expressing the concerns that he is but I have certainly made a note of it and I will take the matter up to ensure that any worries that he has are dealt with.

HON P R CARUANA:

Given that the Government Members do not appear to be very clear about exactly how this man fits into the local scene, can I ask the Chief Minister to give particulars of the degree of consultation that there has been between Her Majesty's Government and the Government of Gibraltar on this issue? And is it in fact the case that this man has just been sent out to Gibraltar, kitted out with an office in the Naval Base and that really there has been no consultation?

HON CHIEF MINISTER:

The degree of consultation that there has been was that the offer of assistance in providing somebody to head the Unit was made by Her Majesty's Government in response to many previous representations that I had been making about the proposals of the editor of Vox that he had put to the previous Governor to set up a unit in which the customs and the police would be involved but would have somebody from the United Kingdom heading it and with the necessary expertise to cover both areas. It was something that we had discussed on many previous occasions and this was the response to that and when the response came it was not a question of saying, "Do you want somebody?" because we had already said we wanted somebody. They said, "This is what we advise. He is a man with the necessary expertise." He came out, we spoke with him. He told us what he knew about this field of activity and we thought they had picked somebody who was being proposed in order to be helpful.

HON H CORBY:

Can the Chief Minister say whether this Unit will be further developed into other areas insofar as GADU is concerned? I will not give it away here in this House but there was infiltration of officers etc in the Unit with other organisations in Gibraltar.

HON CHIEF MINISTER:

My understanding is that the development of the role of the Unit to some extent will be something that will be considered when it has been operating for some time and the work is then monitored and from there we can decide. Part of the work that the head of the Unit has to do of course is to train local people because it is not a permanent appointment.

NO. 6 OF 1996THE HON LT-COL E M BRITTO**PUPIL FUNDING**

Will Government state the funding per pupil for schools for each year since 1988?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

The total amount of money spent on our schools since 1988 is as follows:-

1988/89	£5,258,668
1989/90	£5,894,768
1990/91	£6,374,048
1991/92	£7,271,713
1992/93	£7,799,275
1993/94	£7,962,275
1994/95	£8,119,286

As a per capita figure this works out as the following amount per year per pupil:-

1988/89	1144.43
1989/90	1277.30
1990/91	1391.41
1991/92	1577.04
1992/93	1666.16
1993/94	1702.45
1994/95	1762.38

Insofar as the capitation award solely for books and equipment given to schools is concerned the figures since 1988 are as follows:-

	1988/89	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96
First/Nursery	£21.50	£22.50	£23.65	£23.65	£26.02	£27.32	£28.14	£28.42
Middle	£29.00	£30.45	£32.00	£32.00	£35.20	£36.96	£38.07	£38.45
Secondary								
Years 1 & 2	£34.00	£35.70	£37.50	£37.50	£41.25	£43.31	£44.61	£45.06
Years 3 & 4	£48.50	£50.90	£53.45	£53.45	£58.80	£61.74	£63.59	£64.23
Sixth Form	£49.00	£51.45	£54.00	£54.00	£59.40	£62.37	£64.24	£64.88
Special Needs	£80.00	£84.00	£88.20	£88.20	£92.60	£97.23	£97.23	£98.20

SUPPLEMENTARY TO QUESTION NO. 6 OF 1996

HON LT-COL E M BRITTO:

Mr Speaker, I am grateful to the Minister for this detailed informative answer which is typical of the answers he has given in this House when questions have been of a purely statistical and informative nature and I thank him.

NO. 7 OF 1996THE HON M RAMAGGE**MEDICAL ADVISORY COMMITTEE**

How many times have the Medical Advisory Committee and the Gibraltar Health Authority met formally in the years 1994 and 1995?

MR SPEAKER:

I am afraid that the Minister for Medical Services and Sport has inevitably had to fly to England for domestic matters. The Minister for Government Services will answer her questions.

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES
(In the absence of the Hon the Minister for Medical Services and Sport)

The annual meetings of the Gibraltar Health Authority were held on 19 December 1994 and 20 December 1995.

As the Minister for Medical Services and Sport explained to this House in answer to Question No. 133 of 1993, the Medical Advisory Committee is under no obligation to inform the Authority on the number of times it meets and therefore we are unable to answer that part of the question.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1996

HON P R CARUANA:

Will the Minister make available the minutes of those annual meetings? It appears that the GHA meet annually, he said in December 1994 and December 1995. It meets once a year?

HON J C PEREZ:

One would have to go back and put it to the chairman and to the people concerned. It is not a matter that we are free to say that the minutes should be made available to Opposition Members or to anybody else. They meet. They have got their minutes. They do their thing and we would have to go back to them and ask whether it was objectionable to them that those minutes should be given wider circulation than what there is at the moment.

HON P R CARUANA:

Except that the chairman is the Minister for Medical Services and that the Gibraltar Health Authority does dispose of many, many millions of taxpayers' money. Therefore there ought not to be any great reluctance to publish the minutes of its meetings. But my supplementary is whether the Minister is satisfied that the medical professionals in the Health Authority have an adequate say in the running of the Gibraltar Health Authority as their representation on the Authority was intended to safeguard?

HON J C PEREZ:

The medical profession on individual matters have an input on a daily basis on the running of the Health Authority. Whether collectively they want to advise the Government on any particular issue, is a different thing which they themselves decide at any given time. The machinery is there set up for them to use it to be able to advise the Government on any of those issues. It is not the only one available to them and the input of the medical practitioners

in the running of the Health Authority is a running one. As to the other points that the hon Member raised, yes, the Minister is the chairman of the committee but undoubtedly she has to consult with other people in the committee. As for the funds that are spent from the Health Authority, the hon Member well knows that the accounts of the Health Authority are presented in this House and are available to members of the Opposition. So it should have nothing to do with what the Advisory Board does or does not do.

HON P R CARUANA:

The accounts of the Gibraltar Health Authority of course come very historically and therefore those that are making the decisions as to how the monies are going to be spent before anybody else has an opportunity to comment ought not in my opinion to be reluctant. After all if the Minister is not reluctant to publish the minutes I do not see why a civil servant should be reluctant to publish the minutes and many of the other members of the Gibraltar Health Authority are people who are engaged in a professional capacity as employees of the Authority. Does the Minister's answer suggest that he would reject my allegation that the professionals in the health service, that is to say, the doctors and the consultants, feel that they are not given a sufficient say, indeed that their advice is invariably ignored and that the mechanism that exists for them to input into the Gibraltar health services, namely the Gibraltar Health Authority itself, meets, as the Minister has just said in his answer, once a year.

HON J C PEREZ:

I reject totally the allegations being made by the hon Member and although I agree that this body meets once a year, I have already told the hon Member that there are many aspects of the day-to-day running of the Health Authority, there is a running input of the professionals and that there are other mechanisms by which professionals make their views known. They have this mechanism which they can use at any given time by calling a meeting of the committee and putting their case through. If they feel at any time that they want to advise the Health Authority on anything, or the Government on anything, the mechanism is there for them to use it. We have not had any complaints from the professionals at this stage that their input is insufficient.

HON P R CARUANA:

The Minister and I have different sources of information.

HON J C PEREZ:

Mine are better than his, Mr Speaker.

NO. 8 OF 1996THE HON M RAMAGGE**GIBRALTAR HEALTH AUTHORITY ACCOUNTS**

Will Government explain and break down the figure of £237,492.71 by way of "relief cover" in the receipts and payments account for the year ending 31st March 1994 of the GHA?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES
(In the absence of the Hon the Minister for Medical Services and Sport)

The breakdown of the figure £237,492.71 by way of "Relief cover" in the Receipts and Payments Account for the year ending 31 March 1994 of the GHA is as follows:-

SPECIALITY

General Medicine	£32747.53
Ophthalmology	£41179.45
Psychiatry	£18593.96
Pathology	£ 4792.26
Obstetrics and Gynaecology	£26969.17
ENT	£ 1360.00
Anaesthesia	£44014.14
Orthopaedics	£22132.26
Paediatrics	£25590.40
General Surgery	£13663.90
SHO	£ 1041.95
General Practice	£ 3889.48
Physiotherapy	<u>£ 1518.21</u>
	<u>£237492.71</u>

May I add to that answer that the explanations for each of those figures are different depending on the circumstances and I am prepared to reply to any question that the hon Member may have on that.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1996

HON P R CARUANA:

But to the extent that for example on the anaesthetist it is £44,000 it reflects the fact that a second anaesthetist was not available during that period and cover had to be brought in on a local basis, is that right? Of course the general heading is relief cover which suggests that this is cover that has to be brought in which is not generally available on the hospital's own staff.

HON J C PEREZ:

One of the anaesthetists retired on medical grounds and I am told that the locum with whom arrangements had been made to cover the vacancy cancelled at short notice and the GHA was left to cover on its own. He then fell in on the 10th January 1996 and all operations scheduled for the day were cancelled. Arrangements were made for emergencies to be done by the Royal Naval Hospital. On the 11th January 1996 two operations were performed by the professionals from the RNH. The anaesthetist returned to work on the 12th January 1996. The GHA also covered the RNH a few weeks ago when theirs had to accompany a patient to a hospital in Spain.

HON P R CARUANA:

Making allowance for the fact that the Minister is a stand-in and is not personally familiar with the facts, the fact remains that we are talking about accounts for the end of March 1994. That is nearly two years ago and we are still in the realms of locum. In other words, the Gibraltar Health Authority has now been operating for more than two years, without a staffed second anaesthetist on the basis of locums.

HON CHIEF MINISTER:

The use of locums is because people do not work seven days a week, 52 weeks a year and we cannot order them not to be ill. They are entitled to leave, they have got within their contracts provisions for study leave and people are brought in to cover and the amount of money that is spent on relief cover when it is put in the Estimates it is based on what has been the norm in previous years but in any one year we cannot predict what is going to happen.

HON P R CARUANA:

We threaten to get into a conversation with people none of whom are familiar with the facts. The person who went ill was the locum. This is my point. The person who has gone ill and we cannot expect to work for 24 hours a day, seven days a week was not the permanent anaesthetist, it was the locum. A locum is a temporary replacement and my point is that we have been operating with a temporary replacement who of course is entitled to fall ill as well for more than two years and what we want to know is why it is necessary for the hospital to operate with one permanent anaesthetist and one temporary anaesthetist when it has always had two permanent ones?

HON CHIEF MINISTER:

The hon Member is right in saying that that is the kind of question that is difficult for me to answer or my hon Colleague to answer but I can tell him that the amount of money provided by way of relief cover which is nearly a £0.25 million and the breakdown of that amount of money frankly is not something that leads logically to the supplementary that he has put. If he had put that question initially he might have had an answer on that particular question.

NO. 9 OF 1996

THE HON M RAMAGGE

NURSES

How many nurses employed at 31st January 1995 at the GHA are:

1. trained to SRN level;
2. trained to enrolled nurse level;
3. trained to a lower level?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES
(In the absence of the Hon the Minister for Medical Services and Sport)

There are two levels of training which only apply to the state registered nurse and the enrolled nurse. These were 133 and 94 respectively making a total of 227.

The nursing auxiliary and nursing assistant obviously have acquired experience but receive no formal training towards qualifications. The figure for these two levels was 121. Therefore, the total number employed at 31st January 1995 at the GHA was 348.

NO. 10 OF 1996

THE HON M RAMAGGE

HEALTH CENTRE STAFF

What staff reductions have taken place in the Health Centre since 1988 and are Government satisfied that current manning levels are adequate to ensure an efficient service to patients?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES
(In the absence of the Hon the Minister for Medical Services and Sport)

There have been no reductions in staffing levels in the Health Centre since 1988. In fact, the opposite has been the case. The levels have been increased and, yes the Government are satisfied with the current position although obviously we keep the matter under constant review.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1996

HON P R CARUANA:

Are the Government aware what arrangements exist by way of clerical assistance at the Health Centre for the doctor on duty during weekend clinics? In other words, who produces medical files and medical reports for the doctors at weekend clinics?

HON J C PEREZ:

I am not aware of that. If the hon Member would like to make any specific questions on that and write to me I would be glad to pass it on to the Manager of the Health Authority and I am sure he will be able to reply to that question.

NO. 11 OF 1996

THE HON LT-COL E M BRITTO

VICTORIA STADIUM SPORTS HALL

Will the Minister for Sport make a statement about the condition of the roof of the Victoria Stadium sports hall?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES
(In the absence of the Hon the Minister for Medical Services and Sport)

The roof of the Victoria Stadium's sports hall was extensively repaired and completely painted, with a specialist waterproofing paint, five years ago as part of the major refurbishment carried out to all the facilities to coincide with the provision of synthetic surfaces in the main pitch and just prior to the installation of the wooden sprung floor in the sports hall.

Furthermore, the inspection of the roof is included in the Stadium's annual maintenance programme and any necessary repairs are carried out every year just after the first rains, usually in September or October, in advance of the main sports season.

Unfortunately, this season the first rains have been quickly followed by more rain and a dry weather spell, long enough to allow remedial works to be carried out, has not materialised. Weather permitting repairs will be carried out immediately.

SUPPLEMENTARY TO QUESTION NO. 11 OF 1996

HON LT-COL E M BRITTO:

I will excuse the Minister for Government Services for not realising how familiar that answer rings to my ears because it is very similar to an answer given by his hon Colleague the Minister for Sport to Question No. 45 of 1994 where a similar question was asked about the problems of leaking. The answer then was, as the Minister has said now, that the roofs had been repaired during the previous year, which was 1993, five years ago as the Minister is saying now and although the answer reads from Hansard, "Although the problems were solved the recent heavy rains which have followed a long dry period have enabled us to establish some areas which now need tackling. The matter is in hand and will be carried out when it is technically advisable" or as the Minister has now said presumably when it stops raining. Is it not a fact that since 1994 the hall has been plagued with continuous water problems through leaking of the roof, that the sports fixtures are disrupted on a continuous nature and that in fact it can visibly from ground level be seen that the ceiling of the hall can be seen to be in a very bad condition; that there is continuous water entering and that no effective repairs have been carried out since the question in 1994 was asked by my hon Colleague at the time?

HON J C PEREZ:

I presume that if the hon Member has got a similar question in 1994 it is because the circumstances in 1994 were similar to what they are today, and by virtue of the answer that has been given in this House, what seems to be happening is that since the major overhaul has taken place that immediately prior to the rains because of the expansion and contraction of roofs in Gibraltar there are repairs made when the rain season comes we see that the roof is leaking again and we make adjustments and repairs during the dry period and we will not find out whether it is leaking or not until we get rain in the following year. This year has been specifically bad. We all know why. It has not stopped raining for practically the last six to eight

weeks, so there are special circumstances this year. Whether the hon Member is saying was it repaired adequately five years ago or not, it depends very much on the type of roof that it is and whether it is expected that we have a recurring problem or not. I take the point that if it is a recurring problem we might have to find a more permanent solution to it, but I presume that if my hon Colleague gave him a similar answer in 1994 it is because the circumstances were more or less the same.

HON LT-COL E M BRITTO::

That is exactly the point I am making. The circumstances are the same as they were in 1994. The repairs have not been effected and that it is not correct to say.....

HON J C PEREZ:

No, no, no the repairs have not been effected, no. The hon Member accepted in his own supplementary that the repairs had been effected; that they have not been effective is a different matter. Effort is being made to repair it and the funds are provided. The fact that the professionals have not been able to work on it in a manner to make it watertight is something that I think we now ought to sit down and look at because whatever the circumstances of the roof it ought not to be leaking every year, that is something that we all accept.

HON LT-COL E M BRITTO:

It is not something that has happened now as a result of the rains in these last few weeks. I have here a report from the Gibraltar Chronicle of the 26th January where the sports reporter says, "The heavy rains and high winds have again affected the basketball programme with a number of matches having to be called off as water leaks through the roof of the Victoria Stadium sports hall and makes the wooden surface slippery and unemployable". Will the Minister undertake to pass on to his hon Colleague, in the very short time left to him to do so as a Minister, the state of the roof, the fact that the programmes have been disrupted during 1995, during the current season and during the whole of 1994, that this is not a problem that happens whenever it starts raining. It is a problem that is permanent whenever it rains and the repairs that have been carried out so far on an ad hoc basis have obviously not worked, have not been effective and there is need for something of a more permanent nature to be carried out.

HON J C PEREZ:

I shall be able to inform the House at this time next year that the repairs have been effective I believe although I am not sure whether the hon Member will be here to listen to my reply.

HON LT-COL E M BRITTO:

No doubt the Minister will be asking the question as an Opposition Member this time next year.

NO. 12 OF 1996

THE HON LT-COL E M BRITTO

RAGGED STAFF ROUNDABOUT

Do Government consider that the inordinate delay in completing the Ragged Staff roundabout is justified?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Works on the construction of the new roundabout at Ragged Staff commenced on 16th October 1995 and were expected to be completed by 15th December 1995.

Part of the scheduled works involved the laying of extra ducts for the Electricity Department. Delays were incurred as a result of the underground services being at a different level than that anticipated, and therefore levels had to be altered and drainage and electrical ducts re-routed.

A further delay was encountered as a result of both Gibraltar Nynex and Lyonnaise des Eaux making known their requirements for services once the works had already commenced. This is possibly due to the Superport operation and the announcement by Queensway Quay that they are to proceed with Phase II of the development.

Potable water and telephone service requirements were therefore incorporated in the scheme in order that the road would not unnecessarily have to be opened up once the works were completed.

The Highways Section could have put in more resources in order to complete the works within the time schedule, but this became impossible due to inclement weather which commenced on the 7th December and continues to date.

An attempt to lay a temporary surface was made shortly before Christmas but the heavy rains have not made this possible.

Despite the weather, planing has taken place on a regular basis with holes filled in with gravel and sand. Government issued two press releases, one before Christmas and one in January, giving explanations to the public for the delay and advising caution by motorists using the area. The Highways Engineer gave a detailed explanation recently on radio and television.

At all times it has been absolutely necessary to keep traffic flowing in the area, particularly since Sir Herbert Miles Road is closed to vehicular traffic due to the catchments area having been de-stabilised as a result of recent heavy storms.

Works at the Ragged Staff roundabout will recommence when there are five dry working days available on a stretch. This is the time required to complete one side of the roundabout. In addition, a similar period of time will be required to complete the full works which will be done in two phases in order to minimise inconvenience to motorists as much as possible. A lot of the work already done on the road now needs to be repeated so as to remove any water bubbles that have formed under the existing surface.

Under these circumstances, Government consider that the delay in completing the Ragged Staff roundabout, whilst undesirable, has been impossible to avoid.

SUPPLEMENTARY TO QUESTION NO. 12 OF 1996

HON P R CARUANA:

I profess no knowledge about road building techniques but purely as a matter of interest can the Minister say how road works are carried out in countries where it habitually rains more frequently than once every five days?

HON J C PEREZ:

I am not responsible for roads in other countries. I am responsible for roads in Gibraltar and I can tell him that I do not know how these things work either but if he has got a set of technical questions I am prepared to put them to my Highways Engineer who will no doubt be prepared to give him technical explanations which he can then check up with his sources, as he claims to have.

HON LT-COL E M BRITTO:

Taking all that lengthy explanation that has been given, the fact remains that the heavy rains that we have had ended round about the 31st January. Since then there have been more than five days without rain. The Highways Engineer round about that time said that when he had a forecast of five clear days that the works would be started. Since then, I repeat, there have been more than five days without rain. Certainly of any substantial rain that can affect works of this nature and the fact remains that there has been no work done of a permanent nature since well before Christmas. When is it intended to start? The question of five days seems to be a complete red herring.

HON J C PEREZ:

The hon Member seems not to have been living in the same place I have been living if he thinks that there have been five continuous dry days. We have had three days of not very much rain but it has been raining at night as well. We have to go by the meteorological forecasts that we have and the section is authorised to work Saturday or Sunday if necessary if those five days coincide in a weekend in order to complete the works. It is the desire of the Government and it is the desire of the section in the same way as it is the desire of the hon Member and of the rest of Gibraltar that work should be completed as expeditiously as possible. It is not the desire of anyone to purposely have the road open like that for a longer period that is necessary. The hon Member should in his small mind try and understand that, that it is not something that we do on purpose to have the hon Member ranting on the other side. It is something that are circumstances which are out of the control of everybody.

HON LT-COL E M BRITTO:

Is not the fact that the whole thing has been a complete cock-up? If the Highways Department or the Government policy is limited by the small amount of rain that has occurred since the 31st January then the fact is that the works should not have been undertaken at this time of the year and should have been undertaken in more clement weather. Or is it not a fact that the works have been taken at this time of the year for political purposes and not for the purposes of improving the area?

HON J C PEREZ:

The works have been carried out at this time of the year because it is not normal that we should have had so much heavy and continuous rain, and that has been recognised by the meteorological forecasts around the world including, if I may say so, the BBC World Service and Sky which actually talked about the inordinate climate of Gibraltar itself when they were referring to the weather pattern. But the hon Members live in their own cocoon and dream about things in their own way.

NO. 13 OF 1996

THE HON P R CARUANA

CHRISTMAS LOTTERY

Why was the unsold Christmas lottery first prize money not paid into the Consolidated Fund?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

As hon Members are no doubt aware, the first prize money of the Christmas lottery draw was donated by Government to the John Mackintosh Trust for Mount Alvernia and the Jewish Home. This is why it was not paid into the Consolidated Fund.

SUPPLEMENTARY TO QUESTION NO. 13 OF 1996

HON P R CARUANA:

Yes, which simply goes to confirm that the laws about financial accountability in Gibraltar appear to be manipulated by the Government Members depending upon what use they want to put the monies to. As the Chief Minister himself said in his interview in the Gibraltar Chronicle and on GBC television on the day that he appeared as Father Christmas - no doubt another electioneering trick - as the law stood that the unwon prize money, that is to say, the prize money attaching to lottery tickets that have not been sold to members of the public, should go into the Consolidated Fund. The Constitution of Gibraltar which is not subject to whether the Government Members want to be generous at Christmas time, requires monies that are paid into the consolidated Fund to be spent only with the permission of this House, not with the Christmas time generosity of the Government Members but with the Appropriation Bill of this House. Given that the Chief Minister was aware of that since he appeared on television to tell us all that that is what the law requires, I want to know why the Government Members have clearly flouted the Constitution of Gibraltar and have disposed of £0.5 million of taxpayers' money, contrary to the provisions of the Gibraltar Constitution?

HON J C PEREZ:

Mr Speaker, he is clearly not up to it. First of all he describes the Chief Minister as Father Christmas. If he had said that I was Father Christmas people might believe him but the Chief Minister does not look like Father Christmas. Second if he were on the ball he would have noticed that the Lottery Regulations were amended by Legal Notice No. 158 of 1995 issued on the 28th December which provides for the proceeds of unclaimed prizes to be paid either into the Consolidated Fund or into a Special Fund established under section 18 of the Public Finance (Control and Audit) Ordinance. So the explanation is that the regulations were changed in order that we were able to do that which is something that is welcomed by every quarter of Gibraltar, ie give the prize to Mount Alvernia. I know he is upset about it.

HON P R CARUANA:

In the first place, of course it was the Chief Minister who came out on television saying that as the law stands and then having realised what happened changed the law to make what he was about to do or had already done legal when at the time that he did it it was not. Well, I think that that is a manipulation of the public financial accountability laws of this community.

NO. 14 OF 1996

THE HON F VASQUEZ

OIL POLLUTION

Will Government make a statement about the oil pollution in the harbour on or about 26th January 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Early in the morning of Tuesday 23rd January 1996 the port launch sighted an oil slick in the middle of the harbour off the Detached Mole and in the vicinity of Coaling Island and No. 5 jetty. The Fire Brigade was immediately informed. At first light the port launch carried out a patrol to assess the situation.

Oil patches were found at Coaling Island, Queensway Quay, Gun Wharf and No. 5 jetty.

The Port Department then informed the members of the Gibraltar Maritime Oil Pollution Plan. Immediate action was taken by the Port Department and the Queens Harbour Master and oil booms were deployed to protect the fresh water distiller intake and the salt water intake at Gun Wharf.

Following the Gibmopp meeting priorities were identified and a plan of action was implemented.

Additional booms were deployed at Gun Wharf and the sullage tanker "Humber Dawn" was engaged in mopping up operations. Oil samples were taken and sent for analysis.

On Friday 26th January 1996 the Foreign Office offered assistance in the form of an oil pollution expert. The offer was accepted by Gibmopp.

Work continued to scoop out the oil and place it in empty barrels.

A small slick was also sighted in the bay on Saturday 27th January 1996 and this was dispersed by the tug "Sealyham".

Investigations, sampling and analysis, of possible sources of pollution continue to be carried out in trying to establish the origin and expert advice is being sought.

In the meantime the process of cleaning up the remaining oil continues.

All possible assistance has been given by the different members of Gibmopp which include the Ministry of Defence, the Port Department, Fire Brigade, Shell and the Environmental Agency.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1996

HON F VASQUEZ:

Have Government satisfactorily identified the source of the leak?

HON M A FEETHAM:

Not yet, Mr Speaker.

HON F VASQUEZ:

And do Government intend to sue the companies or individuals responsible for the leak to cover the expense not only of mopping up but the damage to the environment and the damage that Gibraltarians have suffered as a result of that leak?

HON M A FEETHAM:

Yes, Mr Speaker. Obviously on all the advice and the case presented to us. Up to now we have not been able to identify the source even though sampling has been taken within the harbour of every conceivable area from where the oil slick could have come from. Let me say, Mr Speaker, that no resources have been left unturned or unoffered in this exercise.

NO. 15 OF 1996THE HON F VASQUEZ**SMALL BOATS REGISTRY**

Why have Government taken the running of the small boats registry from the Port Department and on what terms have it been privatised?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have not taken the running of the small boats registry from the Port Department and it has not been privatised.

Small boats are not covered by requirement on shipping or yacht registry.

They are licensed under rule 81 of the Port Rules as vessels kept or used within the Port of Gibraltar.

Under rule 82 the boats are given a number and a record of such licences are kept at the Port Office. These rules continue to apply.

In addition the Small Vessels (Mooring Control) Rules 1990 deal with the allocation of moorings in designated areas. The Captain of the Port grants such mooring permits and again this continues to be the case. Last year an exercise was conducted to establish the location, ownership and types of all the vessels covered by the Port Rules. This involved the records and resources of the Port Department, Customs and Royal Gibraltar Police. In addition the computerised facilities of the yacht registry were used to complete the exercise by transferring the information onto the computer system and this exercise was due to be completed by December 1995 but has been carried on into the current year.

I can therefore confirm that there has been no change in the relevant rules nor have the functions of the Port Department been privatised.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1996

HON P R CARUANA:

Can we assume from that answer that the Yacht Registry Limited is only being used to computerise the Port Department records and that the function will be put back immediately to the Port Department and how long is this computerisation programme that originally was going to take four weeks, going to take?

HON M A FEETHAM:

Yes, Mr Speaker, the Opposition Member is correct. We are using the computerised system because we want to put it into a more up-to-date, more efficient method so that everybody's information is centralised and we go back I would have thought almost immediately. We are now near the end of the exercise.

HON P R CARUANA:

But is it not the reality of it that members of the public wishing to obtain their red books, as they are now called, have to go to Yacht Registry Limited and not to the Port Department? That is not the computerisation programme.

HON M A FEETHAM:

No, but in the meantime what has been happening is that people seeking information have been going to the Port Department and have been going to Yacht Registry Limited.

HON P R CARUANA:

Surely, as the Minister must know, it is that the only entity actually giving out the red books is the Yacht Registry Limited and that they cannot be obtained at the Port Department, and he still persists with his answer that this is just a computerisation exercise?

HON CHIEF MINISTER:

The exercise that was carried out, as is clear from the original answer, was carried out from July to December in order to establish what types of vessels there were, who had them and where they were. The question of the red book which is something that we are trying to straighten out is independent of what the Port Department is there for which is to provide a licence in the Port of Gibraltar. One does not need a red book in the Port of Gibraltar. The Port Rules do not give small boats with port licences the necessary recognition to be treated as a Gibraltar registered vessel because it is not covered by the provisions of shipping registry under the Merchant Shipping Ordinance or the Gibraltar equivalent. Therefore where we have been talking about people with red books and blue books we have not been talking about people with small boats who are interested in fishing in the Bay.

HON P R CARUANA:

Those boats will be now regulated by whom? The ones that fish in the Bay.

HON CHIEF MINISTER:

The ones that fish in the Bay will stay in the Port Department.

NO. 16 OF 1996

THE HON F VASQUEZ

MERCHANT SHIPPING REGISTRY

Is the merchant shipping registry now open for new registrations and, if so, how many ships have been registered since its re-opening?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The merchant shipping registry will formally be opened for new registrations when the Order in Council takes effect adding Gibraltar to the list of Category I Red Ensign Register which will be taking place in February 1996.

By arrangements between Gibraltar and the United Kingdom, two ships trading in British coastal waters have in the meantime been transferred to the Gibraltar Shipping Registry.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1996

HON F VASQUEZ:

Is the Minister saying that the registry is going to be re-opened in the course of this month?

HON M A FEETHAM:

What I am saying is that it has to be placed in front of the Privy Council on the 19th February and the actual effective date will be the 19th March.

HON P R CARUANA:

Will the Minister say of what nature those two ships were, does he know? Whether they were oil tankers or anything else?

HON M A FEETHAM:

I do believe that they were two tankers.

HON F VASQUEZ:

Can the Minister explain why the exception was made for these two vessels? The registry was closed, why was it re-opened as it were in this case only?

HON M A FEETHAM:

Because one of them was in fact saying they were going to be transferred to somewhere else and a case was made and the Marine Safety Agency in the UK were going to be looking at these matters for us, actually looked at the cases and accepted that we could do that and that was acceptable to the UK so rather than lose the two tankers the applications are at the moment being processed, so I am told.

NO. 17 OF 1996THE HON LT-COL E M BRITTO**INTERNATIONAL LABOUR ORGANISATION CONVENTIONS**

What local organisation constitutes the tripartite monitoring body in Gibraltar in relation to the International Labour Organisation Conventions applicable to Gibraltar?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

There is no such organisation in existence in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 17 OF 1996

HON LT-COL E M BRITTO:

Is there not an obligation under the commitment of Gibraltar with the ILO for there to be such tripartite consultations?

HON J L BALDACHINO:

As far as I am aware I am looking through the records, the first time that the Board was set up was in 1952 with the approval of the Secretary of State for the Colonies to advise Government on proposed labour and social security legislation including the application locally of International Labour Conventions. This was in connection with the first introduction in Gibraltar of legislation on employment injuries, on working hours and other matters which were being introduced 40-odd years ago. At the time all these conventions were brought in, since then all that happened is that the reports are sent to the ILO informing them that the conditions continue to be that Gibraltar is implementing the requirements of the Convention. This is done as a routine reporting exercise administratively.

HON P R CARUANA:

Is the Minister aware that one of those obligations, that the Government tell the ILO every year they are complying with is an obligation to consult with employers and employees organisations as to how the figures are compiled and what the figures reflect? What has been said in the Government annual certificate about that if by his own admission there is no such tripartite organisation?

HON J L BALDACHINO:

No, Mr Speaker, as I understand it it is the United Kingdom who has to consult as being the ratifier of the Convention.

HON P R CARUANA:

Gibraltar is registered as a non-metropolitan territory under the ILO Conventions and has independent obligations which is receiving reports through the United Kingdom but these are conventions that apply directly to Gibraltar.

HON J L BALDACHINO:

I am prepared to look at what the hon Member is saying.

HON P R CARUANA:

He should know.

HON J L BALDACHINO:

May I, if the hon Member allows me, finish? After 1952 all that has happened is that the procedure has been carried on as I have explained. As a matter of fact one of the conditions when the forms are sent is that we have to get advice from the legal profession. One we have sent recently to the Attorney-General's Chambers so that they advise us whether we are complying or not. But as far as I am aware we do not have to have a consultation process but in any case seeing that the hon Member has brought it up I am prepared to look at it if we are not complying with the Convention.

HON P R CARUANA:

But with the greatest of respect, it is no use the Minister going back to 1952 in a way which is clearly intended to suggest that whatever has been done wrong in recent years has been wrong since 1952 and blame cannot attack to them. Until 1989 we used to have the Labour Advisory Board which was a tripartite entity in compliance with the International Labour Organisation Convention and therefore there was tripartite consultations. That Board has not met since 1989 shortly following their arrival into Government. So it is not that any defect in compliance goes back to 1952, it goes back to 1989 when they in effect dismantled that board.

HON CHIEF MINISTER:

The hon Member ought to put question marks after his lengthy statements so that he can get answers although he may be prepared to make the statement and not get the answer. I can tell the hon Member that since I used to be a member of the Labour Advisory Board, prior to 1989, when I was the member of the Labour Advisory Board the Labour Advisory Board was not asked to give any views on the ILO Conventions. We have gone back a considerable time in the file to find out what is the source of the question in order to give the hon Member a correct answer. What we have found out is that going back in time the consultation process was on the implementation of ILO Conventions going back with things like the introduction of maximum working hours, child labour, equal wages and all sorts of things but that once the Convention is brought in what one reports every two or three years is whether there has been any departure from the previous report and the report that we have seen going back simply say, "The position is as reported in 1993" and then in 1993 the report says, "The position is as reported in 1991". Having checked whether there was a Convention that made reference specifically to tripartite consultation what we have found is that the Convention that does make such a reference specifically says that it is the states signatory to the Convention that has a tripartite machinery and it is not to monitor the implementation of the Convention but in order to provide for consultations on items of the agenda of the International Labour Conference and Government comment on proposed checks to be discussed by this Conference. To my knowledge we have never been a participant in this Conference but of course since we have got as a matter of policy a view that we should participate in our own right in as many international forums as we can, we are certainly investigating that possibility.

HON P R CARUANA:

Perhaps the Chief Minister would like to expand his knowledge in this area by taking a note of the fact that the ILO Convention No. 160 under the heading "Labour Statistics" dated 1985 – nothing to do with conference agendas – which specifically applies to Gibraltar because I had a list of all the ILO Conventions that do apply to Gibraltar, in article 3 imposes an obligation on the Government of Gibraltar to indicate annually the manner in which the organisations of employers and workers were consulted in designing or revising the concepts, definitions and

methodology used regarding the statistics submitted annually to the ILO. As the Chief Minister did not know that that convention applied to Gibraltar, since he has just told the House that as far as research has taken him the only one that applies relates to agendas for conferences, perhaps he will undertake to look into this at a future date.

HON CHIEF MINISTER:

I will certainly undertake to do that. What I can tell the Opposition Member is that in 1986 when I was a member of the Labour Advisory Board I was certainly not consulted on any statistics that might have been sent at that time.

HON P R CARUANA:

I was not the Leader of the Opposition then.

NO. 18 OF 1996

THE HON LT-COL E M BRITTO

APPRENTICESHIPS

Why have Government waited until December 1995 to agree to set up apprenticeships in trades?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

As I explained in answer to Question Nos. 197 and 204 of 1995, during the course of 1995, in the light of areas in which vacancies existed in the construction industry, it was decided to make additional provision on top of all the training that was already taking place, for training in the construction industry which would not be employer based.

During the course of the year, we have been on consultation with different entities both in Gibraltar and in the United Kingdom in order to introduce a modular system. The deal was finalised during the course of 1995 and it was decided to commence it at the beginning of 1996.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1996

HON LT-COL E M BRITTO:

Is it not a fact that up to about September 1995, the Government were resisting all pressures on them to actually introduce an apprentice scheme and then there was a sudden change of policy on or about the period September/October 1995?

HON J L BALDACHINO:

That is not correct, Mr Speaker. In January 1995, when I took over responsibility from my hon Colleague, there was an amount of meetings taking place with the Chamber of Commerce which introduced certain training in the retail trade and other related trades. At the end of January I had a meeting with the Gibraltar Trades Council where I put to them that I was also looking into the construction industry. The question was on what type of qualifications we could be giving, whether it would be NVQs or a local sort of qualification. In March when the hon Member who I think is a member of the Association of Representative Bodies wrote to me inviting me to a sort of seminar where I said to them that I would be prepared to consider any proposal they could put to me. Further to that I met the Association of Representative Bodies where I said I would be looking into putting a sort of training in the construction industry. Furthermore, in a motion brought I think it was by the hon Member I hinted that I was looking at the site for a construction industry. I had to also bring in the College of Further Education to see what type of modules there were. I was advised that in 1996 a new module for the construction industry was going to be introduced in UK on the NVQ levels. Prior to that it was arranged by the Chamber of Commerce that I should meet the representative of the construction industry in Gibraltar which I did in the Chamber's premises and therefore since January and enhancing the work that my hon Colleague had done previous to that, it took me about nine months and I finally decided that it should be in December precisely because the new NVQ could be coming in in January and therefore the recruitment started in December but people have been employed in the construction industry in January.

HON F VASQUEZ:

Perhaps I can rephrase my hon Colleague's question and put it this way. Do not the Government admit that the re-opening of the construction industry apprentice college now is an admission that they should never have closed it down six years ago which is what the Opposition have always been saying?

HON J L BALDACHINO:

I do not accept that accusation.

HON F VASQUEZ:

Well then why has he re-opened it?

HON J L BALDACHINO:

I have already explained it in detail.

NO. 19 OF 1996

THE HON LT-COL E M BRITTO

UNEMPLOYMENT FIGURES

What was the number of unemployed Gibraltarians and non-Gibraltarians, categorised into individuals more than 25 years old and less than 25 years old, as at the 31st December 1995?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

The number of unemployed in Gibraltar categorised into Gibraltarians and non-Gibraltarians over and under the age of 25 as at 31st December 1995 was:-

<u>Gibraltarians</u>		<u>Non-Gibraltarians</u>	
<u>Under 25</u>	<u>Over 25</u>	<u>Under 25</u>	<u>Over 25</u>
212	260	2	495

NO. 20 OF 1996

THE HON P R CARUANA

COSMOS CHARTER OPERATION

Are Government satisfied that the announced Cosmos charter operation will be beneficial to Gibraltar?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Government are satisfied that the announced Cosmos Charter will be beneficial to the Cosmos tour operation in the region which obviously benefits Gibraltar. The Government have already agreed to monitor the operation with a view of identifying the effects on civil aviation in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 20 OF 1996

HON P R CARUANA:

Is the Minister for Tourism aware of reports of comments made by Cosmos itself to the United Kingdom press in the form of Travel News, which is one of the most authoritative of the travel trade publications, in which Miss Catherine O'Ragan of Cosmos spoke in these terms, "Cosmos is to launch the first UK Charter to Gibraltar next summer to support its planned expansion in southern Spain. The operator said it needed more seats than it could get on GB Airways scheduled flights after adding a large all-inclusive property in the region to its Summer 1996 programme. The Hotel Reina Cristina in the Spanish town of Algeciras close to Gibraltar will appear for the first time in the second edition of the operator's summer sun brochure. We will continue to take seats on GB Airways flights from Heathrow, Gatwick and Manchester but introducing charters gives us the opportunity to take more people to southern Spain, said Cosmos head of Purchasing for Spain and Turkey, Catherine O'Ragan". Then the quote that really I think is damaging to Gibraltar because of course we all know that Gibraltar Airport is already used to access people into Spain and not everyone that arrives in Gibraltar Airport is heading for Gibraltar, but then she made what I consider to be these terribly damaging remarks, "We are also keen to expand in Gibraltar although it is difficult getting rooms as there are not many hotels and the destination is already full". One can imagine how this was received by the owners and operators of hotels in Gibraltar operating on hotel occupancy levels of 27 per cent because the danger of this I am told is that this publication is read by almost every travel agent in England who then does not bother to sell Gibraltar holidays because the bible of the industry is telling them that there are not many hotels and the few that there are are already full. Never mind about whether this charter is really designed to fill up the Reina Cristina in Algeciras, which is what they say it is designed to do, but the worst thing about this, does the Minister agree is to give the impression to the trade in England that Gibraltar's hotels are full when you and I, Mr Speaker, and everyone in Gibraltar knows that they are substantially empty.

MR SPEAKER:

Would you put your question.

HON P R CARUANA:

Will the Minister comment on whether he agrees that that is not in Gibraltar's interest and what will he do to rectify the situation?

HON J E PILCHER:

I do not really see what the supplementary has to do with the initial question. The Cosmos charter operation which I have said is in fact meant to be an enhancement of the Cosmos operation in the region. It is no secret that they have made it public and they have said to us and they said to the United Kingdom/Gibraltar Tourism Association that the main thrust is in fact the expansion of that particular market. The spin-off of that is that there will be obviously available seats in the charter and Cosmos have two programmes working in Gibraltar. One is a two-centre holiday with the Costa del Sol and another one is a programme directly to Gibraltar through the United Kingdom/Gibraltar Tourism Association brochure. So the Government are satisfied that the operation will benefit Gibraltar. The comments made by Catherine O'Ragan - I am not in a position to comment across the House to what the newspaper said. I can tell the hon Member that I met with Cosmos three months ago, who explained the charter operation to me. Miss Catherine O'Ragan is a member of the UK/GTA which met last Monday and the comments were explained and therefore there is nothing I think that the hoteliers which the hon Member purports to defend have not already advised Cosmos and Cosmos has replied. I do not think this is the forum for that discussion.

HON P R CARUANA:

I do not intend to defend any hoteliers. Unlike the Minister I try to defend the interests of Gibraltar's tourism sector which he has singularly failed to do for the last four years and if in so doing I have got to argue the case for Gibraltar hotels as opposed to Algeciras hotels I am delighted to stand up in this House and do it. Indeed, it is what I think I get paid a salary to do. The fact of the matter is that the Cosmos operation, by their own admission, is not mainly for Spain, it is only for Spain because the purchasing manager of that same company has in announcing the operation said, "Gibraltar is already full" so how many seats does he think they are selling for Gibraltar hotels if they themselves are telling the tourist trade in England that Gibraltar hotels are already full.

MR SPEAKER:

Put a question please.

HON P R CARUANA:

How many hotel rooms do they think they are going to sell in the UK if they are telling the trade in England that the hotels are already full here?

HON J E PILCHER:

I have been quite honest with the hon Member in identifying their main thrust and Cosmos have been honest with us in identifying that their main thrust is in support of their operations in Spain. There is some 15 per cent to 20 per cent of those seats which are available for the operations of Cosmos which deal with Gibraltar: their two centre holidays. I will send the hon Member two copies of the two Cosmos brochures that mention Gibraltar and which passengers will be carried in the charter coming to Gibraltar. So the answer to the question which was "Is the Government satisfied?", we would obviously be much more satisfied if a 100 per cent of the charter were devoted to Gibraltar but we are satisfied that 15 per cent or 20 per cent is being addressed to Gibraltar and they are not requiring at this stage any seat only and therefore not affecting the scheduled operations.

NO. 21 OF 1996

THE HON F VASQUEZ

INFORMATION CENTRE AT FRONTIER

Who operates the souvenir shop inside the new Gibraltar Information Centre at the frontier?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

The Gibraltar Information Centre at the frontier is operated by Knightsfield Holdings Ltd which is the same contractor that has been operating all the Gibraltar Information Centres in Gibraltar since being awarded the contract on 1 July 1992. As part of the overall contract, the contractor was allowed to enhance the activities of the centres by selling official Gibraltar souvenirs and this has been happening since the beginning of the contract in July 1992.

SUPPLEMENTARY TO QUESTION NO. 21 OF 1996

HON P R CARUANA:

Is that to say that any tourist souvenir shop connected with an official tourist agency facility automatically has to go to that company?

HON J E PILCHER:

We have an overall base contract which means that Knightsfield Holdings provide all the official Gibraltar information on behalf of the Gibraltar National Tourist Board, yes.

HON P R CARUANA:

Can I ask the Minister with whose money that particular facility was established at the frontier? Who paid for the decorations and for the actual refurbishment of what used to be the guard room?

HON J E PILCHER:

The structure itself, ie the building, was paid for by the Gibraltar National Tourist Board. Everything else inside the building is paid for by the contractor who owns the equipment but not the structure because the structure and the building belong to the Government.

HON P R CARUANA:

The position appears to be that public assets refurbished at public expense are made available for a private company automatically without tender to operate commercial business from within it. Does not the Minister think that if public assets are going to be refurbished and made available for people to run private businesses, everybody ought to get an opportunity to participate in the possibility of business on such attractive terms by putting the franchise out to tender?

HON CHIEF MINISTER:

The position is that having given a contract to somebody in 1992 to do a specific task, that contract provides that if they get given a new site in which to do what they were already doing in their existing contract, the same people do it. That is what it means. The fact that the Opposition Member will seek to twist every conceivable opportunity to suit his slogans does not alter the facts.

HON LT-COL E M BRITTO:

If there had not been a contract with the previous operator and if the assets had been Government assets, how would Government allocate a shop within a Government.....

HON J E PILCHER:

Let me make it absolutely clear. I am not going to answer that question because obviously it has been made to the Chief Minister. The main thrust of that information centre is the production of information like the maintenance of the information office immediately under this House which has been operating now for the last 18 months, is the production of information. The enhancement of that by selling official souvenirs, it is not a souvenir shop, it is only those souvenirs which relate with Gibraltar..... *[Interruption]* There is a difference but I just want to make that because it appears by what they are saying that this is a shop that is competing and it is not. It is an information centre.

HON P R CARUANA:

What does he mean it is not competing? It is competing with every shop in Main Street.

HON LT-COL E M BRITTO:

My question has not been answered. Shall I repeat it, Mr Speaker? If the case arises where there is a location inside Government property where a shop is going to be put in, how is this allocated? If there is not a previous contract like in the case of Knightsfield?

HON CHIEF MINISTER:

We do not have, to my knowledge, shops inside Government buildings. What we have are shops where the tenant is paying the Government a rent whether it is in Main Street or anywhere else where there are in fact considerable number of shops which are rented by the Government. In those cases when the shop is empty it is normally the case that somebody comes along and makes a proposal to the Government for putting a particular kind of business in that area and that proposal is considered in the light of things like the trading licence that they have, the businesses that are there and so forth. In this case what we have is a tourist information office which has been placed where the old guard house used to be and the contractor that is responsible for manning the tourist information office has, in his original contract, that where he mans a tourist information office he may have a limited operation of selling a limited range of souvenirs to the odd tourist that pops in for a brochure. This is not in fact any indication that there are Government buildings with shops in them or that there is any intention of Government buildings, other than the fact that the Government happen to be a substantial landlord in Gibraltar, obviously.

HON LT-COL E M BRITTO:

Let me correct that. Is the Chief Minister not aware that there is shortly to be opened a shop at the upper entrance of St Bernard's Hospital, in a room which has never been used for commercial purposes previously and will he say which company will be operating this shop or which person will be operating this shop and how this has been allocated because in the answer he says that there is no shop within a Government building, there is one specific example where there is shortly to be one.

HON CHIEF MINISTER:

I do not think that that supplementary follows from the Gibraltar Information Centre at the frontier but I understand that the Health Authority has always had facilities in it for selling crisps and cokes and that kind of thing to staff and to visitors and less so to patients obviously since they are not mobile and that they have received from an individual that was otherwise unemployed some proposal to see whether he could run such a facility and that that is being considered. I do not think there is any connection between the two things.

ORAL

NO. 22 OF 1996

THE HON F VASQUEZ

KEY AND ANCHOR SITE

Have Government received any proposals for the use of the premises at the rear of Key and Anchor site, adjoining Cool Blues Cafe?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Mr Speaker.

NO. 23 OF 1996

THE HON H CORBY

FLATS AT VINEYARDS

Do Government or any Government owned company own any flats at Vineyards?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

GRP Investments Company Limited own a number of apartments in Merlot House which is the apartment block which was completed in September 1993 in the Vineyards Estate.

SUPPLEMENTARY TO QUESTION NO. 23 OF 1996

HON H CORBY:

Did Government fund the building at Vineyards, Phase III, either by direct funding or by loans?

HON J E PILCHER:

GRP Investments Company Limited participated initially in the investment in Merlot House. This is why we have ended up with 35 apartments which we are now utilising to move contract officers which were previously being housed in the private sector at substantial cost to the Government.

HON H CORBY:

Is the Minister telling us that the building now belongs to the Government?

HON J E PILCHER:

No, Mr Speaker, there are 35 apartments that are owned by the company.

HON P R CARUANA:

Do I correctly understand the Minister to say that GRP Investments, a company of which Ministers are directors and which is funded from monies that would otherwise be taxpayers' money, made an investment in real estate property in Gibraltar? The developer there, as I recall, of Vineyards was Benpar Properties Limited in effect that this Government-owned company GRP Investments financed the developer and that because that developer went bust the Government ended up keeping the properties instead, is this what the Minister is saying?

HON CHIEF MINISTER:

No, Mr Speaker, it is not.

HON P R CARUANA:

Will the Chief Minister say how much money Benpar Properties owed to GRP Investments when it went into liquidation?

HON CHIEF MINISTER:

As far as I am aware they did not owe any money to anybody when they went into liquidation. I imagine that that is something that if it went into liquidation owing money the liquidators will have paid the people that were owed money. The investment company and the hon Members have since discovered that in 1996 what has been happening since 1988, otherwise he would know..... *[Interruption]* Of course in 1988 he was too busy setting up his own businesses to be interested in politics, and therefore it may have taken him so long to catch up, otherwise he would know that in fact Government companies have been investing in real estate starting off with the land reclamation programme and that the money for the investment of these companies, as he ought to know after all the explanations, has been money that has been generated through the Gibraltar Investment Fund and it is the policy of the Gibraltar Residential Property Investment Company to invest in residential property and the policy of the Gibraltar Commercial Property Company to invest in commercial property and, for example, it invested and it owns the industrial estate in New Harbours, he knows all that already.

HON P R CARUANA:

Is the Chief Minister saying contrary to what the Minister, his colleague said? He said that Government had ended up with these flats because of their investment. Is the Chief Minister now saying that the Government in fact did not have a mortgage over the building and mortgages are only put in place when one has lent money. Is it or is it not the case that the Government have ended up owning these flats through GRP Investments because GRP Investments had a mortgage or some other Government company had a mortgage from the developer over those flats having lent money? Is that the case or not?

HON CHIEF MINISTER:

No, the case is that if the flats had been sold they would not have been retained by the company. The company would have the money from the sale of the flats.

HON P R CARUANA:

There is no point in trying to confuse the issue. The fact of the matter is that the Government's investment company lent the developer of Merlot House and of Vineyards large sums of money, secured to the Government on mortgage, that at the time that the developer went into liquidation the Government in effect executed its mortgage and therefore retained the properties over which they had the mortgage, namely 35 flats in Merlot House. Is that or is that not true?

HON CHIEF MINISTER:

No, Mr Speaker. The facts are that the Government company was involved in participating in that investment on the basis that if the end result was that the flats were all sold and that was a better result for the company commercially then that would be the result but in the knowledge that if all the flats were not sold then the investment would be recuperated by retaining the flats that were not sold which are going to be used by the company to substitute for the flats that previously were being rented in other developments in Gibraltar to house expatriate officers.

HON P R CARUANA:

Was the developer not Benpar Properties Limited? Do the Government have shares in that company? Was its participation not in the form of lending money to the developer?

HON CHIEF MINISTER:

The developer as I understand it was Benpar and Benpar is a private company in which the Government have got no shares and the participation of the Government there as in Westside I and in Westside II and in other developments has been that they have got involved in part-financing the development while it was being constructed. Nothing peculiar about this one.

NO. 24 OF 1996THE HON H CORBY**WESTSIDE II**

What steps did Government take to ensure that the specifications and standard of workmanship at Westside II were up to the required standards?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

As is normal practice prior to the commencement of works, a building application was submitted to the Government with full details and specifications. These were checked for compliance with all aspects of the Gibraltar Building Regulations and passed.

Under the requirements of the aforementioned Regulations, different stages of construction are checked by the Building Inspector for compliance with the approved plans and specifications. I am advised by the department that these checks were carried out and compliance was noted.

SUPPLEMENTARY TO QUESTION NO. 24 OF 1996

HON H CORBY:

How can the Minister say what he has said now when the air ducts in which the smoke has to go up through the ceiling when there is a fire are inoperative? There are cracks in the underground garage and there is water penetration to 300 flats and these flats are not even six years old now. How can the Minister say that the works were carried out effectively if this is a big problem in Gibraltar now?

HON J E PILCHER:

The answer that I have given the hon Member is the answer that has been given to me by the Building Controls Department of the Ministry for the Environment where the professionals are involved and they are the professionals that passed the plans. They are the professionals that have monitored it and they are the professionals that have advised me that the checks were carried out and compliance was noted. I am not the person responsible from the point of view of actually doing something. Obviously there are meetings at the moment happening with developers, etc and there is another question on the Order Paper and I do not want to move from this question to the other because I think that is, as I say, subject of a totally different question.

HON P R CARUANA:

Does the Minister not accept that his political responsibility for the quality of workmanship at Westside is not limited to the statutory business of building permissions? The fact of the matter is that his Government have invested large amounts of taxpayers' money into the purchase of 50 per cent shares, in most cases, of those flats. Therefore his responsibility to have ensured the construction of those flats is beyond that because does the Minister recall back in 1991 my hon Friend Col Britto standing up in this House and I quote from Hansard of Question No. 77 of 1991 where my hon Friend questioned the Minister for Trade and Industry about whether the Government were satisfied that the building inspectors were properly supervising the quality of the work and whether he was satisfied that building regulations and standards were being met. He asked specifically, and now I quote from Hansard, does he recall this? "Yes, Mr Speaker, and as a totally unqualified person in this field and simply listening to and talking to the people on the spot as well as on other occasions, talking to prospective buyers, there seems to be some degree of concern about some aspects of the

construction....." He then went on, "I am referring specifically to the problem of water penetration and the possibility that this could become a serious problem within the first 10 years of the life of the building specifically in Westside I". He then went on Mr Speaker, "and I am referring to the points in the building where the floors meet the outer walls because it is obvious that the joint shows from the outside of the building that it seems that this could be an entry point for water at some stage. I am also referring to the lack of damp proof courses in these buildings as well as referring...." and he went on and on. I repeat the question. I would ask the Government if they are aware in any way of problems in these areas and if they are not aware whether they would care to investigate whether problems could arise in the areas that I have mentioned and does he recall his hon Colleague, the Minister for Trade and Industry, saying, "Mr Speaker, in view of the alarming statement which the hon Member has just made and which has taken all aback, what I am going to do is to obtain a transcript of what the hon Member has just said and pass it to the developers so that they hold an enquiry and get to the bottom of what the hon Member has just said and find out whether it is true or not because at the end of the day, Mr Speaker, it is the developer's responsibility to ensure that he gets from the contractor the type of development which is in keeping with the specifications under which the contractor has gone out to tender. It is not the Government's responsibility". Well, it may not be the Government's responsibility in their view but the Government's failure, does he agree, to listen to the unqualified warnings of the Hon and Gallant Col Britto in 1992 have now rendered it electorally necessary for the Chief Minister to undertake to the residents of Westside, at taxpayers' expense if litigation does not succeed, to repair the damage? I want to know, firstly, why the Government Members did not take heed of the Opposition's warnings at the time and, secondly, what explanations they are going to give Gibraltar's taxpayers now for the fact that their failure to take heed then now means that the taxpayers are going to foot another bill.

HON CHIEF MINISTER:

The question that the hon Member has quoted from 1991 produced an alarming comment from the Opposition Member about Westside I.....

HON P R CARUANA:

No, no, the buildings at Westside, especially Westside I.

HON CHIEF MINISTER:

Well, especially Westside I, happens to be incorrect because it is not especially Westside I and what was done in 1991 was to take up the matter with the developers who then dealt with the comments that were being made then. I can tell the hon Member that the problems that have been identified now bear no resemblance to any of the comments that he has read out. The identification of where the cause of the problems might be in not having damp proof courses and the other things that have been mentioned were looked at and I believe indeed at the time the hon Member was invited to go down and see for himself.

HON P R CARUANA:

I did, I was not impressed.

HON CHIEF MINISTER:

He might not have been impressed but then he is a difficult man to impress. The hon Member is difficult to satisfy. The position at the moment is that, and I think I am pre-empting part of Question No. 25 of 1996 in dealing with the last point in the hon Member's supplementary, is that we in looking at the role that the Government had through our public control of construction do not expect the officers employed in the Department of the Environment to exercise building control to distinguish in the nature of the degree of the control that they exercise as to who the owner of the building is and therefore it is not because a Government company was providing 50 per cent financing to increase home ownership that the Department of the Environment inspectors either looked more or looked

less at what was being done. When they are looking at the buildings that go up there or anywhere else in Gibraltar it is certainly not their role to be the Clerk of Works looking at whether every joint in every brick has been properly put. That is the responsibility of the customer who is the developer and this is why we together with the management committee of Westside II, with whom we have been working closely and looking at taking action to correct what needs to be corrected and suing whoever needs to be sued.

HON P R CARUANA:

The fact of the matter is, is it not that my hon Colleague Mr Corby is not a building surveyor. He was a Member of Parliament raising warnings and concerns about the quality generally of the construction. He actually put his finger on it and said that the quality of the construction might result in water penetration problems and his words have proved prophetic and as a result of the Government Members refusal to take seriously anything that they get told by anybody except their own yes men, they ignored it. The result of them having ignored it then is that they pumped in tens of millions of taxpayers' money into a project as a financiers and joint purchasers and that the result is that because of the proximity of the general election the Chief Minister has now had to commit further public monies to remedy a situation which would never have arisen if he had heeded the warnings that they were getting not just from the Opposition, from many other people in Gibraltar at the time expressing concern about the quality of the construction. Whether the defects came through the damp courses or the joints in the walls, it is absurd for the Chief Minister now in this House I put it to him to try and wriggle out of the warnings that the Opposition was giving on the fact that the actual explanation was not right. Does he not accept that the Opposition warned of construction problems at the time? Of course, I can understand that the Government do not want to hear any of this.

HON CHIEF MINISTER:

If the hon Member wants to ask me 20 times as opposed to once whether I do not accept the kind of rubbish I have to put up with in hearing him for the little time that he has got left before the House is dissolved the answer is no, I do not accept. I will tell him once and not 20 times because it is not my debating style to talk about my learned colleague or my lord and get..... and forget not only that I am a politician and not a surveyor or a prophet but even to think that I am in fact the prosecuting counsel which is his style of doing business to which he is perfectly entitled. The answer is that when matters are raised with the Government the Government consult the people who are better qualified than him or the Hon Col Britto to give us advice on this matter. I think it is casting aspersions which is totally unmerited to suggest that if we go to the professionals in the department and say, "Will you look at this and give us advice" that the advice that they give us is the advice we want to hear because they are yes men and because they are going to upset us if they give us advice which we do not like to hear because if that were indeed the case then we would be getting very poor value for money for the advice that we pay for. We pay for the advice and then we act on that advice and sometimes we accept the advice and sometimes we question it and the answer is that having looked at the issues at different points in time it is in the light of recent further investigations that have been carried out that we have taken the steps that we have taken to protect the interests of the co-owners and the interests of the Government-owned company that has an investment in that estate. I have no doubt that the Opposition Member would have preferred that we had not done that so that he could attack us on those grounds.

MR SPEAKER:

Two more questions, but no repetition. I will not have the same questions asked again.

HON H CORBY:

Do the Government have any indication of what amount of funding is required to rectify all the defects in the estate?

HON CHIEF MINISTER:

The position at the moment is that we have had an independent consultant brought by the Westside II Co-ownership company from the United Kingdom from what is considered to be one of the best firms in the business which is Ove Arup but they have not yet put a figure or specified the remedial work. Their original report was simply one based on an examination of the nature of the water penetration in the different parts of the estate but a number of different options are being looked at and until they decide which is the option that is best likely to produce a permanent result we will not know what kind of money we are talking about.

HON LT-COL E M BRITTO:

Does the Chief Minister recall that round about that time I also warned about the possible problem with fire doors in Westside I specifically in Phase I of Westside I? That I went to considerable trouble of bringing a motion to this House in which I produced the results of reports carried out and I asked the Government to carry out an investigation into this which the Government refused to do. Will the Chief Minister now confirm that the matter has been resurrected in Westside II and that there is now concern in Westside II about fire doors and that there is at this moment in time a process of investigation carried out, I am not sure by whom, but presumably by the owners of Westside II and that two doors from Westside II have been sent to UK for testing? Is the Chief Minister aware of that and would he like to comment?

HON CHIEF MINISTER:

There appears to be no problem with the Westside I doors to which the hon Member referred and the Westside II doors are different from the Westside I doors and nobody said there was a problem with the Westside II doors until recently. In respect of the Westside II doors the position is that there is a Certificate of Origin from Holland which states that they meet the requirements. I can tell the hon Member that I have had both Mr Simmonds who is the man brought by the management committee and the Chief Fire Officer in my office last Saturday explaining the situation to me and there appears to be more of a problem with the frame of the door than with the door itself. These are the frames that were approved in Westside II on the landings as meeting the standards at the time when they were put in and what the Fire Brigade tell us is that they test the thing when it goes in and if three years later the door does not shut, that does not mean that they can predict three years before that the door will not shut three years hence. I imagine that there must be many other developments where presumably if one went and looked, things are not functioning as they were functioning the day they were put in, in the first instance. In some cases, much later and I imagine in some cases much earlier. On this particular instance the position of the Fire Brigade is that they acted on the basis of certificates from a Community origin which showed that the standards were being met. The management committee are taking some steps to test the doors and we will then pursue the matter when we get the reply.

NO. 25 OF 1996

THE HON H CORBY

HARBOUR VIEWS

Will Government convene a public enquiry to investigate the standard of construction at the Harbour Views Estate?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker. The Government are working with the management company of the estate to pursue the matter with the developers and steps are being taken to put right the defects that have led to the problems experienced during the recent heavy rainfall.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1996

HON H CORBY:

Will it not be prudent to pursue the line of the public enquiry in order to give the Chief Minister a more substantial base for recovering whatever cost is incurred in the estate?

HON CHIEF MINISTER:

The developers have in fact engaged the services of the Building Research Establishment in the United Kingdom as their own adviser in the matter and what we are doing is attempting, if it is possible to achieve, to come up with an identification of the causes and a cure for them involving the three parties and if that is successful then that will be the least expensive and the quickest way in which to deal with the problem.

HON P R CARUANA:

Does the Chief Minister not think, given the magnitude of the problem, that it would be worth conducting a public enquiry to see the extent to which the Government machinery in Gibraltar is up to the job of monitoring private developments on such a grand scale to ensure they comply with building regulations and building standards? Because the Minister for Trade and Industry said when questioned by my hon Colleague Col Britto back in 1991 that there were five building inspectors and that he was entirely confident that they were able to keep the matter under supervision. Clearly, that is not consistent with the events as we all know now to have happened. It may be that there is something wrong in the machinery of supervision.

HON CHIEF MINISTER:

Nothing that I have read in the reports that I have had submitted to me so far points the finger at the machinery of the Department of Trade and Industry or the building inspectors. The defects that appear to be due to inadequate standards of workmanship are such that it suggests that maybe the client was not as much on top of the contractor as is the norm in situations of this kind. It is not, as I understand it, as I mentioned in my earlier intervention, the role of the inspectors employed by the Government to check every joint in every brick in every building. There are clerks of works employed on site but not by the Government, unless it is a Government contract.

HON P R CARUANA:

Does the Chief Minister not accept that the ultimate client was, amongst many hundreds of Gibraltarian families, the Government of Gibraltar themselves that were investing tens of millions of pounds of taxpayers' money into these projects and that have an interest, as the ultimate client, in the quality of the product that they were buying and investing taxpayers' money in.

HON CHIEF MINISTER:

That is a totally separate issue because what the Opposition Member is asking is whether there should be a public enquiry and his first supplementary was to establish the resources in the machinery of the Government in looking at the construction of an estate, irrespective of who was buying. Had the Government thought that the company that was involved in providing the finance for the purchase of the flats should have got involved in supervising the work, it would have done so at the time.

HON P R CARUANA:

The company in question which is a Government company, Westside II Co-ownership Limited was not just involved in providing the finance. It was involved as an owner to be because it is the registered owner on trusts, but it is a registered owner of in most cases 50 per cent of each flat. It is an owner, not just a provider of finance.

HON CHIEF MINISTER:

But it was the provider of the finance that enabled people to buy their homes on a 50:50 basis and it was not involved in the actual design of the estate or in the supervision of the construction. The developer had that supervision in his control and it is the developer that has to call the contractor to account and both the Harbour Views Management Company and Westside II Co-ownership Company are working together to take joint action as may be required against either the developer or with the developer against the contractor. The role of the Government-employed building inspectors does not involve having somebody on site checking every single piece of work that is going on. That is not done on any housing project.

HON P R CARUANA:

A public enquiry could also look into whether the Government have exercised sufficient care in the supervision of a project in which large amounts of taxpayers' money has been invested. Just as in England now we have the Scott Enquiry, not to see only whether civil servants did their job properly but indeed to find out whether Ministers behaved properly in the exercise of their ministerial duties in supervising matters of Government responsibility. That is what needs enquiring as well.

HON CHIEF MINISTER:

If what the Opposition are asking for is that I should undertake a public enquiry in order to find out whether I have been behaving properly, the answer is since I am sure I have been behaving properly, I do not need a public enquiry.

HON P R CARUANA:

That is the sort of answer I would expect from him.

ORAL

NO. 26 OF 1996

THE HON P R CARUANA

EMPLOYMENT SURVEY REPORT

Given that the Government Statistician delivered to the Government the Employment Survey Report to April 1994 in February 1995, why did the Government not lay it before the House until December 1995?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 27 of 1996.

NO. 27 OF 1996

THE HON P R CARUANA

TOURISM, HOTEL AND EMPLOYMENT SURVEYS

Will Government lay in the House, before its dissolution, the Tourism, Hotel and Employment Surveys up to April 1995?

ANSWER

THE HON THE CHIEF MINISTER

The first draft of the Employment Survey Report was produced last February but the final version was not ready until the summer and should have been included in the agenda of the meeting of the House held in November. It was inadvertently omitted from the agenda for that meeting and was tabled instead at the December meeting.

The Employment Survey Report for this year is still being compiled and so are the other reports referred to in Question No. 27 of 1996. They are not therefore being tabled at this meeting of the House.

The final versions are likely to be ready by the summer and will be tabled as in previous years around September.

SUPPLEMENTARY TO QUESTION NOS. 26 AND 27 OF 1996

HON P R CARUANA:

The Chief Minister's answer is not consistent with the document itself. The Employment Survey Report for October 1993 and April 1994 comes under cover of a report by the Government Statistician which reads, "These are the forty-eighth and forty-ninth Employment Surveys..." not drafts "conducted in Gibraltar and the forty-first and forty-second under the Statistics Ordinance etc. The purpose of such survey....." etc and it is dated February 1995. Is the Chief Minister suggesting that the Government Statistician wrote his report, dated it February 1995 and attached to it only drafts of his survey reports? Is that what the Chief Minister expects this House to believe?

HON CHIEF MINISTER:

The Opposition Member can believe what he likes and I do not really care. What I am telling him is that the date on that is the date on which the first draft report was produced and clearly, since he is going to make a song and dance about it, we will have to make sure that in future the date that it carries is the date when the thing is totally finalised.

HON P R CARUANA:

The date it carries is the date of the civil servant who delivers it as a matter of statutory duty and if he asks who I prefer to believe, a civil servant who is simply doing his statutory duty or the Chief Minister who is well-known to do all that he can to suppress the publication of statistics in this community so that by the time they are published they are of purely historical use and value, then I have no hesitation in telling him that I prefer to believe the Government Statistician who says that he produced his report dated February 1995. I suggest to the Chief Minister that in keeping with his usual practice he delayed the publication of these statistics for as long as it was possible for him to do so without coming into ridicule.

HON CHIEF MINISTER:

The Opposition Member may say what he believes and suggest what he likes but he is supposed to be asking questions and the answer to his question is the answer that I have given him originally. The date of that was the date when the report was first compiled. I have explained to him before that the source of the information since 1993 and the April 1993 one was tabled in September 1994 and the April 1994 was tabled in December 1995 and should have been in November. The source, as I have explained to him, is that we discontinued in 1992 sending out questionnaires to employers because we found that the result that we were getting from the questionnaires gave us figures that did not seem to match the information from either employment records or social insurance records. Since 1993 the information contained in the Employment Survey is much more accurate because it is based on people paying PAYE and therefore the numbers that are shown to be employed there are the numbers that are returned by employers in their P8's. Those returned for the year ending July is what contains the information of April. We are still now collecting the remaining 10 per cent of the returns of July 1995 which will contain the information of April 1995 which will be available for publication in September this year.

NO. 28 OF 1996

THE HON P R CARUANA

FAST LAUNCH ACTIVITY

What steps are Government intending to take to combat the recent resurgence in fast launch activity?

ANSWER

THE HON THE CHIEF MINISTER

There has not been a recent resurgence of fast launch activity as regards movement between Gibraltar and Spain. The position is that there has been increased activity by fishing boats who are taking tobacco into Spain. Such activity has been in evidence on and off in the last three months.

There appears to be a number of Spanish nationals who come into Gibraltar via the frontier, purchase several cases of tobacco and then return by boat to Gibraltar to collect the merchandise. Both the Royal Gibraltar Police and Customs are active in stopping this activity and although the Spanish authorities have been fully briefed there appears to be little inclination to stop these Spanish boats within their jurisdiction.

Further action has been taken to reduce the volume of tobacco available in the market in order to restrict the source of supply. In addition, no carry over is permitted if tobacco is not withdrawn from bond. Furthermore, the quota restrictions have now been widened to include all American brands.

Despite this, it would appear that some retailers are selling tobacco by the case instead of the carton. This is being monitored and, where found necessary, the retailer's licence for tobacco products is being revoked.

The other area of activity concerns the movement of Gibraltar based launches outside our territorial waters heading for the Moroccan coast. The number of such boats is not on the increase. They are closely monitored and it appears that in January there were more frequent crossings than in December but less than in November.

The Royal Gibraltar Police, the Gibraltar Services Police, Customs and MOD are all working together to monitor and deter or curtail such movements and are in regular contact with the Spanish enforcement agencies. Further steps have for some time been planned and we are currently under consideration to restrict the movement of these launches. The pattern of activity seems to have converged. There is now a small group of such vessels that cross the Straits. The activity is greater or lesser depending on how often they attempt to make the crossing. The situation is being monitored by the enforcement agencies and measures to counteract any resurgence will be put in place.

The Government are currently obtaining specialist legal advice in this respect.

SUPPLEMENTARY TO QUESTION NO. 28 OF 1996

HON P R CARUANA:

So the Chief Minister does recognise that in respect of what the cross-straits launch activity which does not involve tobacco, there has been an increase between December and January. The fact that the number of boats has not increased does not mean of course that there is not an increase in the activity. Indeed, I am sure the Chief Minister must be aware of the concern that has been expressed recently by non-political organisations. There was an interview on television last night by the new chairman of the Gibraltar Teachers' Association

asserting that his members had reported an increase in the launch activity and that they were very concerned about it and that follows in the heels of statements by other organisations. Does the Chief Minister not recognise in this that it is generally well-known in the community because people see the activity? I would ask the Chief Minister then to answer the question which is what steps are the Government intending to take to curtail both activities? In other words, to curtail the activity that has increased as between January and December as he has admitted in the cross-straits movements. Also what we are going to do to ensure that the activity that was being done by Gibraltar launches before in relation to tobacco and which is no longer being done but which is now being done by Spanish 'pateras' as I understand they are termed, what steps the Government are going to take other than simply inform the Spanish authorities to stop them because at the end of the day it is Gibraltar that pays the price in terms of the image and reputation for what is now, as far as tobacco at least is concerned, Spanish boats?

HON CHIEF MINISTER:

I have already answered, but I will repeat the action.... *[Interruption]* I have already answered the hon Member on the steps that we have taken already and if we need to take more steps because those steps are not enough then more will be taken. What I can tell the hon Member is that it is not true that there has been a resurgence of activity of the 'pateras' because in fact they have been there all the time and they fluctuate. It is absolutely true that the Spanish authorities apparently do not attach as much importance to stopping this activity as we do and we have no doubt that given the fact that these vessels which carry very small engines and move very close to the shoreline are difficult for our enforcement agencies to control and nobody attempts to stop them on the way back. The only way that we can ensure that they have difficulty in doing the business is by making the people that have got the licence to sell the tobacco comply with the law. Given the fact that one of the important organisations asking for action is the Chamber of Commerce, I would like to take this opportunity to suggest that the Chamber of Commerce might impress upon its members that have got retail tobacco licences that they should not be selling cases through the back door because it does not help but certainly anybody who is found to be doing that will have the licence removed. I know that it is a very tough thing to do because we are doing something that affects somebody's business and livelihood but I do not see what else we can do if we want to stop this happening. As regards the movement across the Straits which of course is something that we made clear was behind the move to make the RIBS a prohibited import, we are talking about a situation where the number of vessels available is less than it used to be. The intelligence that we have from monitoring this movement, and as I have said if the hon Member talks about a resurgence then there was a resurgence in November as compared to October, a decline in December as compared to November and an increase in January as compared to December. What is clear is that having stopped a number of boats and having identified the owners and the occupants and their berths, we see that, for example, one particular boat has since August last year made eight sorties and that another two have made seven sorties and that there are some that have only been out once. Therefore we are looking at whether, on the basis of the information that the Royal Gibraltar Police and the Customs are able to present, it is possible to target specifically those whose behaviour is indicative of their being involved in activities which are illicit across the Straits and it is aimed at the people who it ought to be aimed rather than across the board and that is the action that is currently being planned.

NO. 29 OF 1996

THE HON P R CARUANA

EU DIRECTIVES

Do Government's objection to Gibraltar being excluded from EU directives depend only on whether the directive in question has a practical effect on Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No, Mr Speaker, The Government object to Gibraltar being specifically excluded from any EU directive and such exclusion has only happened in relation to the directives that deal with measures concerned with the liberalisation of air traffic in the Union.

SUPPLEMENTARY TO QUESTION NO. 29 OF 1996

HON P R CARUANA:

Given the political use and complaints that the Government Members have made, with justification, in the past about Her Majesty's Government excluding Gibraltar from the operation of certain helpful directives to us, will the Chief Minister say why the Government of Gibraltar in the case of our exclusion from the directive on ground handling services of Community airports, felt it appropriate to place on record their appreciation for the efforts made by the British Government to defend Gibraltar's interests? Let me just recapitulate on this and what has happened was that there was a directive, I suppose to create a single marketing ground handling. Originally the British Government insisted that it should apply to Gibraltar and then they agreed that it did not have to. Not quite that simple but that was in effect what happened. The Government issued a press release, placing on record their appreciation for the efforts made by the British Government to defend Gibraltar's position, I am quoting from it now, "... it is recognised that this matter affected important British commercial interests and that having put up a strong fight on Gibraltar's behalf the British Government was faced with the difficult position of having to conclude an agreement with its partners. The Gibraltar Government is satisfied that Gibraltar's case was strongly argued and defended given the important points of principle involved". There was indeed an important point of principle involved and does the Chief Minister agree that however much we might understand the reasons why Britain abandons points of principle importance to us in order to mind its own commercial interests, it is hardly a matter which ought to be the subject of recorded appreciation.

HON CHIEF MINISTER:

No, Mr Speaker, I do not agree. If I did agree with him I would not have said what he has just quoted from the press release. I think that just like we have no inhibitions about being openly critical of the British Government when their conduct, in our estimation, fails to meet their obligations as the administering power for the colony of Gibraltar and as the Member State with responsibility for our external affairs, we feel that it should be brought to the public attention when they behave in a manner which is consistent with their obligations. The truth is that this is the first time, certainly since we have been in Government since 1988 and quite possibly since we joined the Community in 1973 where the British Government have actually put up a fight inch by inch in the European Community to try and change the position that was being advocated by the representatives of the Kingdom of Spain over an issue where when it was first raised they came to us and they said, "Look, this is the position. The Spanish Government are attempting to insert in this directive the same exclusion clause that the UK itself has signed up to and agreed every previous year since 1987". Between 1987 and this occasion, on every single previous instance what the Spaniards were putting in this time had been co-sponsored by the UK; co-sponsored. The exact wording, every word every

comma and every fullstop in every previous directive on the airport was not just accepted by the UK reluctantly after a fight, it was promoted jointly by the UK and by Spain and therefore the view that we put to the United Kingdom was, "Look, if you feel that at the end of the day when the vote has got to be taken either the vote will be lost because there is a majority in favour of the Spanish argument or you feel that at the end of the day when you balance the national interests of the United Kingdom and the national interests of Gibraltar, the national interests of the United Kingdom require you to at the last minute accept that it cannot be prevented, at the very least you ought to put up a fight because the Gibraltarians want to know that at least you are trying". What demoralises the people of Gibraltar is that we see Gibraltar being excluded, as we were in 1987 and remember that this is the wording copied from the 1987 Directive agreed in the 1987 Airport Agreement. The Spanish argument was, "We are using exactly the same terminology" and we said to the United Kingdom, "Even if you lose the fight, the people of Gibraltar want to know that you have put up a fight" and therefore since this is the first occasion to our knowledge in all the time we have been in the EEC since 1973 when they have done it I think the very least one can do is openly recognise that they have and therefore I have no hesitation in saying that I stand by every word in that press release.

HON P R CARUANA:

The press release actually says that the British Government nevertheless first raised the matter with the Gibraltar Government in May 1995 and accepted the view - presumably the view put to the British Government by the Chief Minister - that irrespective of the practical scope of the directive it applied to Gibraltar and an important point of principle was at stake. When that important point of principle was abandoned the Chief Minister issued a press release expressing his appreciation to the British Government. Well, what the people of Gibraltar want is not for the British Government to put up a fight and then give up. What the people of Gibraltar want is for the British Government to ensure that we are excluded in the application of the directives because this presumably was something that the British Government could have vetoed. This was not an area of majority vote in the European Union. So the British Government could have said, "No, because we have accepted back in May the arguments of the Chief Minister of Gibraltar that an important point of principle was at stake, we are sticking by the gun", otherwise the difference between this and the Airport Agreement is that the Chief Minister takes some consolation from the fact that they have put in a reserve about the fact that even though we have excluded Gibraltar from it we assert that they are entitled to be included and that is the only difference between this and the Airport Agreement but in practical terms we have been excluded from both. Have we not?

HON CHIEF MINISTER:

The hon Member first started by pointing out that in the press release we say the British Government first raised the matter with us in May 1995 and that is correct and what they raised with us was to say, "Look, this is a directive which applies to airports with over one million passengers, so even if you are included it would not apply to you because you do not have a million passengers". We certainly will not have because we are against the 1987 Agreement which includes the clause which we wanted to be removed from this directive. Secondly, they said, "In actual fact what the directive requires you to do when you have a million passengers is that the ground handling of the contract on the airport will have to be opened to competition from other Member States. So you will not be able to give a contract to a Gibraltar company if a company from the other side were to put a bid to do that work. So for those reasons you might actually prefer to stay out" and I said, "No, the Government of Gibraltar believe that in principle we have to fight to be included even when on purely commercial grounds there are advantages in staying out because the principle that we are demonstrating is that the airport is inside the European Union which is a principle already sacrificed in 1987". Does not the hon Member realise that we asked the United Kingdom and I think I have to say that frankly I did not think they would go back and fight the case because part of the strength of the Spanish argument with other Community partners was to say, "Look, here is the Agreement of 1987 which says that Gibraltar is not treated as a Community airport until the Airport Agreement is implemented and the Airport Agreement is not being implemented so how can you say it is a Community airport for the purpose of

handling the aircraft when the aircraft has not landed in a European airport because it is not included in the list of airports?" The British agreed in 1987 to leave it out of the list. The clause in the 1987 Directive, in the 1989 Directive, in the 1993 Regulations and in every other one, says that we will only become an airport inside the European Community when both Member States, the United Kingdom and Spain have gone back and notified the Commission. In spite of the fact that the United Kingdom was asked by us to take and adopt a position in respect of this directive which was in many respects in conflict with the position that they had taken in every previous directive on the airport, they took the position and I think we need to recognise that on this particular occasion we actually think they did quite well in defending our position. At the end of the day they said, "Look, we are now going to lose the directive altogether because the Italian presidency will not push it and the Portuguese presidency will not push it and the Spaniards will not budge and because as far as we are concerned we have got very powerful commercial interests and what you are asking us to do, having done what you wanted and having put on a fight, we are now in a cleft stick because you are asking us to sacrifice potential business for the United Kingdom over something that is not going to cost you any business but which is an important point of principle which we have defended and tried to protect". They went down the route of putting on the record that the stand that they were taking on this occasion for the first time was also, as far as they were concerned, applicable to all the previous directives from which we had been excluded. The fact that they recorded that I think has been an important move on the UK to try and minimise the advantage that Spain has been taking of this particular exclusion in all the previous directives. What I have no doubt is that if I had come out condemning the British Government I would be facing a barrage of questions from the Opposition Member attacking me for condemning them, of that I have no doubt.

NO. 30 OF 1996THE HON P R CARUANA**RECRUITMENT TO POLITICAL PARTIES**

Do Government approve and/or permit the practice of allowing recruitment to political parties to take place at Government work places during working hours?

ANSWERTHE HON THE CHIEF MINISTER

The Government do not interfere with employees who may wish to join any political party or any other organisation during working hours and to my knowledge no other previous Government have either.

SUPPLEMENTARY TO QUESTION NO. 30 OF 1996

HON P R CARUANA:

That answer naturally does not address the question because of course the Chief Minister would be in great difficulty to actually address the questions since he must know what everybody else in Gibraltar knows and that is that members of his party are conducting a quite aggressive campaign to recruit Government employees to his party at Government places of work and in Government hours. There is a difference between the Chief Minister not interfering with it as if he was now setting himself up as the guardian of democracy in Gibraltar which not even he could possibly believe with a straight face. There is a difference between that on the one hand and what is actually going on as he and I well know and that is that his party machinery is involved in an aggressive campaign carefully orchestrated; one Government work place at a time, to recruit and sign up public employees to the ranks of the membership of his party. Perhaps he would answer whether he would consider that to be a proper use of Government time and Government employees and whether he considers that it is appropriate for Government vehicles to sport 'GSLP OK' stickers?

HON CHIEF MINISTER:

I certainly prefer them to say 'GSLP OK' than 'GSD tick'. But I am told that there are civil servants distributing 'GSD tick' stickers and there is no attempt to interfere with what they are doing. As far as I am aware nothing is happening now that has not happened many times before but perhaps not in the knowledge of the short political career of the Opposition Member.

HON P R CARUANA:

I do not know if there are civil servants distributing GSD political propaganda. If there are they are doing it in their own free time and they are quite entitled to. They are not doing it on Government time and they are not using taxpayers' assets to promote the party political interests of the Government of the day. I ask the Chief Minister directly. Does he consider it proper that publicly-owned vehicles of Government departments should be allowed to demonstrate political propaganda, of his party or mine, it does not matter, they would both be just as wrong. The problem is that it is happening with his party and not with mine.

HON CHIEF MINISTER:

I do not imagine that the wear and tear of the vehicles is affected in any way if they have a sticker of one or the other political party so the use of Government assets I do not think comes into it. All I can tell the hon Member is that had he been involved as long as I have been in this House, which is since 1972, he would know that it is not the first time. It is not the only political party and it will not be the last time.

HON P R CARUANA:

Then he thinks it is OK, that is the answer to the question, it is OK?

HON CHIEF MINISTER:

Yes, I am certainly not going to ask anybody to interfere with anybody that may or may not be doing it.

NO. 31 OF 1996

THE HON P R CARUANA

CARETAKER GOVERNMENT

For how long will the Government be willing to stay on in a caretaker capacity after dissolution of the House?

ANSWER

THE HON THE CHIEF MINISTER

Until the general election is held.

SUPPLEMENTARY TO QUESTION NO. 31 OF 1996

HON P R CARUANA:

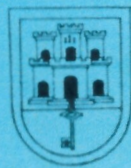
Does the Chief Minister accept and agree that once this House is dissolved, which is by no later than the 14th February, neither he nor I remain members of this House? That we both lose our democratic electoral mandates and that the period of time allowed to a caretaker Government to carry on exercising executive functions for which they no longer have an electoral mandate is to allow a proper organisation of an electoral process and not to allow the Chief Minister to cling to power for as long as possible without a parliament in existence and in a caretaker capacity? If he agrees with that, will he agree to minimise the length of time that it takes after the dissolution of the House to give the people of Gibraltar the opportunity to democratically elect their Government and if the latest opinion polls are correct they would seem to suggest that there will be even less reason for him to wait.

HON CHIEF MINISTER:

The answer to question one is no, the answer to question two is no and the answer to question three is the latest opinion poll has nothing to do with it.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

28TH JUNE, 1996

NO. 32 TO NO. 76

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NO. 32 OF 1996

THE HON J GABAY

GIBRALTAR'S HERITAGE

In matters of heritage, what are the Government's intentions in terms of financial provision and administrative structures and, much to the point, what particular plans are there for the uncluttering and refurbishment of our city's defensive walls?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government attach great importance not just to the preservation of our heritage but indeed to its sensitive exploitation for economic purposes, especially tourism. Government's financial provisions for heritage will be reflected in a future budget. A statement about changes to the administrative structures will be made later this year. Government have not specific plans for the uncluttering and refurbishment of Gibraltar's defensive walls but our plans certainly include examining the scope for doing this.

SUPPLEMENTARY TO QUESTION NO. 32 OF 1996

HON J GABAY:

I appreciate the general statement made but I feel it would be pertinent to pursue the matter a little further, still on the general basis, and ask the Minister whether it is the intention of the Government to amend in any way the Gibraltar Heritage Ordinance 1989 and in particular with regard really to financial provision which is the specifics of my question, and also the powers at the moment being exercised by the Gibraltar Heritage Trust.

HON K AZOPARDI:

I have had several meetings over the last few weeks with GONHS, the Heritage Trust and indeed the Museum. The purpose of those meetings were to meet the personalities behind the bodies. Government's policy was reflected in the manifesto which we had in the 1996 election. We intend to set up a Heritage Commission by statute. That Heritage Commission will be used to channel all the heritage policy of the Government, it will certainly review the Heritage Trust Ordinance, the powers of the Trust and indeed the whole structure. It will also develop a strategy for heritage.

HON J GABAY:

May I also, Mr Speaker, continue with another question based on my first question which I believe is relevant?

MR SPEAKER:

It must be a supplementary question.

HON J GABAY:

It is relevant and stems from my former question. Has the Minister had time to study the plan which was worked out some time ago with regard to the refurbishment of Wellington Front as a first step in the uncluttering and refurbishment of our city walls which we consider of primary importance?

HON K AZOPARDI:

No, Mr Speaker, the plans are on my desk. I have not had an opportunity to discuss these with the professionals in the field but if the hon Member wants to ask me in a few months time I am sure I can give him an answer.

NO. 33 OF 1996

THE HON MISS M I MONTEGRIFFO

ENROLMENT TRAINING BY GHA SCHOOL OF NURSING

Can Government confirm that they will continue with enrolment training by the Gibraltar Health Authority School of Nursing as started by the GSLP administration?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government committed themselves in their 1996 election manifesto to conduct a review of, inter alia, nursing levels and training. As yet that review has not taken place. The Government will await the recommendations of those charged with the review of nursing manning levels and training, before we decide how to approach the issue of the level of training some nursing staff currently receive.

SUPPLEMENTARY TO QUESTION NO. 33 OF 1996

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether in the meantime they will continue what we started before we left Government office?

HON K AZOPARDI:

I anticipate that the review body will be set up shortly. In the meantime enrolment training is indeed taking place. The first intake started in January 1996, as the hon Member is well aware, and it will continue pending the recommendations.

NO. 34 OF 1996

THE HON MISS M I MONTEGRIFFO

RELOCATION OF HEALTH CENTRE

Can Government confirm whether they are looking at the possibility of moving the Health Centre from its present location?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government are considering the possibility of relocating the Health Centre but no firm proposals exist yet.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1996

HON MISS M I MONTEGRIFFO:

Can the Minister say why they are thinking of moving the Health Centre, the reasons why?

HON K AZOPARDI:

Government stated during the election campaign that we had substantial plans for the redevelopment of Gibraltar as a tourism centre. Amongst that we are looking at the possibility of enhancing the Casemates area. It has also been brought to my attention that perhaps the premises at the Health Centre are restrictive in that there is shortage of space.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether they have intentions of demolishing the building?

HON K AZOPARDI:

No specific plans at the moment exist either for demolition or indeed for relocation. Government are merely looking at the possibility of it.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether they are looking at a specific area for moving the Health Centre?

HON K AZOPARDI:

The answer to that is no, Mr Speaker.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether there are other areas that they intend to move as well as the Health Centre?

HON K AZOPARDI:

In the Health Authority, Mr Speaker?

HON MISS M I MONTEGRIFFO:

Yes.

HON K AZOPARDI:

The answer again to that is at the moment no.

NO. 35 OF 1996THE HON MISS M I MONTEGRIFFO**REVENUE AND EXPENDITURE OF GHA**

Can Government give a full breakdown by item on the projected revenue and expenditure of the Gibraltar Health Authority for the financial year 1996/97?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

An estimate of projected revenue and expenditure at the Gibraltar Health Authority had been prepared prior to the recent general election. Government are in the process of examining these estimates with a view to their approval or amendment.

This estimate is known to the Opposition Members, but is:-

<u>REVENUE</u>	<u>1996/97</u>
Group Practice Medical Scheme	13,624,200
Hospital Fees	66,000
Laboratory Fees	14,500
Other Receipts	94,050
Social Assistance Fund	<u>9,000,000</u>
TOTAL	<u>22,798,750</u>

EXPENDITURE

Personal Emoluments	7,488,300
Overtime	999,100
Allowances	1,462,600
Gratuities	<u>122,000</u>
TOTAL PERSONAL EMOLUMENTS	10,072,000
General Office Expenses	40,800
Running costs of motor vehicles	3,300
Electricity and water	200,000
Provisions	266,000
Laundry	216,000
Hardware, uniform, linen	92,000
Dressing/medical gases	466,000
GPMS	4,660,000
Medical Equipment	177,500
Patients appliances	55,000
Fuel	22,500
Funeral expenses	3,600
Medical books	15,000
Wages	1,060,000
Cleaning expenses	44,000
Courses of training	45,600

Expenses of visiting consultants	65,000
Official visits abroad	1,000
Sponsored patients	2,275,000
Printing/stationery	28,000
Telephone service	85,000
Drugs/pharmaceuticals	720,000
Medical and surgical appliances	275,000
Official entertainment	5,000
SIS	665,000
Relief cover	239,000
Study leave	33,600
Recruitment/contracting	279,000
Ex gratia payments	5,000
Cash losses	100
New equipment	500,000
Minor works	400,000

SUPPLEMENTARY TO QUESTION NO. 35 OF 1996

HON MISS M I MONTEGRIFFO:

Can the Minister give me the total?

HON K AZOPARDI:

The total that was prepared prior to the general election was £23,015,000.

NO. 36 OF 1996THE HON MISS M I MONTEGRIFFO**PRESCRIPTION CHARGES**

Can Government confirm that like the GSLP administration they will not increase prescription charges for medicines under the Group Practice Medical Scheme?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government presently have no plans to increase prescription charges for medicines under the GPMS. The Government however reject the implication in the hon Member's question that under the previous administration the cost of medical care was not increased. In fact the GSLP Government increased by 10 per cent every year between 1989 and 1995 the employees' part of the GPMS contribution of social insurance stamps.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1996

HON MISS M I MONTEGRIFFO:

The Minister has deviated himself from the question because I am asking about medicines under the GPMS which has nothing to do with the reply he has given me. In relation to the question that I am asking about prescriptions, can he confirm what the Government policy is on the national formulary for Gibraltar?

HON K AZOPARDI:

On a point of order, I wonder whether that question forms part of the original question. It is designed to ask for an answer on prescription charges and I have given it, it is not on the national formulary.

HON MISS M I MONTEGRIFFO:

No, he has not.

HON K AZOPARDI:

Well, the answer to the hon Member's question is that Government presently has no plans to increase prescription charges for medicines under the GPMS.

HON MISS M I MONTEGRIFFO:

Therefore in relation to prescriptions, Mr Speaker, I am asking the Minister whether he can confirm what his Government's policy is on having a national formulary for Gibraltar which is relative to this question. If the hon Members do not know what it is I

MR SPEAKER:

I know what it is but it does not form part of the question.

HON CHIEF MINISTER:

I have no difficulty in admitting, Mr Speaker, that I have not the remotest idea what that means and I am quite happy to be educated on the subject by the hon Lady.

HON MISS M I MONTEGRIFFO:

Or by the Speaker.

MR SPEAKER:

I cannot talk, I can only interfere.

HON CHIEF MINISTER:

I accept her offer and perhaps now she would like to deliver on it.

HON MISS M I MONTEGRIFFO:

It is a list of items by which the doctors are given a guideline of what they are able to prescribe and this happens to be a formulary which is in existence in every European country.

HON CHIEF MINISTER:

The Government have indeed considered on a preliminary basis the subject matter that the hon Lady has just explained. We are considering whether a case can be made in balancing the interests of the taxpayer to save money and indeed the interests of health service users to have the best possible medications available to them free or as free as possible in terms of the prescription charges that exist under public medicine through the Gibraltar Health Authority. In striking a balance between those two competing factors, we are looking to see whether a case can be made for restricting the list of medications which are presently available on prescription through the Gibraltar Health Authority. It is a matter, obviously, upon which the Government, there being no doctors amongst us, will take careful advice after due consultation with doctors and other professionals in the field. But certainly if taxpayers money can be saved without compromising the quality of health care available to users of the public health service, this Government will not hesitate to curtail the list of medicines or better still, branded medicines as opposed to generic medicines available through the Gibraltar Health Authority.

NO. 37 OF 1996

THE HON J C PEREZ

MAIN STREET DRAINAGE SYSTEM

Will Government check that the new drainage system which is resulting from the Main Street beautification scheme is adequate and will therefore not result in sections of Main Street flooding during heavy rains?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Heavy rains caused some flooding in the north end of Main Street prior to the elections.

Indeed the previous Government were aware of the degree of the potential problem before the establishment of the beautification scheme.

The Government through their representatives on the Main Street Beautification Trust are ensuring that methods of drainage are being considered to deal with any potential incidents which could occur as a result of rain.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1996

HON J C PEREZ:

In order to minimise the possibility of this happening, could the Minister check with the contractor whether what was envisaged at the initiation of the project continues to be the case because I understand that the north part of Main Street was brought to the attention of the contractor but now, looking at the finished work, it would seem to some people who are experts in the field that the drainage is not as adequate as the contractor stressed would be the case at the initiation of the project?

HON K AZOPARDI:

The project designers have indeed been made aware by Government of the importance of correct drainage. Indeed this has been taken up by the trustees of the Beautification Trust amongst which are two representatives of Government, we have stressed the importance of that to the project supervisor and I have asked him to make recommendations together with the project designer. Those recommendations have been made to the Trust and the Trust is considering the proposals. But for the assistance of the House, if I can refer to a letter which contains the recommendations and indeed the Government policy and intention on this matter, it is a letter from the project supervisor to myself but it contains, as I say, the Government's intention in this regard. I will read a couple of paragraphs, Mr Speaker, for the assistance of the House, "It has been the designer's intention to improve, where possible, the existing drainage system both to quickly eliminate surface water from Main Street itself and to cope effectively with what run off from the streets which naturally slope on to Main Street. Generally the improvement in

Main Street itself is being achieved by providing two continuous drains almost the whole length of Main Street while the run-off from adjoining streets is being diverted to similar drains placed across the path of the flowing water. This will ensure that most of the water is being taken to the drainage system before it reaches Main Street, something that has not been the case to date. Generally the new system will not be dependent on small square gutters which easily become blocked with debris and plastic bags. It must be added that the basic drainage infrastructure is not being modified as this is outside the scope of the project. And in relation to the north end specifically, and in relation to the flooding that occurs there, the cause of this is attributable to two main problems, plastic bags and other debris blocking the small gutters with subsequent flooding until these are cleared and the inability of the infrastructure to cope with exceptional and continuous downpours. It has been established by the Highways Department that the problem may account for as much as 80 to 90 per cent of the floodings while the rest is due to the basic infrastructure problem which is caused by a bottle neck below the building known as Ocean Heights. As such the drainage changes which are being carried out at present should alleviate the situation substantially since it will be very difficult for continuous drains to become blocked along its whole length".

HON J C PEREZ:

If the Minister is satisfied with the explanation there is nothing more to say.

HON K AZOPARDI:

I will chase up the explanation and make sure that I am aware of the technical aspects to the explanation that has been given to me.

NO. 38 OF 1996

THE HON J C PEREZ

REFURBISHMENT OF MAIN STREET

Can Government confirm that once the refurbishment of Main Street is complete, it will be the Roads Section of Support Services that will continue to upkeep and maintain Main Street, and if so, will materials be made available to the section for such works?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Main Street Beautification Project is being carried out by the trust set up for that purpose. Once it is completed responsibility for its upkeep and maintenance will pass to the Government. Government have been informed that such upkeep and maintenance will, given the nature of the materials used in the project, require a degree of training of the personnel that will be involved. Government are presently considering how we will wish to undertake this task and are identifying the personnel to be trained.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1996

HON J C PEREZ:

Is the Minister aware that the arrangements that have to be put in place in order for this to take place will have to be agreed with all the sections and companies that have to open up the area for services such as Gibraltar Nynex and Lyonnaise des Eaux because they would be contributing to the cost and therefore the cost of using a particular labour would have to be agreed with them beforehand?

HON K AZOPARDI:

Government are aware of that through the Beautification Trust and discussions are being conducted at the moment by trustees and indeed by the project supervisor specifically with Lyonnaise des Eaux for that purpose.

HON A ISOLA:

Might I ask the Minister when does he envisage the arrangements being put in place for the maintenance of Main Street?

HON K AZOPARDI:

Because of what has been explained to me, Mr Speaker, there needs to be a certain degree of training of the personnel because of the stones that have been used. Certainly as the project is envisaged to terminate by January, we want to expedite the appointment of some personnel so that they are given training by the contractors that are actually laying the stones.

HON A ISOLA:

Bearing in mind that the works are being completed in phases, would the Minister ensure that the phases that are completed, some already, are maintained as best possible pending the training of the personnel to maintain them fully afterwards?

HON K AZOPARDI:

Yes, that is a continuing concern of the trustees and steps are being taken to ensure that that is indeed the case.

HON J C PEREZ:

Can the Minister confirm that the people who are to be trained will be employed directly by the Gibraltar Government?

HON LT-COL E M BRITTO:

The answer to that is that that is at present under consideration. It may be direct labour from the Government or it may be labour contracted from outside for this specific purpose. A policy decision has not yet been made on that matter.

HON J C PEREZ:

So it is possible that the Government would either consider contractorising part of the work or even a private firm taking over work that would normally be done by employees of the Government?

HON CHIEF MINISTER:

The Government are not in a position to discuss this matter hypothetically. We have not yet made up our minds who will do this work. The precedent for contractorising out of the public service, street cleaning functions that were presently within the public service was invented and deployed in large measure by Opposition Members when they were sitting on the other side of the House so I hope that the hon Member's supplementary is not intended to note a cautionary note.

HON J C PEREZ:

No, Mr Speaker, the idea was in order to check that the Government would keep to the commitments that they have given to the electorate which were against the policies of the previous Government which we supported but they were against.

HON CHIEF MINISTER:

The hon Member can rest assured that we will keep all our commitments to the electorate in this as in all other areas.

HON J L BALDACHINO:

May I ask a question? There will be people who will be trained, do the Government know of how many people we are talking about who will need training?

HON LT-COL E M BRITTO:

As I said at the beginning, the whole thing is under consideration and we are not in a position yet to make specific answers to narrow questions like that.

HON A ISOLA:

Will the Government take every step to expedite that decision, not only on the policy but on the numbers and on the training because parts of Main Street are already open and looking in a rather sad state at this stage and I therefore urge the Government to expedite those decisions, to have people trained and to have the cleaning started as soon as possible.

HON LT-COL E M BRITTO:

The Government, as Opposition Members know, have the assets to carry out such maintenance and such cleaning. What we are looking at here is something completely different on a much larger scale and that is what is being studied. In the short term it can be done.

NO. 39 OF 1996

THE HON J L BALDACHINO

REGISTERED GIBRALTARIANS AT ETB

Can Government state how many Gibraltarians were registered as unemployed at the ETB on 30th April broken down under females and males and in age groups of under 25 and over 25?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT & TRAINING
AND BUILDINGS AND WORKS

The number of Gibraltarians registered unemployed at the ETB on the 30th April 1996 was 331. Of these 110 were under 25 of which 47 are males and 63 are females. In the over 25 year old age group there were 131 males and 90 females making a total of 221.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1996

HON J L BALDACHINO:

As I understood it correctly the total is 331 and the total of over 25 is 200-odd that the Minister has mentioned, is that correct?

HON J J NETTO:

Yes, that is correct.

HON J L BALDACHINO:

Do the Government estimate that this unemployment figure will dramatically go up or decrease during the year or do the Government think that it will remain static?

HON J J NETTO:

Well, I have collected some of the figures showing a particular turn from the past and what I can say is that in December 1994, under the 25 there were 256 and over 25 there were 344, making a total of 600. Previous to that, in March 1995, there were under 25 - 225, over 25 - 351, making a total of 576. And in December 1994 there were under 25 - 212 and over 25 - 260, making a total of 472. It is obvious that the trend appears to be slowing down.

HON J L BALDACHINO:

So the Minister envisages that this figure obviously during the course of the year will be coming down, is that his answer?

HON CHIEF MINISTER:

The Government's economic policy is designed to expand the economic base and therefore generate additional employment. Within that the Government intend to target especially job opportunities and indeed training and apprenticeship opportunities as highlighted in our election manifesto for the under 25 year old group, although obviously not exclusively for the benefit of that group. The immediacy of the impact of the Government's economic policy, as the hon Member knows, may well exceed the period of what is left of this year but certainly at the end of our four year term or at any reasonable interim moment during the four year term, he can certainly measure the success of this Government's economic policy by reference to the impact that it has had on employment prospects in Gibraltar.

HON J BOSSANO:

Do the Government consider, in fact, Mr Speaker, that a level of unemployment of Gibraltarians of 331 which I believe is around the 3 per cent figure constitutes mass unemployment as we were being told very recently by some people?

HON CHIEF MINISTER:

The Government do not, when considering the problem of unemployment and the steps that need to be taken to address it, exclusively have regard to the incidence of that problem on what the hon Member describes as Gibraltarians but which I suppose he means Gibraltarian belongs generally. This figure of Gibraltarians is a sub-division, albeit the most important sub-division, of the category of persons presently included in the realms of the problems of unemployment in Gibraltar, our policies will be targeted at the whole range of persons so affected and 331 out of a current labour force of perhaps, we have not got the exact latest figures but possibly somewhere in the order of 12,300, is not by comparison to other countries in itself as a sub-division mass unemployment but the total figures of unemployed in Gibraltar, including those under-employed, including those in part-time employment who would like to be in full-time employment, are certainly a matter of concern to this Government and a problem to which we attach considerable importance and will dedicate resources in addressing it.

HON J BOSSANO:

Does that mean, Mr Speaker, that they intend to produce a new definition by which to measure unemployment from the one that is used in Gibraltar and to my knowledge everywhere else in the European Union?

HON CHIEF MINISTER:

I know of no European Union country that measures its unemployment statistics on the basis of a particular category of nationality. When the United Kingdom publishes the figure of unemployment, 3 million or whatever, no one says that there are 3 million white Englishmen unemployed, there are not 3 million British Citizens unemployed, they say, "There are 3 million unemployed". In those 3 million unemployed there will be foreigners, there will be immigrant workers and there will

be all sorts of people who fall into different categories. I do not accept the premise of the hon Member's supplementary which is that in Gibraltar it has been done in the past only by reference to Gibraltarians. That is a device that he started and which we challenged continuously from the Opposition benches because we always asked for the figures of unemployment not just for Gibraltarians but indeed for non-Gibraltarians as well.

HON J BOSSANO:

Is it that the Chief Minister does not remember that his first question in 1991 after he got elected to this House for the first time in a bye election was precisely phrased exactly like the one that he has now been presented with and asked exclusively for the numbers of unemployed Gibraltarians? Is it that the Chief Minister has forgotten that?

HON CHIEF MINISTER:

No, the Chief Minister has not forgotten, Mr Speaker, that for the last four years we have on every opportunity, that is to say, on every question time, asked for the statistics not by reference only to Gibraltarians unemployed but to Gibraltarians and non-Gibraltarians and that this is a departure from that style of asking the question exclusively limited to Gibraltarians. If the hon Member is interested only in the statistics that affect Gibraltarians then of course he is limited to asking the question in that limited way. The responsibility of the Government is broader than that as he knows.

HON J BOSSANO:

But, Mr Speaker, is it not the case that the first time the question was phrased in that way in this House the information was sought by the Chief Minister and that what we are doing is following the precedent he created in 1991 and that the information we are seeking - and this question is to seek information - is the information that he sought in 1991?

MR SPEAKER:

I am sorry, I do not think that that is part of the question. I think that the supplementaries have exhausted.

HON J BOSSANO:

Mr Speaker, I am asking a supplementary in relation to the answer I have received and the answer I have received from the Chief Minister is that we are doing something peculiar in asking a question about Gibraltarians unemployed and I am pointing out that all that the Opposition are doing is what he himself initiated in 1991. We are seeking the same information.

MR SPEAKER:

Point taken but I think we should go to the next question.

HON J BOSSANO:

Well, Mr Speaker, can I ask a supplementary which does not follow from what I have just said but is also on the original question? Can I ask the Chief Minister whether in fact in relation to the initiative that he is talking about the implication of his answer is that such initiatives will not have priority of unemployment for Gibraltarians?

HON CHIEF MINISTER:

The hon Member knows that whilst we were in Opposition and, indeed, my answer to his earlier supplementary indicates that we regard the category of Gibraltarians unemployed as the most important category of unemployed persons and all I have said is that it is not the only category of unemployed persons and certainly he knows well that when we were in the Opposition we attached importance to what my hon Colleague, then responsible for employment used to call practical measures to give priority to Gibraltarians. That will remain the case although the hon Member knows that it will be done by means other than the application of the 1st July law.

HON J BOSSANO:

I have not asked about the 1st July law, Mr Speaker. What I am asking is if the Chief Minister in his previous answer said that the impact of the measures that they propose to introduce will have an effect other than the 331, does that mean that the people eligible to benefit from such measures in training or whatever will not be just the Gibraltarians but that all nationalities will be included?

HON CHIEF MINISTER:

The hon Member is certainly entitled to assume that the broad package of measures which the Government will take to expand the economy and to ameliorate the unemployment problem and to enhance the training prospects of people for whom this economy is responsible will not necessarily be limited to the 331 individuals which he describes here as Gibraltarians. That is absolutely correct, he is entitled to assume that.

HON J BOSSANO:

Can I just correct the answer that the Chief Minister has given me? I have not described them as Gibraltarians, we have asked a question. We are assuming that the answer we have got is accurate and that there are 331 Gibraltarians as described by them.

HON J L BALDACHINO:

Under the 331 of the figure mentioned by the Minister, is it correct that not strictly speaking Gibraltarians also means that within those figures are also included people who are married to Gibraltarians and British nationals who are long-standing residents in Gibraltar?

HON J J NETTO:

The figures were prepared by the staff within the ETB and include just Gibraltarians.

HON J L BALDACHINO:

Just Gibraltarians, Mr Speaker?

HON J J NETTO:

As far as I am aware just only Gibraltarians.

HON J L BALDACHINO:

Would the Minister be so kind as to find out if that is correct and let me know?

HON J J NETTO:

Absolutely.

NO. 40 OF 1996

THE HON J L BALDACHINO

SPANISH FRONTIER WORKERS

How many Spanish frontier workers are legally employed in Gibraltar according to Government records and what do the Government estimate are the number of such workers employed illegally?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT & TRAINING AND BUILDINGS
AND WORKS

Spanish frontier workers working legally with open contracts at the ETB as at 24th June 1996 are 1113. Government to this date do not have an estimate of the extent of Spanish illegal labour because during the eight years of GSLP Government no mechanism was put in place to detect such illegal labour and very little was done to curb such activity.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1996

HON J L BALDACHINO:

If that is correct what machinery does the Minister intend to implement to find out how much illegal labour there is in Gibraltar?

HON J J NETTO:

The hon Member should realise that during the term of office of the GSLP administration they dismantled the DLSS inspectorate where there was one HEO, who was head of that section, four EO's who were labour inspectors, and one clerical support. As a result of the dismantling of that unit two labour inspectors were employed in the ETB. No hand-over period was done by the previous administration, no training was given to the two new labour inspectors and that is exactly what I have inherited. Undoubtedly in terms of looking at any illegal labour, regardless of nationality, we will put in place the necessary mechanism to deal with the matter.

HON J L BALDACHINO:

Is the Minister saying that the two inspectors who are employed in his department are not qualified to carry out the inspection, is that what he is saying?

HON CHIEF MINISTER:

The Minister said that at the time they were appointed they were not given any training and that is true. That is what the Minister said.

HON J L BALDACHINO:

No, the Minister has answered that due to the past administration having dismantled the inspectorate at the DLSS, that the two inspectors who are now at the ETB are not qualified. I am asking him, Mr Speaker, whether he considers that those two inspectors are not qualified to carry out inspections to find out if there is illegal labour?

HON CHIEF MINISTER:

Such expertise and qualifications as they have acquired they have acquired on the job and subsequent to their appointment because when the hon Member appointed them he offered them no training, that is a fact, that is what the Minister has said. As far as we are concerned, regardless of the level of their expertise, it is self-evident that they have not been effective either at curtailing or indeed monitoring the extent of illegal labour in Gibraltar, a fact which is notorious and accepted by everybody except perhaps Opposition Members.

HON J BOSSANO:

Can the Minister say what training he thinks was provided to the labour inspectors that preceded the labour inspectors in the ETB?

HON J J NETTO:

For a start, Mr Speaker, there was not even a hand-over period. All the files were passed on from the DLSS, planted on top of the desk of the ETB and they told them to get on with the job.

HON J BOSSANO:

That is not the question I have asked, Mr Speaker. I do not know whether they put them on top of the desk or on top of the cupboard. I have asked specifically, given the fact that the Minister says that the ETB inspectors were not trained, what training does he think the predecessors had?

HON J J NETTO:

As far as I am aware they had the training of the civil service plus additional training by the court and the police in terms of court proceedings in order for cases to be processed in court, something which has not been done during the ETB period.

HON J BOSSANO:

If as far as he is aware then in fact the Minister is admitting that he does not know that and is it not a fact, Mr Speaker, that when the inspectorate was part of the civil service the occupants of that post were clerical grades who were freely transferable to any other job in the civil service?

HON J J NETTO:

I have to say that the staff in the labour inspectorate, many of them had five, 10, 15 or even 20 years training specifically within that particular department.

HON J BOSSANO:

Is it not the case that when the Minister is talking about training what he means is that as a result of doing the job for a very long time, like the present ones have done it for eight years, they acquired a level of expertise that newcomers did not have? Is that not what he means? They were not actually sent to be trained as an inspector anywhere.

HON CHIEF MINISTER:

The position is this, what the Minister said in answer to the original question was that such is the attitude and approach of the Opposition Members to the question of illegal labour that they dismantled the existing system that there was with all its virtues and faults and replaced it with two new individuals with no experience to which they then gave no training, hardly a situation likely to lead to an improvement in the curtailment of illegal labour. This Government are not responsible or answerable for what the position might have been prior to 1988. What the hon Member is entitled to question us about is about our policies and our intentions and our policy and our intention is to ensure that there is available within the public service an adequate capability to curtail and monitor and when there are infringements to prosecute matters connected with illegal labour in order to enhance the job security of those who are legally employed in Gibraltar. That is the policy of the Government and it will not take very much longer for him to know and to learn how we are going to go about achieving it.

HON J BOSSANO:

When I want to be given lessons by the Chief Minister I will write to him and ask him for it but that is not what I want. What I want is information and therefore if the Chief Minister intends to devote resources to a problem I assume he must have an estimate or an opinion or a view as to the size of the problem that he is tackling. The question we are asking is: what in the judgement of the Government is the magnitude of the level of illegal labour where figures have previously been paraded of thousands that needs to be tackled given the fact that in the original answer the information was not provided. Do they have any idea of the magnitude or size? Are we talking about hundreds of illegal workers, tens or thousands?

HON J J NETTO:

What I said before was that the previous administration did not leave any mechanism whatsoever in order to quantify the extent of the problem.

HON J BOSSANO:

I accept that there is no mechanism to quantify the extent of the problem now and that there was not one in 1988 when it was being done by the DLSS, no such figures have existed now or then other than the very reduced number of attempted prosecutions most of which have always failed. What I am asking is, in the estimate of the Government the monitoring and the curtailment of the level of illegal labour means that they expect to be tackling what, an existence of thousands of illegal workers or hundreds of illegal workers? Can he tell me which of the two?

HON CHIEF MINISTER:

Yes, I will. In the estimate of the Government which is no more than an estimate, we calculate that there could be up to a thousand persons employed illegally in Gibraltar and of course there are many ways of being illegally employed, by reference to whether one is paying one's social insurance, by reference to whether one's employer has registered oneself for PAYE, by reference if one needs a work permit and a residence permit whether one has them, there are many categories that lead to the status of unemployment. We calculate, but it is a very rough and ready guesstimate, that the problem is of the order of about 1,000 individuals. But, of course, it could very well be greater than that.

HON J BOSSANO:

Can I ask the original question as to the number of legally employed Spanish nationals who are frontier workers, we were given the figure of 1,113 open contracts. Can the Minister confirm that the implications of this is simply that the ETB has not been notified that the people may have left employment in Gibraltar and that the open contract does not necessarily mean that they are still here?

HON J J NETTO:

It is possible, yes.

HON J BOSSANO:

And is it not a fact, Mr Speaker, that according to the Employment Surveys which are based on PAYE records the figure that appears regularly is of the order of 550 which is half this, so does the Minister consider that it is that there has been an increase in the legally employed or that there is discrepancy between the two figures?

HON CHIEF MINISTER:

There appears to be a discrepancy between the two figures because I am aware of the fact that the figure that appears in relation to PAYE deduction cards is one of the order, I think it is slightly higher than that but certainly between 500 and 600 in respect of Spanish workers as far as the PAYE authorities are concerned. Of course there is a possibility that employers open contracts at the ETB but then delay longer in complying with their obligations under the Income Tax Ordinance to return PAYE records. One of the things that we want to do precisely is to improve the communications and the flow of information between all the various Government departments such as the Employment Department and the Income Tax Department to make sure that they are both working with the same information and that there is not somebody paying social insurance but not PAYE and vice versa. One possible explanation for the paradox that the hon Member identifies is that there may be some people who are properly documented at ETB but not properly documented at the Income Tax Office.

HON J BOSSANO:

So in fact the Chief Minister is confirming that this does not necessarily imply that there are more but simply that the discrepancy may be there all the time?

HON CHIEF MINISTER:

Until we put in place the mechanism to properly assess the situation as it is, we have to recognise that every hypothesis is possible.

NO. 41 OF 1996THE HON J L BALDACHINO**VACANCIES AT THE ETB**

How many vacancies were registered with the ETB in the month of May and

1. in what trades
2. how many have been filled
3. the nationality of the persons filling the posts?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING
AND BUILDINGS AND WORKS

The number of vacancies registered at the ETB in the month of May are 286.

Breakdown of trades are as follows:-

Accountants and auditors	2
Air Traffic Controller	1
Art and craft operatives	1
Beautician	1
Bunkering assistants	6
Carpenters and joiners	3
Chefs, cooks and kitchen hands	12
Cleaners	18
Clericals	33
Computer technicians	4
Consultants	3
Croupiers	6
Delivery drivers	12
Divers	1
Doctors	2
Electricians	6
Electronic fitters	1
Fieldworkers	1
Floor layers	1
Gardeners	1
Graphic designers	1
Ground workers	2
Hairdressers	4
Interior decorators	3
Labourers	25
Managers	11
Masons	6
Mechanics	2
Messengers	5

Meter readers	1
Night auditors	1
Nurses	3
Panel beaters	1
Plumbers	1
Production trainees	1
Radiographers	1
Receptionists	6
Refrigeration engineers	1
Seamen	1
Secretaries	11
Security guards	4
Sheet metal workers	1
Shipbrokers	2
Shop assistants and sales representatives	40
Shutterers	1
Stock controllers	1
Storemen	5
Structure specialists	2
Trainee Philatelists	1
Typesetters	1
Waiters and bartenders	22
Welders	1
Works Supervisors	<u>3</u>
TOTAL	<u>286</u>

Breakdown of nationality filling the vacancies are as follows:-

Gibraltarians	106
British	20
British married to Gibraltarians	3
Spaniards	16
Moroccans	-
Portuguese	1
Polish	1
Danish	-
Irish	2
Russians	4
Italians	1
French	1
United States	1
Others	<u>3</u>
TOTAL	<u>159</u>

SUPPLEMENTARY TO QUESTION NO. 41 OF 1996

HON J BOSSANO:

Can the Minister clarify whether the implication of the figure is that there is now a balance of unfilled vacancies which can be arrived at by deducting the 159 from the 286?

HON J J NETTO:

That is correct.

HON J L BALDACHINO:

Is it also correct to state that those nationalities that do not fall under the category of Gibraltarians and married to Gibraltarians - and when I say Gibraltarians I mean even British people who have been here a long time. That is how I interpret Gibraltarians. The ETB have not sent the other categories for interviews. Is that correct?

HON J J NETTO:

This is the coding that was inherited in terms of classification of nationalities. I am glad to see that the hon Member has a new definition.

HON J L BALDACHINO:

No. My definition has always been that and he can check Hansard on what is Gibraltarian. I even said it during the election campaign so it is not a new definition. It is a definition that exists in the ETB. That is not my question. My question is if those nationalities like Spaniards, Polish and others which he has mentioned are not people who the vacancy having been registered at the ETB and the ETB has sent those persons for interviews. Is that correct? The employment of those other nationalities have been employed by the employer directly and not necessarily the vacancy and the person being sent by the ETB.

HON CHIEF MINISTER:

The Minister cannot possibly know the answer to that question by individual and a case by case basis. There may be some that resulted from the intervention of the Employment and Training Board. Some may have been direct employment with the approval of the Board. If the hon Member wants to know what the position is in respect of each of these 40-odd individuals certainly we have no difficulty in getting that information and giving it to him but he cannot expect the Minister to have it.

HON J L BALDACHINO:

My question is that it was the policy of the ETB when we were in Government not to send people to fill vacancies of the categories I have mentioned of Gibraltarians but not Polish or Spanish. Has that changed or is that the case still?

HON CHIEF MINISTER:

Nothing has changed just yet.

HON J L BALDACHINO:

Then I am correct in assuming that the other nationalities have been directly employed by employers?

HON J J NETTO:

If there is any particular case that the hon Member wishes to know about he can write to me and I will give him an answer.

HON CHIEF MINISTER:

Further to that answer, the hon Member knows that the implication that he seeks to draw cannot possibly be correct because he knows that it was the policy of his Government especially, for example, four Russians. Well these are four Russians that he knows that his Government encouraged to come to work in Gibraltar. I have a pile this high of applications on my desk for work permits for Russians and residence permits for their wives and their children and the Opposition know that they were allowed to by-pass the system that he is now describing of the ETB not sending foreigners to fill vacancies because these people were allowed to come without the publication of vacancies.

HON J BOSSANO:

The Chief Minister appears to misunderstand the nature of the question. The question is does the ETB keep a register of unemployed Russians which it sends to vacancies that are registered or is it that it considers applications from employers as was the established policy when an employer opens a vacancy and specifically requests for a particular individual with a particular skill to fill that vacancy? That is the nature of the question.

HON CHIEF MINISTER:

The hon Member knows that the law requires all vacancies and all employment propositions to be notified to the ETB so if a particular company, for example, Crown Trade and Finance for which the ex-Minister for Education now works, wants to employ four Russians they are required by law to open those vacancies. He also knows that the Minister for Employment pursuant to the policies of the then Government of the day, will instruct the Employment and Training Board to approve then the filling of those vacancies by four named Russians all the way from Moscow because we all know that we do not have a long-standing Russian population in Gibraltar. These Russians did not come from Moscow in the hope that they might find employment in Gibraltar. They came to Gibraltar on the undertaking of the Government to allow them to be employed when they went through the motions of complying with the law. And the motions of complying with the law were that they should notify the vacancies but they should not worry because the ETB would approve it. That is exactly what has happened and I do not necessarily criticise the hon Member for doing it. But he cannot then stand there eight weeks after he did exactly that suggesting that the answer the Minister has given suggests that the ETB is sending Russians in preference to Gibraltarians to fill vacancies.

HON J BOSSANO:

Apart from the fact that the Chief Minister does not seem to be able to give information without getting himself very excited and hot under the collar, I can assure him that we are going strictly by the provisions in the Standing Orders which he rarely did when he was in the Opposition and asking for information without making insinuations. Whether it is an ex-Minister of Education that is employed or a client of his father-in-law that makes the request is not a relevant factor in either asking the question or giving the answer. All we are trying to establish is that the information we have been given is as a result of a continuation of the policy which we had and which we are prepared to defend. The answer appears to be yes and I do not see why else he needs to introduce extraneous matters.

MR SPEAKER:

I think we have finished with this question. Let us go to the next one.

NO. 42 OF 1996

THE HON A ISOLA

CONTAINER TRANS-SHIPMENT FACILITY

What plans do Government have for a container trans-shipment facility in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

The Government wish to develop the container and cargo trans-shipment potential of the port as a source of economic activity and jobs. Government are aware of one scheme by Brazilian business interest, which Government are interested in pursuing. Government will also seek out other opportunities.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1996

HON A ISOLA:

Do they have any plans for these proposals from interested investors?

HON CHIEF MINISTER:

The Government of Gibraltar are not property developers and we are not port operators. We create political climates and political policies which make it possible for private commercial interests to pursue economic activity profitability and in a way that creates employment. That is the function of the Government of Gibraltar. We do not have our own, by which we mean, does the Gibraltar Social Democratic Party have aspirations to be port developers or have plans for port development? The answer is most certainly no. But we have approaches from private businessmen who want an indication from the Government about whether the Government would support that sort of economic development and the answer is that the Government are very interested in those such proposals and we will give it all the political support that we possibly can.

HON A ISOLA:

Is the one the Minister mentioned the only proposal that Government have on the table for a trans-shipment facility?

HON CHIEF MINISTER:

On the table, the hon Member as well as such of his hon Colleagues who were in Government before know that the process of projects being on the table is a very long and fluid process, from the moment that somebody mentions to one an interest at a cocktail party to the time when they actually deliver a business plan and anything that the Government can seriously consider to be a project proposal that can be evaluated and tested for viability, the answer is that we have one and that reached us before we came into Government as I am certain it was also put to the

Opposition Members whilst they were in Government. There is a second one of which Opposition Members are also aware which is by an Italian company, which is a very ambitious project which has enormous logistical implications. If it could be pulled off - that is not the one referred to in the answer - I think it would be good for the economy, I have my serious doubts as to whether it is viable in implementation but we are going to consider that one as well to make sure that we are not rejecting any valuable economic project unnecessarily.

HON A ISOLA:

Am I right in saying that there are then two, the Italian and the previous one mentioned by the Minister?

HON CHIEF MINISTER:

Yes, it depends two of what; there is one party talking to us that is interested with a project that we think is viable immediately and there is another one, which is the Italian company, that has been around us, as the hon Member knows, for a long time and that is still around but the matter has been taken no further to where it was when the hon Members were approached on it. So if that is his definition of projects there are two.

HON J BOSSANO:

Is it the case that these two possible developments of trans-shipment facilities are considered to be mutually exclusive? That is, if the Government were to accept the one they seem to think has most chance of success, does that mean that automatically there would be no room for the other?

HON CHIEF MINISTER:

Not necessarily. In other words, the Government will not give any degree of exclusivity to any particular operator in any sector of the market but, of course, the Government are responsible and the Government will not wish to have established in Gibraltar the sort of employment instability that would result from Government attracting a particular operation to Gibraltar and then immediately undermining its viability by encouraging or allowing further operators to participate. I do not envisage that the port operations that we are discussing fall into that category because this is international trade on the whole. Most of the people who come with projects have their sources of work and they are separate sources of work and the only connection with Gibraltar is that it is a convenient physical location to do their cargo trans-shipment. So whilst there are sectors in which the Government may need to tread carefully to make sure we do not undermine a brand new operation, we do not envisage that this sector of the port activities falls into that category.

HON J BOSSANO:

I do not think the Chief Minister quite understood the thrust. I was not thinking so much that a new operator would undermine the viability of the existing one but that physically they might be competing for the same, that is, that they are alternatives of the use of the same facility and that if the facility is given to one then the others cannot come in because there is nowhere for them to come in. Is that the case?

HON CHIEF MINISTER:

Yes, the physical constraint is real. He knows that the Italian proposal involved reclaiming large areas of new land. The existing proposal would involve the allocation of an area of sea frontage which would make it difficult for that to be a shared facility between that operator and another operator because it is not just cargo trans-shipment, it is not just container trans-shipment, it is cargo, storage, cargo consolidation and re-consolidation, cargo break-up and re-export. That requires a working space. It is not just stacking containers one on top of the other which can be done by several operators on the basis of a shared yard. Because this operation is more sophisticated and involves the break-up of bulk cargo into smaller units and the re-export into the market place in which those products are going to be consumed, I suspect that it would be difficult for that operation to be conducted on shared facilities but it is one of the aspects that we will certainly keep in mind when we consider these projects.

HON J C PEREZ:

Could the Chief Minister state whether the new project, not the one that was there before, envisages the passing of containers through the land frontier or whether it is only a trans-shipment from ship to ship?

HON CHIEF MINISTER:

The project as it has so far been explained to the Government substantially relies on re-exporting by sea. The operators, however, wish to reserve the right, which of course is theirs, to do that part of the re-exporting which is to the immediate vicinity of Gibraltar by land. Obviously the Government would not wish to stand in their way to doing so but have explained to them what possible difficulties they may find in their path in exporting cargo from Gibraltar in large quantities via the land frontier. They are aware of the problems and they appear to be content to proceed notwithstanding that.

NO. 43 OF 1996THE HON A ISOLA**ARRIVALS TO GIBRALTAR FOR 1995**

Will Government give the statistics for arrivals to Gibraltar for 1995 in respect of the following:

1. numbers of coaches coming to Gibraltar
2. numbers of passengers arriving on coaches
3. numbers of cruise liners
4. numbers of passengers arriving on cruise liners

and in each case what is the percentage increase, if any, on the previous year?

ANSWERTHE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

The statistics are as follows:

In 1994 the number of coaches coming to Gibraltar was 8,311 and that compares with 1995 a figure of 10,292 signifying a 23.8 per cent increase. In 1994 the number of passengers arriving on coaches was 415,550 when compared with 1995 where the figure is 514,600 representing a 23.8 per cent increase. In 1994 the number of cruise liners was 118 compared to 1995 where the figure is 138 signifying a 17 per cent increase. In 1994 the number of passengers arriving on cruise liners was 69,429 compared to 1995 where the figure is 83,696, this represents a 20.6 per cent increase.

SUPPLEMENTARY TO QUESTION NO. 43 OF 1996

HON J BOSSANO:

Given the increase that there was in 1995 in the number of visitors from these sources over 1994, do the Government consider that in fact retail sales to visitors were down in 1995 compared to 1994 as was being suggested at the time?

HON CHIEF MINISTER:

The Leader of the Opposition knows that certainly the most numerous of these categories, that is to say, number of coaches coming to Gibraltar are the least valuable tourists in terms of the spending per capita. He knows, I am sure, that the average expenditure by visitors in coaches is about £12 per head and the reason for that, as I am sure he also remembers, is that these are pre-packaged day excursionists where they come even with their little packed lunch in a box, they walk around the streets and spend very little money in the economy. So therefore the

fact that there is an increase in coach tourism, welcome as it is, we do not demean it as an improvement, is not necessarily relevant to be taken into account when analysing the figures of Main Street retail trade because these are not tourists of the sort that spend money in Main Street. Cruise liners, on the other hand, are more high spending in Gibraltar and certainly one would expect increasing number of cruise passengers to result in increased expenditure from cruise passengers on the Main Street but this might very easily have been offset by falls in visitors to Gibraltar of other sorts of high spending tourists. So the fact that there has been an increase in shopping in Main Street by one category of tourists does not necessarily demolish the assertion that Main Street sales are overall down because there are other categories of visitors to Gibraltar who have been coming in less numbers, as the hon Member knows, and they are mainly the high spending shopping Spanish tourists from places like Jerez and Seville and Madrid and places like that and the hon Member, I am sure remembers, that the position of the Chamber of Commerce and traders is that such tourists have been discouraged by the long queues at the border. So whilst recognising that in respect of coaches and cruises there has been an improvement in 1995 over 1994, I do not accept the insinuation in the hon Member's question that that necessarily disproves any assertion to the effect that Main Street figures cannot be worse during the same period.

HON J BOSSANO:

Let me say I am not aware whether the high spending Spanish tourists from Jerez have been declining or not. But is it in fact the case then that the Chief Minister is saying that the number of visitors across the frontier other than by coaches was lower in 1995 than in 1994?

HON CHIEF MINISTER:

No, I am not saying that. I am saying that one cannot assess the impact on Main Street sales by a crude look at the numbers of people. It is the composition of that number of people. In other words, what number of them are higher spending, what number of them are lower spending, that is what determines the relationship between the prospects for Main Street trade and the number of tourists that cross the frontier. It is the composition of that number because if all five million were coach tourists then we know that if they spend on average £12 one could almost work out what the sales of main Street would be.

HON J BOSSANO:

I accept, Mr Speaker, that as an inevitable logical consequence if there are more people coming and there is less money being spent then the individuals concerned must be spending less. But what I am trying to establish is whether, in fact, in terms of future policy in this area, the information that has been provided by the Government is that across the frontier 23 per cent more coaches came and of the ships 20 per cent more passengers landed and yet if this appears not to have been capable of even maintaining visitor spending in 1995 as compared to 1994. Would it not indicate that the ability to increase expenditure in the economy or to promote sales from the private sector to these visitors cannot be guaranteed by the numbers.

HON CHIEF MINISTER:

He is absolutely right, it means absolutely that, that is what I have said in the previous answer. The fact of the matter is that numbers is not by itself a sufficient factor to take into account, it is the composition of those numbers. It also shows why we have been saying for a number of years that we ought to be making greater efforts to attract the tourist that stay in Gibraltar, as opposed to the day visitors, both coach visitors and cruise liner visitors are at most day excursionists, many of them staying just for a few hours. That is why we believe and our policy will be calculated to enhance the presence in Gibraltar of tourists that stay in our hotels overnight for as long as possible because that creates not just economic activity and revenue for hotels but increases the chances that they will spend money on the Main Street. Of course, another factor that the hon Member I am sure will not wish to overlook is that the sales to tourists is offset not just by the increase in the number of low spending tourists and the decrease in the number of high spending tourists but indeed in the decrease in expenditure by local residents as a result of the incidence of such things as mortgages and home ownership and things like that. Main Street is not just about tourists.

HON J BOSSANO:

What the Chief Minister is saying is that the explanation for the presumed accuracy of the sad state of the business activity in 1995 may after all not be due to the decline on the number of visitors since these have increased but, in fact, to the diversion of domestic spending to things other than mortgages and therefore is he suggesting that in future people will not have mortgages?

HON CHIEF MINISTER:

I propose to keep my answer serious. The Leader of the Opposition must know because it is only 17 or 14 weeks since he was sitting in this chair that the vast majority of the people that come into Gibraltar, although not on coaches or on cruising are coming to Gibraltar to buy specific items such as petrol, they come in their cars. What I am saying is that in answer to his suggestion earlier to my hon Friend that the increase in the number of coaches and the increase in the number of cruise liners puts in doubt the accuracy of assertions made at the time by traders that Main Street sales were down, as I have understood what the hon Member was saying is, well how can that be true if in fact there were nearly 2,000 more coaches and nearly 100,000 more passengers from coaches and 20 more cruise ships visiting and I am telling him and I think it is a self-evident reality that the fact that there is an increase in one source of visitors to Gibraltar cannot be held up to prove that Main Street trade must necessarily not have deteriorated because it presupposes that all the other sources of business for Main Street trade have not fallen by more than has been contributed by the increase in the number of visiting coaches and visiting cruise ships and that must be a logical and self-evident fact.

HON J BOSSANO:

I accept that that is a logical consequence if one accepts, as the Chief Minister apparently does, that the assessment that was being presented and the picture is the gospel truth and cannot be questioned. But if the possibility is that it may be wrong then it could be that business was not doing so badly as the Government Member who is now a Minister and was then the President of the Chamber of

Commerce thought at the time. Is it in fact the case that there is evidence that expenditure from other sources was declining by a greater amount than the increase in expenditure which, even if people spend no more money in 1995 than they did in 1994 and we do not know whether they did or they did not, but if we assume they spent the same then if there were 20 per cent more people it is not an unreasonable assumption to say this category spent 20 per cent more in 1995 than in 1994. Therefore if the total spent was less in 1995 than in 1994 do the Government have any information available to them which would indicate that the fall in spending from other sources was greater than the increase in spending from these sources and that therefore the global figure was down as was being suggested at the time?

HON CHIEF MINISTER:

The Government do not have such information except to the extent that I have just seen, as he used to see, certain import and export statistics which the previous Government chose not to make public from which he knows a start can be made in doing the sort of analysis that he is now asking for. But one thing is for certain, I do not accept the premise of his question which now appears to suggest that trade in Gibraltar got together to submit false returns to the Chamber of Commerce questionnaire and to describe as unhealthy a situation which he now suggests may have been healthy. I do not know if what he is suggesting is either that the ex-President of the Chamber of Commerce and its committee which includes members who are known to more supportive of his party than mine, that they all got together to doctor the results of the questionnaires submitted by traders or that otherwise the traders all got together and decided to paint an inaccurate picture of how their businesses were doing in order, presumably he must think, to create a climate of bad economic scenario to assist me in beating him at the forthcoming general election. I can only assume that that is the picture that is taking shape in the Leader of the Opposition's mind.

HON J BOSSANO:

I have the difficulty, Mr Speaker, of not being able to explain to the Chief Minister why all his assumptions are wrong because I am required to phrase my answers to his questions as if he was asking questions instead of answering them, I suppose it is because he got so used to asking me questions that he cannot get himself out of the habit. Will the Government agree that the wild deductions that the Chief Minister has made as a result of my innocent question are not justified because, in fact, it is not unreasonable to assume that any businessman who is asked whether water, for example, is too expensive in 1996 notwithstanding the fact that it is at the same price that it was in 1984, is more likely to answer yes than no and that therefore it is not so much the questionnaire and the answers but the political manipulation of those answers to present a picture of an economy facing a bleak prospect and an economy about to collapse because of the collapse of visitors and of visitor expenditure that I am asking the Government whether they are still of that view and that that is the manipulation that was made by the Government Member and not by the innocent traders?

HON CHIEF MINISTER:

It seems to me that the time to have argued this case was during the general election campaign which the Leader of the Opposition did without success. The fact of the matter is that as I recall the Chamber of Commerce surveys they ask questions about the prospects that traders thought their businesses had in the forthcoming years and that not all the questions were capable of political manipulation, some of them asked straightforward factual information. Frankly, I note that the hon Member persists in his view that the Chamber survey therefore did not create a bleak economic picture. Well, there is the survey, there are the members. If the Opposition Member thinks that trade is good and that employment is OK he is going to have to find some explanation for why he is sitting there and I am sitting here.

MR SPEAKER:

This is the last question because we are departing from the original question.

HON J BOSSANO:

With all due deference, Mr Speaker, I think the answers are departing more than the questions.

MR SPEAKER:

Both of them. So that is why you have a final question.

HON J BOSSANO:

The final question, Mr Speaker, is it in fact therefore the case that the Government now consider that increasing the number of visitors to Gibraltar other than people staying in hotels will not produce an increase in economic activity which will be sufficient to change the negative view that either they held or they chose knowing it not to be true to promote so assiduously over the last six months?

HON CHIEF MINISTER:

The Government do not accept that.

ORAL

NO. 44 OF 1996

THE HON A ISOLA

FERRY SERVICE TO ALGECIRAS

Will Government take steps to support the establishment of a ferry service to Algeciras in accordance with Community law?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

Government will give all the political support that we reasonably can to any operator wishing to establish a ferry service to and from Gibraltar which would operate to the required maritime standards of safety.

SUPPLEMENTARY TO QUESTION NO. 44 OF 1996

HON A ISOLA:

Will that extend to, if necessary, supporting a case in the event of a licence being refused by the Spanish authorities at Algeciras?

HON J J HOLLIDAY:

Politically yes.

HON A ISOLA:

Financial support, Mr Speaker?

HON CHIEF MINISTER:

Probably not. It depends on the commercial standing of the operator in question, on the commercial and political interest at the time in Gibraltar but we all understand that the establishment of Gibraltar's legal right within the European Union for there to be maritime communications between Gibraltar and Spain is something in which we all have an interest and Government would not be blind to that overriding political interest and would decide our policy as and when the time came in a manner which addressed that national interest.

HON J BOSSANO:

Do the Government not agree that it is the political interference with the Community right to provide inter-Community sea services that negatively affects the commercial viability of undertaking it and that therefore it is unlikely that somebody will be prepared to take the commercial risk when the cost of taking that risk is increased significantly by political factors?

HON CHIEF MINISTER:

Indeed and Gibraltar has experienced on the prospects of success of a more direct approach by a party other than a commercial operator when we went on the airport case but I accept that it is unlikely that any pure commercial operator will have a sufficient interest in establishing such a service that he would be willing to go through the time and expense of taking this all the way through the legalistic and political minefield that they will inevitably confront. That is absolutely correct, I share that view.

HON J BOSSANO:

Therefore do the government in fact agree that in sharing that view that if they also share the view that it is in Gibraltar's national interest to be able to successfully pursue a case which demonstrates that its Community rights are being violated and that will result in them requiring to be respected, that this is something worth considering as a sound investment in protecting our position in the Union?

HON CHIEF MINISTER:

It is no more worth considering in 1996 than it has been between 1988 and 1996 but certainly if what the Leader of the Opposition is saying is that they failed to give consideration to it and are now inviting that I should do so the answer is that I am happy to consider it.

HON J BOSSANO:

No, Mr Speaker, I am quite capable of managing more or less in broken English although I did not have the benefit of a public school education so I do not need to be constantly told in answers if what I am saying is (a) instead of (b), if I wanted to say (b) I would say (b) and not (a). What I am saying is, given the fact that it is the policy that we have developed to pursue such a course provided we can find somebody willing to go forward; would they agree that this is worth doing if they can find somebody to go forward? That is my question.

HON CHIEF MINISTER:

The answer to the question is clear. If an operator is willing to go forward the Government will give it all the political support that we reasonably can. In a supplementary the Hon Mr Isola asked whether we would extend political support to financial support and I said that we would be willing to consider even that but that we would consider it on the merits of the case put forward and on the legal advice that we had at the time about the prospects of success of such a case, an issue that I have not yet had an opportunity to consider. So it is not that we are saying that we will not lend financial support but we would certainly not lend financial support unless we were satisfied that we were not just investing taxpayers money in a lost cause. If we had a reasonable legal opinion suggesting that we had a reasonable prospect of success then I think that there would be sufficient interest of Gibraltar at stake to merit the investment of taxpayers money.

NO. 45 OF 1996

THE HON A ISOLA

PROPOSED PLANS FOR CASEMATES

Will Government give details of the proposed plans for Casemates as announced by the Chief Minister at the Ceremonial Opening of the House of Assembly?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

Government intend to convert Casemates Square into a focal point for tourism in Gibraltar. This will require the relocation of the Moroccan Workers Hostel and the conversion of the Casemates vaults into shops and leisure related premises such as cafeterias, restaurants and exhibition halls. Specific plans are not yet available.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1996

HON A ISOLA:

Are these plans of the Government or are they proposals from developers to the Government?

HON CHIEF MINISTER:

The hon Member knows from our manifesto and indeed from many statements that I have made in the House from the Opposition that the Government have, as a matter of political policy, the desire to see Casemates exploited to a greater extent for touristic purposes. We are therefore going to invest political and perhaps also financial resources in ensuring that Casemates develops in that way. These are not projects of the Government in the sense that we know politically what we want to see in Casemates but Government are not going to do the project ourselves. I do not know if that answers the question. But certainly the desire to see Casemates developed in a particular way is a matter of our long-standing policy which, as the hon Member knows, is in our manifesto. But it is not a development project of the Government in the sense that the Government are not going to necessarily do it.

HON A ISOLA:

I am not clear. In the first part of the answer the Chief Minister said they were going to give political and possibly financially support. In the latter part of the answer he suggests that it is mere political support. Could he tell us what part the Government will play in any proposed development at Casemates other than approving it politically?

HON CHIEF MINISTER:

We will procure the interest amongst developers to do this. We will probably make a public invitation for people to submit proposals to the Government of development projects and we will publish what the Government want done in relation to Casemates and then we will see what offers come back from property developers, both domestic and from abroad, and Government will in that way proceed to realise our desire to see Casemates used for touristic purposes and if our plans prosper Casemates will look very different to what it looks today.

HON A ISOLA:

Does the Health Centre form part of the plans for the overall Casemates development?

HON CHIEF MINISTER:

We have already answered that question earlier on. The Government are willing to include in the uncluttering of other activities from Casemates even the Health Centre but there is not now a plan in front of the Development and Planning Commission receiving detailed consideration because there has not been sufficient time. I repeat that Government know exactly what we want Casemates to be developed into and will only accept development proposals which implement the Government's policy in relation to Casemates.

HON MISS M I MONTEGRIFFO:

Do the Government have any ideas of where they intend to relocate the Health Centre?

HON CHIEF MINISTER:

That has been answered as well. The answer is that there are several possibilities, no one is actually giving this matter particular attention, it is not that we are looking around for a site for the Health Centre because that is something that we want to do as a matter of priority. We were asked whether there were plans or intentions or anyone was considering the relocation of the Health Centre and we said yes because this is something that we have considered but not considered in the sense of getting on and implementing it. In order to relocate the Health Centre we would have to find suitable alternative accommodation for it and also come to the conclusion that the economic benefits from moving the Health Centre out of Casemates compensated for the cost of relocating the Health Centre itself. All these decisions will have to be made at the time.

HON J C PEREZ:

Can the Chief Minister state whether the Government have received proposals for the development of parts of the Casemates or for the commencement of particular touristic operations within the area of Casemates which could form part of the overall project as foreseen by the Government?

HON P C MONTEGRIFFO:

Our plans for Casemates are plans that, as has been explained by the Chief Minister, are well-known and were reflected in our manifesto. We have already received private sector interest in the development of Casemates. Some of those plans, as Opposition Members will know, pre-date our election into Government, there has been interest in the development of Casemates for some time and we are already seeing considerable interest in reviving those proposals and in marrying them with the ideas of the Government of our own improvisation that will bring to the project.

HON J L BALDACHINO:

Are those who are proposing investing in Casemates local companies or are they companies from abroad?

HON P C MONTEGRIFFO:

At this stage, Mr Speaker, the interest we have received is from local developers, from developers that have long shown commitment to Gibraltar. As the Chief Minister has pointed out, it will be our intention to seek interest from a wide spectrum of possible investors but so far because of the degree to which knowledge of this is known in Gibraltar only, what we have received is local interest.

HON J BOSSANO:

Is it the Government's intention to have Casemates vacant prior to inviting developers to make proposals or to vacate it only if they decide that proposals that they have received are going to be pursued?

HON P C MONTEGRIFFO:

The plans with regard to Casemates are one of the show pieces of this Government's tourism project. We have not taken detailed decisions on how that would be implemented. Needless to say the project of the type we have in mind will involve a complete rethink of things like traffic flow in that area, access to Casemates and it is premature at this stage for the Government to advance anything more on how that could develop.

HON J BOSSANO:

That is not my question. I am not talking about access or anything else. My question is very simple and very clear. There are currently people living in Casemates. Is it the Government's intention to offer Casemates as a development site with vacant possession and invite proposals or to leave it as it is unless and until they have decided to accept proposals and only then to start vacating it, which of the two?

HON P C MONTEGRIFFO:

Again, I can confirm that it would be the case that the hostel would have to be vacated and Casemates as a building would be the subject of the development. We are not in a position at this stage to indicate when that process would start. Clearly the process is one that would tackle sensitivity and it would only be started when there was in-hand a project deserving of that procedure. So there is no question of emptying that in isolation, we will do so as and when this becomes relevant in the context of the project that the Government can approve.

HON J BOSSANO:

So the answer is effectively the second option. If it is going to go ahead then they will look at moving people otherwise they will....

HON CHIEF MINISTER:

No, when it is going to go ahead, not if. Casemates will be redeveloped. All that remains to be selected is the project and all that remains to be established is how soon the project will get going.

HON J BOSSANO:

Then am I to understand that if it is not if but when, a policy decision has already been taken which is based on knowing already even though all this international investors have not yet been identified, that there is a desire and there is capital and there is a willingness to go ahead and that this is already known?

HON CHIEF MINISTER:

Of course a policy decision has already been taken, it is included in our manifesto. The fact that the Government wish to and intend to and will convert Casemates into a focal point for tourism in Gibraltar is an important strand of Government's tourist policy which will be realised. That necessarily involves the movement of the Moroccan Hostel facility out of Casemates and whether or not there is private sector interest in developing Casemates on behalf of the Government, that will happen because certainly the Government are determined that during this first term of office the vaults which are presently used for hostels will be used as commercial premises for the enhancement of the tourist product and, if necessary, Government will do it ourselves.

HON J BOSSANO:

Then the answer is that the first answer I got from the Hon Mr Montegriffo is not the right answer and that the new answer I have now had is that independent of whether there is a viable private sector development or not, as a matter of Government policy the Government consider that those buildings are used better for a commercial activity than for the residents and that therefore they will definitely be moving the people out even if there are no commercial proposals that are acceptable to the Government and that they will do that at their own expense?

HON CHIEF MINISTER:

No, what my hon Friend said was that the movement of the hostel would be correlated in time with the commencement of the project to convert Casemates from a hostel into commercial premises and that answer remains accurate whether that conversion is done by Government or whether it is done by a private developer. I do not see that there is any conflict or contradiction whatsoever between the answer that I have given and the one that my hon Friend, the Minister for Trade and Industry, has given.

HON J BOSSANO:

I am sure, Mr Speaker, the Chief Minister will be able to see it when he reads the Hansard because I am very clear, since I asked the same question several times, of the answer that I got. The answer that I got was that if there was no commercial development that was acceptable to the Government then the question of moving the people out would not arise. If whether there is or there is not, the present use is going to be changed, then presumably the Government are committed to that independent of the level of interest they get and that is, as I understand, the situation from the latest answer and I would be grateful if the confirmation that I am getting is that in fact the use of the Casemates as a hostel will be terminated as a matter of Government policy irrespective of whether a commercial developer is available or not?

HON CHIEF MINISTER:

Yes, irrespective of whether a commercial developer is available or not because if there is no commercial developer it will be done by the Government. The Leader of the Opposition does not distinguish between a commercial developer and the conversion of Casemates into commercial premises and that is how he has misled himself into thinking that there has been contradictory answer. The original answer to the question says, "Government intend to convert Casemates Square into a focal point for tourism in Gibraltar. This will require the relocation of the Moroccan Workers Hostel and the conversion of the Casemates vaults into shops and leisure related premises....." etc. That is what the Government will do. We prefer not to invest taxpayers' money in doing it and therefore we are going to see if we can interest the commercial developer in doing it. But if there are no commercial developers interested in doing it Government will do it. In either case we will not relocate the Moroccans elsewhere two years before this is going to happen. Whether it is done by a commercial developer or whether it is done by the Government, the timing of the relocation of the hostel elsewhere, which is the issue that my hon Friend addressed, will be staged and timed in a way which is relevant to the need for vacant possession of the Casemates vaults so that either the private commercial developer or the Government can start the process of conversion of the vaults into commercial premises.

HON J BOSSANO:

Does that mean therefore that they do not expect that that move will take place in the current financial year?

HON CHIEF MINISTER:

It does not necessarily follow. It might take place in this financial year but certainly I cannot give the Leader of the Opposition any accurate estimation of the timing to that narrow extent.

HON A ISOLA:

Might I ask if the street market is included in the plans for the upgrading of Casemates?

HON CHIEF MINISTER:

That is most certainly not.

NO. 46 OF 1996

THE HON A ISOLA

CRUISE LINERS

Will Government proceed as planned by the previous Government to invite cruise liner owners to Gibraltar to consider and discuss methods of improving the product with Government and all interested parties locally?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

A conference is planned in Gibraltar during August of this year. Invitations have been extended to the principal cruise operators already.

SUPPLEMENTARY TO QUESTION NO: 46 OF 1996

HON A ISOLA:

Do they have any idea of who will be coming? Have all the invitations been accepted?

HON J J HOLLIDAY:

What we have done is send invitations to the principal cruise liner operators which include P & O Cruises, Princess, Crystal, Royal Caribbean and Cunard and we are hoping to have a reply to them early next week. Once we know which are the ones that are actually accepting then we will call on others to join us but we really want to make sure that these principal ones are accepting and are coming to make the thing a success.

HON A ISOLA:

Which parties locally do the Government intend to invite to the conference also?

HON J J HOLLIDAY:

Obviously we will be inviting all the cruise liner operators which have an interest locally and mainly people in the tourism industry as well.

HON A ISOLA:

Does that include the taxis?

HON J J HOLLIDAY:

Yes, I think they do play a major role in the infrastructure in actually improving on the product that we have in Gibraltar and therefore they do have a very major important role to play in this.

NO. 47 OF 1996

THE HON J C PEREZ

DIRECTOR OF TOURISM

Do Government intend to recruit a new post of Director of Tourism from within the ranks of the Civil Service?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

Government's plans for reconstituting the Tourism Department have not yet been finalised but Government will certainly play an active and direct role in the promotion and organisation of tourism.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1996

HON J C PEREZ:

Can the Minister answer my question? Will he recruit the Head of that tourist section from within the Civil Service or does he intend to look for a person outside the Civil Service to head that department?

HON CHIEF MINISTER:

The question has been answered. The Government's plans have not yet been finalised.

HON J C PEREZ:

So the Government are leaving open the question of whether to recruit within the Civil Service or outside the Civil Service?

HON CHIEF MINISTER:

Absolutely.

NO. 48 OF 1996THE HON R MOR**INMATES IN PRISON**

What is the current number of Gibraltarian inmates and other different nationalities held in prison?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

Of the current inmates at the prison nine are Gibraltarians and the others are of the following nationalities:

British (UK)	1
Spanish	8 (includes 1 female)
Moroccan	9 (includes 2 females)
French	1
Russian	<u>5</u>
Total	<u>33</u>

SUPPLEMENTARY TO QUESTION NO. 48 OF 1996

HON R MOR:

If we discard the Russians who are in prison because of having immigrated illegally, the remainder would add up to 19 other nationalities apart from Gibraltarians. So it means that we have at least over two other nationalities for every Gibraltarian held in prison. If the Minister goes back in time he will find that that is roughly what has been the case over the years. How is it that we have heard not so long ago alarming reports of the increase in serious crimes in Gibraltar? Would he not accept that the situation appears to be static going by the statistics he has just given me?

HON H CORBY:

The hon Member was in charge of the prisons for eight years. I can give him what I have now which is what I am responsible for now and I can give him a breakdown if he wants of the Gibraltarians on remand, I can give him the British (UK) and what their related crimes are and I can give him the whole section of it if he wants me to read it out to him. Insofar as crime is concerned, we have great priority on law and order, whether it seems the same as it was eight years ago I can tell him through Government statistics that on the question of drugs it has gone up 400 per cent, that is drug offences and the rest. So it has gone up quite considerably. Whether they are fined and not taken to prison is another matter but even so crime is still on the increase in Gibraltar.

HON R MOR:

Would the Minister not accept that it is only when a serious crime is proven that a person would end up in jail? What I am saying is that I have gone back as far as 1985 when the border fully opened and that the statistics in prison have been very much the same as they are today. The frontier opened in 1985 which was before we had come into Government. Would he not therefore accept that even today the situation is very much the same as it was way back in 1985 and it is therefore not the question that there has been a very serious increase in serious crimes in Gibraltar?

HON CHIEF MINISTER:

I can only assume that the Opposition Member is not living in Gibraltar. I do not accept his suggestion that because the prison population has not increased that there is not an increasing problem of law and order in Gibraltar. The fact of the matter is that the vast majority of serious crime regrettably goes undetected and unprosecuted and therefore unprocessed. Secondly, the hon Member knows because it was not that long ago that he was getting the figures that we are now getting and he therefore knows that the recorded detected instances of serious crimes not just in drugs but indeed offences against personal security in terms of offences of violence, traffic offences, they are on the increase. However, the hon Member does make a good point and it may well be that the legislature will have to address its mind to the question of whether judges are making sufficient use of prison terms in order to deter the commission of serious crime in Gibraltar because one thing is for certain, serious crime is on the increase, everybody in Gibraltar knows it except apparently the Opposition Member and if he believes that the extent of the prison population is a reflection of the trend of crime in Gibraltar then this Government are certain that he is completely mistaken.

NO. 49 OF 1996

THE HON J L BALDACHINO

FLATS AT SCUD HILL

Can Government confirm that the flats produced by the conversion of the old St Joseph's School at Scud Hill have been allocated according to the Housing Allocation Scheme by the Housing Allocation Committee?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Yes, I can confirm that the flats produced by the conversion of the old St Joseph's School at Scud Hill will be allocated according to the Housing Allocation Scheme by the Housing Allocation Committee.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1996

HON J L BALDACHINO:

Have these flats already been offered to people?

HON H CORBY:

The flats in question I believe are not yet finished but in the process of being finished. The rent for these flats are currently being assessed and will be computed in accordance with the current procedures for the calculation of rent for Government flats. They have not been allocated yet but they are in the process of it.

HON J L BALDACHINO:

Can the Minister then confirm that no applicants for housing allocation have been offered these flats and that none have been to the flats to view them? Is that correct?

HON H CORBY:

No allocations have been made of these flats as yet.

HON J L BALDACHINO:

The Minister has said that the rent will be according to housing flats. Can he provide the information to what rates of rent is he referring to by square, is it to the Laguna Estate or to which Government rental accommodation is he referring that the rent will be similar to?

HON H CORBY:

I am told by the Housing Department that produce the rates for Government flats that these will be in accordance with the refurbishment programme and the rent allocated to a refurbishment of an old building. That is the rent that will be allocated to it.

HON J L BALDACHINO:

So what he is actually saying, Mr Speaker, is that he will consider the rent to be as a pre-war dwelling which has been refurbished and that will be the rent, is that correct?

HON H CORBY:

It is pre-war and then there is a formula for the refurbishment and the cost.

HON J L BALDACHINO:

Will there be any other charges apart from rent due to the fact that these flats do have provision for parkings?

HON H CORBY:

No, there will be no additional cost for the parking area. The parking area, I am told, will be if the tenants agree in the patio adjacent to the building.

HON J L BALDACHINO:

Will the Minister also confirm if they are looking at to allocate a percentage of the flats to medical cases?

HON H CORBY:

No, nothing of that has come through my office but we will certainly allocate it on the basis of the housing waiting list. The flats below, as the hon Member may know, are two big bedrooms at the very bottom of the housing estate. Then the top half is three bedrooms and four bedrooms and there is one which comes through the back of the building which is another very small one bedroom flat but that will be allocated insofar as the Housing Allocation Committee.

NO. 50 OF 1996

THE HON J L BALDACHINO

HOUSING APPLICATIONS

Can Government state how many housing applications are categorised as:

1. medical cases by the Medical Housing Advisory Board in each category
2. social cases by the Housing Advisory Committee?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The position at present is that of the persons on the Government housing waiting list which are as follows:

7 are medically categorised A
6 are medically categorised C
10 are socially categorised A
6 are socially categorised B
1 is socially categorised C

SUPPLEMENTARY TO QUESTION NO. 50 OF 1996

HON J L BALDACHINO: 4

This is the medical cases I am referring to now, Mr Speaker. This is apart from other Government tenants who are waiting to be reallocated flats. In other words, they are not applicants but there are still other medical cases which are Government tenants, is that correct?

HON H CORBY:

That is completely correct.

HON J L BALDACHINO:

Did I hear the Minister correctly when he said that there are only seven medical cases A?

HON H CORBY:

Yes, because the hon Member's question specifically states housing applications. What the Minister is stating is other persons which he is referring to which are people who live in accommodation which is adequate and I explained this to the Chief Minister a while back, for the needs but due to circumstances they now are either on medical or social list.

HON J L BALDACHINO:

Am I correct then in assuming, Mr Speaker, by the answer he has given me that there are no housing applicants on the medical list categorised B or C, is that correct?

HON H CORBY:

There are six medically categorised C. I said that before.

HON J L BALDACHINO:

But no B?

HON H CORBY:

No B.

NO. 51 OF 1996

THE HON R MOR

FINANCIAL SUPPORT TO CAMP EMMANUEL

Will Government continue to provide financial support to Camp Emmanuel to assist in drug rehabilitation as was the case under the GSLP administration?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government are committed to the establishment of a drug rehabilitation centre in Gibraltar upon which it will consult with all the interested parties, including Camp Emmanuel Trust. When a facility has been established in Gibraltar the Government will have to review our position as to the provision of financial support to Camp Emmanuel in Spain.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1996

HON R MOR:

Until such time will the Government keep on financing Camp Emmanuel?

HON H CORBY:

The payments have been continuing as was the case with the previous administration.

HON CHIEF MINISTER:

They have been started as was agreed by the previous administration. I understand that we made the first one.

HON R MOR:

Will the Chief Minister please clarify what he has just said?

HON CHIEF MINISTER:

Yes, one of the first decisions that I had to make after polling day was whether to initiate the agreement that the previous Government had done with Camp Emmanuel on the £1,000 per week and the decision that the Government made was to continue with that arrangement until such time as the Government had reviewed the position.

HON J BOSSANO:

The Chief Minister must have presumably been informed that this was a continuation of an agreement that previously existed which was related to paying £150 per person there and that this worked out at an average which was close to the £1,000 that he is talking about so it is not that they were getting nothing before. He is totally misinformed about that.

HON CHIEF MINISTER:

But the arrangement about the £1,000 a week, yes.

NO. 52 OF 1996

THE HON R MOR

SOCIAL INSURANCE PENSIONS SCHEME

What is the current position as regards the replacement of the old Social Insurance Pensions Scheme?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The current position is what it was immediately prior to the 16th May 1996 in keeping with the arrangement entered into by the previous administration with Her Majesty's Government.

Arising from this, the Government intend to establish a closed scheme to pay benefits arising from the former Social Insurance Fund, into which Her Majesty's Government will pay amounts necessary to cover payments to pre-1969 Spaniards, and Gibraltar will pay those amounts needed for all other beneficiaries. The closed scheme will require legislative effect as a matter of some priority and it is therefore intended to introduce the necessary regulations shortly. Benefits will be backdated to the 1st January 1994.

A new compulsory scheme, also backdated to the 1st January 1994, will also be established. It is intended that the new scheme will be operative on the 1st January 1997. This will require primary legislation which should hopefully be brought before this House later in the autumn.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1996

HON J BOSSANO:

The position that the Government have explained, Mr Speaker, was prefaced by saying that it was the same as it was before the 16th May. Are the Government not aware that before the 16th May there was a commencement of a process of discussion between the Government of Gibraltar and the Government of the United Kingdom where the Government of the United Kingdom through their technical experts that they sent to Gibraltar made a number of proposals some of which were considered acceptable and some of which were considered unacceptable and is therefore then Government saying that they consider unacceptable what was unacceptable before the 16th May and they consider acceptable what was acceptable before the 16th May?

HON CHIEF MINISTER:

No, what the Government are saying is that those proposals are being studied by us because what was unacceptable to them may not be unacceptable to us. The room for manoeuvre is not great because really there are not too many controversial points at issue in respect of the closed scheme at least and that list of UK proposals

is presently being studied by officials on behalf of the Government of Gibraltar with a view to entering into a final agreement as to the drafting of the closed scheme negotiations, or discussions rather, have not yet commenced in respect of the open scheme which will commence from the 1st January 1994 onwards. So the answer to the Leader of the Opposition is that the exact detail of the UK proposal is under review insofar as it relates to the nitty gritty, so to speak, of the closed scheme but that the Government are bound by what he agreed in the Heads of Agreement which I have in front of me, with the British Government.

HON J BOSSANO:

Let me make absolutely clear to the Government, Mr Speaker, that they do not need to feel bound by anything they are told by the British Government that they are bound by because if I had accepted that philosophy in 1988 I would have found myself bound by, for a start, having to pay £1.5 million to Spanish pensioners which the previous administration said they had to pay and I refused to pay. I would say that the Government should, in looking at this, assume the responsibility of rejecting anything they feel that we accepted which is not in the best interests of Gibraltar and I would like confirmation that he will be prepared to take that stand.

HON CHIEF MINISTER:

I am not necessarily prepared to take the stand that he took on all issues because as he well knows we had different opinions on different matters. I do not know why he should think that I am being directed by the United Kingdom when I spoke of officials, I had thought that he would assume that I meant Gibraltar Government officials. Unlike 1988 when he arrived in office I do not regard independent professional civil servants with suspicion. Gibraltar has an Administrative Secretary that served him and now serves me and the persons who are guiding me on these matters are the Administrative Secretary of the Government of Gibraltar and indeed other civil servants available to the Government of Gibraltar with expertise on matters of pension. So I do not see why he should jump to the conclusion that I am dancing to the tune of British Government officials when he must know that I have access to papers and access to advice designed to ensure continuity between one administration and another and that that advice is local advice and not UK advice.

HON J BOSSANO:

I was not talking about any advice that he is getting from anybody, I was talking about the fact that he chose in his reply to say that he had in front of him a piece of paper which is the result of agreements between the Government of the United Kingdom and the Government of Gibraltar which he has to continue with and I am telling him that if there is anything in those agreements that he would not have done then he should feel free not to be bound by it. It has nothing to do with the advice he may get from the Administrative Secretary or not get from the Administrative Secretary, it has to do with the freedom of political action that he has and which I would not accept he has had removed from him prior to the 16th May.

HON CHIEF MINISTER:

I do not agree. The document that I have here in front of me as to what the previous Government of Gibraltar agreed has been given to me by the Administrative Secretary so I assume that it is an accurate statement of what the previous Government of Gibraltar agreed. As far as I am concerned this is a technical matter, I am having it confirmed to me that the terms of the agreement are as had been agreed and if that is confirmed to me, as far as I am concerned, I feel that a commitment entered into on behalf of Gibraltar by the previous Government is a commitment which the new Government in a technical matter of this nature should be bound by and that is the view that I will take.

HON J BOSSANO:

The point that I am making to the Chief Minister and I want confirmation on is that if we agreed to carry out certain steps by July is he saying that he is bound to carry out those steps by July even though he would not wish to carry them out or is he saying that he would carry them out because they make sense and they are fundamentally different things on which we wish to have a reply because if he is saying the former then I am telling him that we in the Opposition do not accept that the nature of the undertakings that we gave the British Government as to what we would do after the general election were anything other than based on the caveat provided we were elected to do it. There was absolutely no question at any stage that there was any undertaking given to the British Government that would have to be honoured by a different administration.

NO. 53 OF 1996

THE HON J GABAY

LATHBURY BARRACKS

Can Government confirm that the option on the possible use of the site at Lathbury Barracks by Sheffield University has been extended and if so, until when?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED,
YOUTH AND CONSUMER AFFAIRS

I can confirm that the option on the possible use of the site at Lathbury Barracks has been extended in conversations held between the Minister for Trade and Industry, myself, representatives of the University College Gibraltar Ltd as partners of Sheffield University and also Coopers and Lybrand who are currently carrying out a feasibility study on their behalf have been held. It is expected that this feasibility study will be concluded by September this year.

SUPPLEMENTARY TO QUESTION NO. 53 OF 1996

HON J GABAY:

Much as we would welcome obviously the institution of a university at Lathbury Barracks, a project in fact strongly recommended by the former Minister for Education, is it not ironic in principle that the Government should extend an option on the site to a commercial consortium without it being subject to open tender particularly when we refer to the Chief Minister's comment recently on the dangers, presumably, of exclusivity in investment?

HON CHIEF MINISTER:

I do not think it is peculiar at all. If the hon Member cares to read our election manifesto he will see that it makes careful distinction between contracts for the supply of goods and services to the Government in respect of which we will apply strict tender conditions and contracts for the allocation of Government lands to projects that are deemed to be of importance to the overall economy which will not necessarily be put out to tender. That distinction is clearly made in the manifesto so I do not see why the hon Member should have come to the conclusion that it is peculiar.

HON J GABAY:

What I had in mind, and it does touch on the tender system, whatever may have been said in the manifesto, if an option in my opinion is actually extended it should not be open-ended. There ought to be some clause explaining the reason for the extension and perhaps even the penalty if the end result is not what would be required.

HON CHIEF MINISTER:

This is not an enforceable contractual option, this is a decision by the Government to hold in abeyance allocating Lathbury Barracks to some other purpose to give people who have put an interesting proposal forward, time to establish whether that proposal is viable, that is all that has happened. There has been no award of any proprietary interest in the land, there is nothing that they can demand from the Government, there is nothing that they can sell, they have nothing of value, what there is is an agreement by the Government not to allocate the land for some other purpose until they have been given a reasonable opportunity to demonstrate to the Government that their plan is viable. If they show that their plan is viable then the Government will very probably agree to allocate to them all or such part of Lathbury Barracks as the Government are persuaded is necessary for the establishment of a university in Gibraltar.

HON J C PEREZ:

Can the Chief Minister perhaps state whether by, say, the end of the year if the proposals do not materialise into a formal proposal for a university, if the idea does not materialise into a formal proposal, whether Government would reconsider the idea of having the College of Further Education located at Lathbury Barracks as was planned prior to the general election?

HON DR B A LINARES:

The answer is yes.

HON CHIEF MINISTER:

And I might like to add that it is not December or the end of the year, the answer to the question says that they have until September.

HON J C PEREZ:

I am giving the hon Member some leeway.

NO. 54 OF 1996

THE HON J GABAY

PRIVATE EDUCATION

What is the Government's policy as regards private education?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED,
YOUTH AND CONSUMER AFFAIRS

The establishment of a private school is a constitutional entitlement. The Government respect this constitutional right.

The Government, however, are also responsible for ensuring that any private school conforms to certain standards required in Part V of the 1974 Education Ordinance. May I add as a personal note that I am proud to have been instrumental in the enactment of this Ordinance as I was a member at the time of the Education Ordinance Commission. The section in the Ordinance that I have referred to I would quote to be absolutely explicit, reads like this, "The Director shall not grant approval for the establishment or conduct of an independent school unless he is satisfied that the following requirements will be complied with, that is to say:- (a) the school premises shall be suitable for a school; (b) the school premises shall be adequate and suitable having regard to the number, ages and sex of the pupils to be accommodated therein; (c) efficient and suitable instruction shall be provided at the school, having regard to the ages and sex of the pupils for whom instruction is to be provided; (d) every person engaged in teaching in the school shall be a person of suitable character, educational qualifications and training, having regard to the purposes for which he is to be employed; (e) the need for such school shall be established; (f) there shall be no unreasonable refusal of admission of pupils to the school". Government policy as regards private education is well defined within the parameters of this Ordinance.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1996

HON J GABAY:

The purpose of the question of course was not in fact to put into dispute the question of choice in private education. It was merely to try to find out whether the Minister has the set-up and the inspectorate, given the complexities of the national curriculum, to monitor and ascertain that the required standards are being maintained particularly in schools with very small numbers and limited perhaps physical facilities.

HON DR B A LINARES:

Yes, indeed, I am satisfied that the Department of Education has the resources in terms of inspectorate to monitor precisely that private schools, particularly those established recently, come up to the required standards. In fact, it has already been agreed in conversations with the President of the Jewish Community and the headmaster of the Jewish Girls' School recently established, that there will be a comprehensive inspection of the school in a positive sense, in terms of assistance, in early September.

NO. 55 OF 1996

THE HON J GABAY

SCHOOL MOVES

Do the Government envisage that the school moves recently announced by the Minister for Education will be satisfactorily implemented, without undue disruption of classes, by the beginning of the new school year in September?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED,
YOUTH AND CONSUMER AFFAIRS

We have assurances from the Government Technical Officer in charge of the works programme related to the school moves that these will be completed well in time for the beginning of the school term in September. The schedule of works has been drawn up in consultation with the headteachers of the schools involved in these moves, that is, the Headteacher of Governor's Meadow, the Headteacher of Bishop Fitzgerald and the Principal of the College of Further Education and they are perfectly satisfied themselves with the specifications in this schedule of works as meeting their requirements totally and ensuring an adequate provision for the children and students at the beginning of the school year.

SUPPLEMENTARY TO QUESTION NO. 55 OF 1996

HON J GABAY:

Further to that answer, Mr Speaker, is the Minister aware that the staff of Bishop Fitzgerald School have voiced serious anxieties at the manner in which the move is being currently conducted and feel aggrieved at the lack of timely consultation in preparation for the move?

HON DR B A LINARES:

There have been a few voices raising these cries of alarm, disgruntled voices. I would not agree that this has been the staff globally of Bishop Fitzgerald School. I have indeed before me the prospectus which has been published by Bishop Fitzgerald School by the Headteacher to parents, a recently beautiful publication in which she explicitly states, "In September 1996 the school will be housed in what used to be St George's School. The location will have ample accommodation for the classrooms and specialist rooms as well as a hall, two playgrounds and spacious open areas between blocks. At long last the school will be contained within one single site". The Teachers' Association which also represents the feelings and anxieties and the aspirations of the teaching profession, including staff at Bishop Fitzgerald, have stated in their latest news and views bulletin, "We are confident that the quality of teaching, once the school moves are implemented, will not be affected by the proposed moves". I have a letter from the GTA in which the anxieties that the hon Member mentioned from some members of Bishop Fitzgerald

and really they were not really intended in the spirit of criticism but rather alerting the department and I welcome that form of contribution, to specific aspects of the refurbishment programme and the needs of the school, as I say, I welcome those contributions but we have carefully actually gone through all the specific items that they have proposed and are quite satisfied that they have been included in the schedule of works.

HON J GABAY:

Further to the initial question, is the Minister aware that normal classes have been disrupted as a result of improperly planned packing of essential equipment and that consequently for the last two weeks very little proper teaching, from what has come to my notice, has taken place?

HON DR B A LINARES:

I am not aware that there has been any major disruption, I think in all honesty the hon Member and all of us will agree that at the moment, towards the end of term when there are these moves which are, I am sure the hon Member will agree, absolutely necessary, there will be a certain element of excitement in the school but I do not think there is any cause for alarm that this is going to have any long-term disruption in the educational process and the educational advancement of our children. I am sure the hon Member will agree in realistic prospective that this is the case.

HON J GABAY:

Although the answer given appears reasonable, we have both been in the management of schools and we easily realise that very often there is a tremendous loss of time depending on the way things are organised. My point is, could it not have been possible for some of this packing of the equipment to have been done during the holidays so that the problem of not teaching the children properly does not arise, particularly with the holiday feeling, as he well knows, that creeps in towards the end of term when summer hours are instituted?

HON DR B A LINARES:

I leave these practical arrangements to the practitioners in the field, the Headteachers, the teachers in which I have full confidence.

HON J C PEREZ:

Coming back to the original reply of the Minister, could he say whether in the work schedule the works for the annex of the College which I understand goes into the Mackintosh Hall has also been included?

HON DR B A LINARES:

Yes, indeed, I am very happy to confirm that.

HON J GABAY:

I was kindly interrupted by my hon Colleague, I have a couple of questions pertinent to the initial question. Can the Minister pronounce on the state of the pre-fab building into which the pupils of Bishop Fitzgerald will be moving into? From what I am told this pre-fab building had an intended life of 10 years whereas it is currently 28 years old.

HON DR B A LINARES:

My information is totally contrary to that. I think the hon Member has been incorrectly informed.

HON J GABAY:

I shall check on that information. Finally, there is one more question. What traffic plans do the Government have for what is going to be a dangerously congested area, since at the beginning of September we are going to have a concentration of three schools in a very confined area which is already difficult traffic wise? Given the fact that there will be approximately 1,600 pupils arriving and leaving school at the same time, I feel that this will require very, very special attention.

HON DR B A LINARES:

I share the concern validly expressed by the Opposition Member. The plans we have, having been studied by the experts technical officer is that there is a wasteground to the west of St George's complex which is now used for parking, we are aiming to tarmac and level out this wasteground which will provide a lay-by for cars bringing the children to drive in, deposit the children, there is the gate to the school adjacent to that waste ground and we are satisfied that that will provide a safe entry to the school for these children but I am grateful for the concern shown by the hon Member.

HON J C PEREZ:

Was that waste ground not earmarked as part of a playground for the children?

HON DR B A LINARES:

Not at this stage. That is not within the schedule of works and the plans that the technical officers have.

HON J L BALDACHINO:

Will the Special Unit at Bishop Fitzgerald also be moving to the new premises?

HON DR B A LINARES:

Yes, indeed.

ORAL

NO. 56 OF 1996

THE HON J GABAY

CAREERS' MASTERS

Is the Minister dissatisfied with the service currently being provided by the Careers' Masters at the Comprehensive Schools?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED,
YOUTH AND CONSUMER AFFAIRS

I am totally satisfied with the performance and the function of the Careers' Masters in both Comprehensive Schools.

NO. 57 OF 1996

THE HON J GABAY

CAREERS SERVICE

I failed to respond to the last question I put because it is very intimately linked with the following question.

What specific arrangements are envisaged in terms of personnel and facilities for the Schools Careers Service?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED,
YOUTH AND CONSUMER AFFAIRS

The Government are committed to the re-introduction of a properly set up Schools Careers Advisory Service which existed and functioned successfully in Gibraltar until 9 January 1990 when it was effectively scrapped by the GSLP Government. At this early stage we are now picking up the pieces. We have held discussions with those officers who were then engaged in this valuable service to the schools and who are now disbanded either in the existing Youth Service or in the Employment and Training Board. I can happily state that these officers have shown real enthusiasm to renew this service and support the schools. This will be of benefit not only to the students but to the job market providing properly prepared young people to serve the needs of a developing economy. But it will take some time before we can, to answer more directly the question, in consultation with relevant personnel make specific and practical arrangements to implement the service on a sure footing.

SUPPLEMENTARY TO QUESTION NO. 57 OF 1996

HON J GABAY:

Would the new unit when eventually established replace the role of Career's Masters in the Comprehensive Schools or will that be a continuing role?

HON DR B A LINARES:

This arises from a lack of understanding of the distinction between careers education which is an intrinsic part of the school curriculum enabling pupils in a process of self-assessment, of assessment of their own interests and their own skills and their own potential, decision-making skills, etc. This is an educational programme and quite distinct from the careers advisory service which is carried out by specialists from outside the school and who support the school's careers programme with factual information and advise and guidance concerning opportunities and prospects in the job market. This service, as I explained before, existed in Gibraltar under the auspices of what was called then the Youth and Careers Service until 9th January 1990 when this service was split up, one branch became the youth service looking after the clubs and the leisure activities of our young and the other what was called, I think, at the time, job centre, the precursor of

the existing Employment and Training Board. The latter was so engaged then as a mere employment agency and they no longer had time or resources to service the schools in the traditional manner. It is the intention of this Government to reintroduce this service as a service for the students themselves and as a useful means of preparing young people for the needs of developing economic activities in our community. I repeat, a clear distinction must be made between the careers education programme intrinsic to the schools and the support service of specialist careers advisers.

HON J GABAY:

I can assure the Minister that I am not labouring under any misapprehension about the distinctive roles mentioned. My question is, in fact, or may I put the question this way, that in a small community such as ours I think it is possible to combine both roles and centred in the schools where there is a personal interest and knowledge of the children concerned and also care for those children rather than a unit virtually operating separately and in some degree alienated from the pupils in the schools. I think that is possible and it is properly done in many independent schools.

HON DR B A LINARES:

That is a matter of opinion which I do not share and it is not shared generally by educators and specialists in this area of careers education. A teacher is well versed in the educational aspects of careers orientation but he cannot have knowledge of the particularities and the specific conditions of the job market outside, opportunities, prospects and that co-operation, that interaction between the careers master in the school, I agree with the hon Member that there has to be very close co-operation between the careers advisory specialist and the careers master but that one cannot replace the other. It is a matter of opinion and I am clear about my own.

HON J L BALDACHINO:

Will the Minister state if this would also be advantageous to the one year courses that he introduced when he was the headmaster of Bayside which actually placed pupils who should have been in full-time employment with a full-time education with different employers and they only used to go to school for a day or two days? Is this what he intends to introduce with that also benefit those young persons?

HON DR B A LINARES:

I think it will, yes indeed.

NO. 58 OF 1996

THE HON J GABAY

PUPILS ABILITY

What are the Government's policy on the advisability of streaming pupils according to ability groups, a policy being propagated even by new Labour in the United Kingdom?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED,
YOUTH AND CONSUMER AFFAIRS

Government policy is to ensure that every child is educated to her or his aptitude and ability. To achieve this the Department of Education will encourage differentiation in teaching practices. This differentiation in practical terms may be effected through a whole variety of teaching methods, that is, streaming, setting, banding, mixed ability, etc and these methods are adopted at different stages in different situations depending on the particular circumstances of the students learning situation and experience. It is not for the Government to impose or prescribe on the practitioners in the field any particular methodology but simply to monitor and ensure that whatever practice is put into effect is in consonance with the principle of differentiation, which I have explained is equal opportunities and "to each according to her or his needs".

SUPPLEMENTARY TO QUESTION NO. 58 OF 1996

HON J GABAY:

This comment on differentiation in fact has very little to do with the realities in a classroom and it is an important matter of educational philosophy therefore I ask this subsequent question, is it not a reasonable assumption that the general decline in literacy and numeracy is partly the result of teaching mixed ability groups under the myth of differentiation and that such grouping fails to maximise both the potential of the weak and also the potential of the talented alike thus creating dangerously a degree of mediocrity and this has drawn the attention of many educational experts and educational philosophers?

HON DR B A LINARES:

Once again we have here value judgements which are a matter of opinion and which I respect but which I do not share. I think my views on this are actually well echoed in the thinking of new Labour which the hon Member has referred to in his question, I might quote here as not at all well expressed in his idea that new Labour is all for streaming as such. This is a completely superficial understanding of what Tony Blair and Mr Blunkett have said recently explaining new Labour policy and I will quote from a speech by Tony Blair which was reported in The Times Educational Supplement and which we will see completely harmonises with the type of thinking that I explained in the first answer to the hon Member's question. Mr Blair said, "It is not of course up to the central government to prescribe classroom

organisation in 25,000 schools" - we do not have 25,000 schools but we have quite a few schools - "and it is not for the Government to prescribe classroom organisation of these schools. Professional judgement according to local circumstances is important". It goes on to say, "New Labour will encourage teachers to choose their methods on the basis of what works to make decisions on the basis of evidence which is what I was calling for from the hon Member opposite, not ideology that means using teaching methods that recognise and develop the different abilities and talents of children while an overly rigid system of streaming", if anything new Labour is not all that happy about streaming, "can lead to the same problems as the eleven-plus, not to take account of the obvious common-sense that different children move at different speeds and have differing abilities is to give idealism a bad name". May I add finally that I fear, and I have to say this in all sincerity and with respect, that the type of thinking behind the hon Member's questions tends to the very right wing ideological position on which not new Labour but rather the Tories in Britain are upholding at the moment - election, segregation and educational elitism.

HON J GABAY:

We have heard the usual words of idealism, ideology and so on and so forth coming from the Minister, no doubt we shall have an opportunity in the future to probe more deeply into these matters. The question remains that the ideology is usually coming from the side that claims to have no ideology but, as I say, this will be a subject for further discussion. Let me end with a question by saying, is it not possible that despite the Minister's idealism and so forth that he may find himself in the same unenviable position with regard to his children as Mr Blair?

HON DR B A LINARES:

Mr Blair sent his children to...

HON CHIEF MINISTER:

What unenviable position is Mr Blair? That contains a value judgement in itself.

HON J GABAY:

I thank the Chief Minister for his immediate intervention. The thing is the duality of standards often applied in which the sort of message given by the Minister is a theory propagated and put forward whereas in fact the reality of their own choices are really quite different. I think that the Chief Minister should understand the point that I was making already.

HON DR B A LINARES:

Dualism between my ideals and ideas and my practice has never been a common feature in my life. I think at the age of 60 I do not intend to engage in that type of dualism.

HON J GABAY:

I would like to answer that last remark without asking a question.

NO. 59 OF 1996

THE HON J C PEREZ

TRAFFIC

Now that the works initiated by the GSLP Government at Moorish Castle have been completed, will Government state when they intend to enforce a one-way system in the area?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Plans for the new traffic arrangements at Moorish Castle and Lower Castle Road were submitted to and considered by the Traffic Commission at the meeting No.10/96 held on Tuesday 18th June. The plan, as agreed, includes the provision of new signs and road markings and a one-way system in the area. The one-way system will be enforced as soon as it is gazetted.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1996

HON J C PEREZ:

Am I to understand that the Minister is quite rightly in my judgement allowing the Traffic Commission to continue to take decisions on matters of this nature which he so forcefully rejected when he was in the Opposition?

HON LT-COL E M BRITTO:

In this area, like in many other areas, in the short time that this Government are in office, no substantial changes of policy have been yet implemented. So in short, the answer to the hon Member's question is, at the moment yes.

NO. 60 OF 1996

THE HON J C PEREZ

ORANGE BASTION DEPOT

Will Government continue with existing plans to move the Orange Bastion Depot of the Electricity Department to the site of the old Government Stores?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are aware of the poor conditions at both the Orange Bastion Depot, which is subject to severe flooding whenever heavy rains occur, and the offices and workshops still in use at King's Bastion. It is Government's intention to consider the relocation of these facilities to a suitable location.

In regard to the move to the old Government Stores in Rosia Road, a study to determine the layout of the site and disposition of facilities has been carried out. There is also a need to consult the relevant Government Departments in order to determine the exact extent of building work that this move would entail and the cost of these works. This is currently in hand. Once Government are satisfied that the move is feasible and offers the best possible land use for this particular site a decision will be made whether to transfer to this or another location.

SUPPLEMENTARY TO QUESTION NO. 60 OF 1996

HON J C PEREZ:

Is the Minister aware that a decision had already been taken to move and that the plans that he is mentioning are under consideration had already been considered and approved prior to the general election?

HON LT-COL E M BRITTO:

That might well be the case but if there is a small matter of a general election held on the 16th May which changes anything the previous Government may have decided in this area. I am not discarding the possibility, I am just saying that it is under consideration again.

HON J C PEREZ:

Then what I understand the Minister to be saying is that notwithstanding that the plans were there, they might not be carried out because the area in question might be used for something else?

HON LT-COL E M BRITTO:

That is a possibility.

HON J C PEREZ:

Could the Minister take on board the urgency that there is to move both the people in King's Bastion and in Orange Bastion because of the heavy flooding and because of the bad conditions that there are prevailing in both areas? Could the Minister take a quick decision whether the move has to be taken on this site or on another one given the atrocious conditions and given that we have only got really the summer months to be able to effect the move?

HON LT-COL E M BRITTO:

The Government are aware of the severe flooding problems, just as the previous Minister was aware during his term of office, flooding is not something that has started in the last three weeks and therefore I will give it the same urgent consideration that the previous Government have given.

HON J C PEREZ:

Then I am sure that as the previous Government did a decision will be taken in the short term which is the decision we took prior to the small matter of the general election as the Minister says.

ORAL

NO. 61 OF 1996

THE HON J C PEREZ

CUSTOMS SOCIAL CLUB

Can Government state whether they will meet the cost of the refurbishment of the new Customs Social Club located at the old Frontier Guard House?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, Sir.

NO. 62 OF 1996

THE HON J C PEREZ

TRAFFIC

Will Government proceed with a scheme which will divert traffic from the Upper Rock through the Great North Tunnel, by accessing it via the old Calpe Generating Station with outward access through Maida Vale in Engineer's Road?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The use of the Great North Road Tunnel as a public relief road although feasible would require a significant amount of new major works to ensure satisfactory operation and public safety. The tunnel was constructed in the 1940's and although acceptable for intermittent military use, is presently largely unlined, narrow in places, lacks adequate ventilation and access would be difficult for the emergency services in the event of a traffic accident. The Government are considering carrying out an in-depth study of circulation of traffic. Until such time as this is completed and the results evaluated, major projects of this nature will not be implemented.

SUPPLEMENTARY TO QUESTION NO. 62 OF 1996

HON J C PEREZ:

Is the Minister aware that the Gibraltar Government together with the Ministry of Defence undertook a study and there was an order of cost of £1.5 million to effect the necessary removal of services on widening the road to the tunnel in order to facilitate this access?

HON LT-COL E M BRITTO:

I am not aware of this study but I am aware of the recommendations made by Kumagi Gumi to the previous Government where, amongst other things, they said, "We must advise that the use of the tunnel as a public thoroughfare is not recommended without significant new works to ensure the satisfactory operation and public safety". They also said, "The entrance at Maida Vale is a blast chamber with two blind right angle bends before entering the Great North Road. This alignment is unsatisfactory for public use".

HON J C PEREZ:

It would seem that the Minister is not aware of the updated situation with regard to that which is that between a cost of £1.5 million and £2 million there can be safeguards put in the tunnel as long as the tunnel is used on a daily basis only with security guards at either end. This would mean that the whole of the traffic of the Upper Rock would be out of the city centre, would decongest the city centre from

that traffic and it would come out at Engineer's Road. So work done over and above the recommendations of Kumagi Gumi suggest that expenditure to the tune of £1.5 million will be able to secure services that there are there and would be able to have roads widened to effect this in a cost effective manner.

HON LT-COL E M BRITTO:

As the Opposition Member is aware, the files of the previous Government are not available to me and that is why I am not aware of the consultation he refers to. I will nevertheless make it my business to inform myself of the report he has referred to and of the recommendations contained therein. I will however repeat what I said in my original answer that it is the intention of the Government to carry out an in-depth study of traffic circulation in general in Gibraltar and therefore major projects like this cannot be implemented. The result that the hon Member was wishing for in his previous question is, of course, something that we would like to achieve, as we all would, to improve circulation and we will certainly be taking such factors into account in any studies that we make.

HON J C PEREZ:

Then I take it that the Minister is not rejecting totally the use of the tunnel and that it would be put into the study which has been taking place on-going....

HON LT-COL E M BRITTO:

Yes, Sir.

NO. 63 OF 1996

THE HON J C PEREZ

ENGINEER CAR PARK

Can Government state whether they will agree to an existing proposal to construct a pay car park at the existing Engineer Car Park at Engineer Lane?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The proposal to build a car park on Engineer House car park site was put forward to Government by the residents affiliated to the Satellite Association of the area concerned. Their intention was to build garages and car parking spaces for sale and not a pay car park. The developer has been carrying out a marketing exercise in conjunction with the Association with a view to submitting formal proposals to the Government. Once these proposals are received, Government will consider them and make decisions in line with our overall policy of traffic circulation and management of parking.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1996

HON J C PEREZ:

Could the Minister give me a commitment that he will give this matter some urgency given the no parking restrictions that are taking place in Main Street as a result of the beautification scheme, there will be a lot of parking spaces lost there and that therefore the urgency to look at this project is greater as a result?

HON LT-COL E M BRITTO:

I already have arranged and had arranged before this question was put, a meeting next week with a prospective developer and no doubt I will be better informed about how the study that they have been carrying out has resulted. Until such time as the developer actually puts forward suggestions, the whole project is very much in the air but I take the hon Member's point of the urgency of parking and of course it is something that I am very conscious of.

NO. 64 OF 1996THE HON J C PEREZ**CABLE LINK WITH MOROCCO**

Can Government state whether they will proceed with plans to have a fibre optic submarine cable link with Morocco?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government will support proceeding with plans to have a fibre optic submarine cable link with Morocco at such time as this is considered to be technically necessary and commercially viable. Such circumstances may arise when the Afro-Asian Satellite project starts generating sufficient high volume of traffic minutes.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1996

HON J C PEREZ:

Is the Minister perhaps not aware that given that there is a submarine cable called SEMEWE 3 which is to touch Morocco, that the link per se would attract telecommunications business to Gibraltar as a result of Gibraltar having access to two important world submarine cables such as is FLAG AND SEMEWE 3 and that Gibraltar could become an important telecommunications centre if it were to invest in having this link to Africa and is he not aware that any telecommunications business coming to Gibraltar will eventually need the security of that cable in order to ensure that obstacles are not put in their place by our friendly neighbours who like so much to dialogue with us in order to protect the business ventures that need to be established in Gibraltar and that that cable gives us independence because there is another cable link that goes from Africa, the Euro-Africa cable, into the UK and gives us the facilities needed there to protect any telecommunications business coming to Gibraltar?

HON LT-COL E M BRITTO:

Of course it is desirable to have as many possible links and have as many possible options. My understanding is that at present the situation is that the ASC project is considering passage primary outlets, the flag cable to which the hon Member referred to and also the SEMEWE 3 cable which is due to land in Tetuan in Morocco. There is also another alternative link which the hon Member has not mentioned and that is the microwave link to Morocco. The situation with the fibre optic submarine cable is very simple, as I indicated in my previous answer. At present times the indications are that it is not a commercial proposition and until such time as the ASC project is up and running and generating enough traffic, it will not be clear whether it is or whether it is not. The Government are waiting for that situation to arise to consider it in consultation and in conjunction with the incumbent telecommunications operators, both Gibtel and Nynex to consider whether in fact the fibre optic link is desirable.

HON J C PEREZ:

What I am telling the Minister is that independent of the ASC project and in order to enhance the potential of Gibraltar to continue to attract telecommunications project, enquiries that have been made usually look at what they term as restoration position for the traffic that they could generate and that they therefore would need to have that cable link with Morocco in order to ensure themselves that the political situation with Spain does not lead commercial entities in Spain to accidentally tamper with connections which need to be legally given to Gibraltar and therefore as restoration and as a back-up they would want to see that link there and given that the cost of such a link is not that exorbitant, what I am asking the Minister is that independent of the ASC project, will the Government not consider the link per se by itself?

HON LT-COL E M BRITTO:

At the moment the answer is that the Government, much as we would like to consider it and provide the necessary back-up, the information that we have is that the back-up is there through the microwave link and through the SEMEWE 3 cable once this is in place. The alternatives, although much desirable, at the moment are not commercially viable.

HON J C PEREZ:

The Minister does not seem to be aware of what the SEMEWE 3 cable is because if we will not access this unless we have got the cable so it is no use saying that the SEMEWE cable is there, it will not be there if we have not got the fibre optic link.

HON LT-COL E M BRITTO:

The SEMEWE cable is not yet there.

NO. 65 OF 1996

THE HON J C PEREZ

FIBRE OPTICS

Will Government consider investing in a scheme which would connect every household in Gibraltar via fibre optics into the existing fibre optic loop around Gibraltar laid by Gibraltar Nynex Communications Limited?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government are continuously monitoring progress in telecommunications technologies and does not discard the possibility of investing in a fibre-to-the-home scheme.

SUPPLEMENTARY TO QUESTION NO. 65 OF 1996

HON J C PEREZ:

Can the Minister give me an indication on when it is that they would be able to take a decision on this?

HON LT-COL E M BRITTO:

The cost of providing fibre optic to the home is presently quite expensive and would not provide any significant improvement in the quality of the basic telephone service to the customer. Although the fibre optic technology offers a very high capacity circuits, cable television etc, the cost of the conversion equipment needed at the customer's premises to convert the laser energy into a usable format such as for video and for audio is still significant. As technology advances, these costs are expected to decrease with the introduction of more equipment already designed for direct connection to the fibre networks so the Government would defray decisions until such a situation arose.

HON J C PEREZ:

I take the opportunity to remind the Minister that the information I have will be accessible by Gibraltar and that every modern society will be having to make use of it particularly in a developing society like ours and in a developing economy and that educationally, culturally and socially a fibre optic link in the home will be essential in the not too distant future given the changes in technology that are taking place and I urge Government Members to have a fresh look at it because it is essential for the development of our society and for keeping at the top range of the market in attracting business and in the educational field as well.

HON LT-COL E M BRITTO:

We take on board what the hon Member has said and no doubt post-1st January 1998 where the situation will change drastically in Gibraltar with regards to telecommunications and planning towards that date, we will be in a better position to look at the situation.

ORAL

NO. 66 OF 1996

THE HON MISS M I MONTEGRIFFO

FINANCIAL ASSISTANCE

Are the Government prepared to provide financial assistance to the Gibraltar Rifle Association in the construction of an indoor rifle range?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 68 of 1996.

NO. 67 OF 1996

THE HON MISS M I MONTEGRIFFO

VICTORIA STADIUM

Can Government confirm that they will replace the Victoria Stadium roof, the outdoor floodlighting for the main outdoor pitch, and install a new floodlighting system at the second pitch, as the GSLP administration was committed to doing?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Almost immediately after coming into office, the Government were made aware about the state of the Victoria Stadium roof and of recommendations that urgent repairs needed to be carried out. Government were advised that the roof was in such a bad state that the uninterrupted sports programme for the Victoria Stadium hall for the forthcoming winter season could not be guaranteed. The deterioration in the state of the Victoria Stadium roof to its present unacceptable state occurred during the term of office of the previous administration. The new Government intend to replace the roof at the earliest possible opportunity. The contractors are at present preparing revised quotes and a time scale for the required works. The question of the outdoor floodlighting of the main outdoor pitch is under consideration, and the floodlighting of the second pitch is being actively considered and pursued by Government. Steps to do so had already been taken at the time this question was tabled by the Opposition.

Due to the constraints of the proximity of the airport, full floodlighting will not be possible and, as the hon Member knows, only a system which provides enough lighting for training purposes will be possible.

SUPPLEMENTARY TO QUESTION NO. 67 OF 1996

HON MISS M I MONTEGRIFFO:

I know about the floodlighting in the second pitch and I know that it is impossible to have full floodlighting but the commitment from the GSLP had been given previously before we were in Government. I take issue with the Minister because he has said that very soon after taking office he knew about the roof at the Victoria Stadium. That is not correct because when I was in Government the Minister when he was in the Opposition used to ask me questions about the roof. Our record on sport is unquestionable and we gave a commitment, before we left office, that we would replace the roof. Is the Minister now saying that he did not know about the roof?

HON LT-COL E M BRITTO:

I am struggling very hard to avoid making political points in my answers to questions but if I am provoked in such a manner my resistance may fail. Of course I am aware of the state of the roof, I asked the Opposition Member continuous questions from the Opposition about it and continuously she said that everything was all right. [HON MISS M I MONTEGRIFFO: No.] She said that the sports programme was not being

interrupted, that there was no danger to people using the hall and that what repairs were necessary had been carried out. Let me tell the Opposition Member that as she knows the leaking in the Victoria Stadium started about six years ago, according to the brief that I have; that over the past two years repairs were carried out by the previous administration and over the past two years these leaks returned and in fact got worse; that the leaks were substantial in number and volume and serious damage to the expensive sprung wooden floor was imminent; that the wooden floor was on occasions very slippery and consequently extremely dangerous. This is the brief that I have been given by the people concerned and responsible for these matters. A number of matches in various sports had to be cancelled during the past season; that the roof sheeting is beyond economical repair, that all the sheets have to be replaced or the problem will continue; that the very rough estimated cost at the moment is about £50,000, and that although commitments may have been made once again verbally, no actual provision was made under the previous administration in the 1996/97 Estimates of Expenditure, as these were considered new works.

HON J C PEREZ:

The Minister will recall that when he asked the last question my hon Colleague, the Hon Miss Montegriffo, was away due to her father's illness and that I replied on behalf of the Government and that he was informed that yes, we had been informed that the roof was in a bad condition and that yes, we were committed to making the essential repairs necessary during the summer season for the roof. What my hon Colleague is saying is that it should not have taken the Minister by surprise when he came into office given the reply that he was given when he raised the matter from the Opposition benches and where I was the one who gave the reply because my hon Colleague was absent from the House.

HON LT-COL E M BRITTO:

The Minister was not taken by surprise, I will repeat the answer to the original question, "Almost immediately after coming into office, the Government were made aware about the state of the Victoria Stadium roof", the Government consist of eight people. This particular Minister was aware not just on the occasion of the question referred to by the hon Member but over the last six years at least or four years certainly when I have asked the question several times and, of course, I had been aware, of course I knew what the state was. What I did not know and what I was taken by surprise was how bad the situation was, but that is neither here nor there. They say they were committed, there was no provision in the Estimates, this Government are committed to doing it and it is going to be done so I fail to see what we are arguing about.

HON J C PEREZ:

If the Minister looks at Hansard he will see that the commitment was there because I gave it to him when I was sitting in the Government benches.

HON CHIEF MINISTER:

So now we are both committed, what is the issue?

HON J L BALDACHINO:

What we have not got a commitment from the Minister is that it will be done during this summer period so that it is ready for the winter season, is that correct?

HON LT-COL E M BRITTO:

It depends what he is asking if it is correct, if it is correct that I have not given a commitment then the answer is no because I have and I said it is going to be done this summer.

NO. 68 OF 1996

THE HON MISS M I MONTEGRIFFO

FUNDS TO ORGANISATIONS

Can Government confirm that they will continue providing funds for approximately 76 sporting, cultural and charitable organisations for whom the GSLP administration provided premises?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government have allocated the sum of £49,000 as grants to sporting societies in the Estimates of Expenditure for the year 1996/97 tabled in this House today. This figure will be adjusted during the course of the financial year as and when it is considered necessary. It is the policy of the Government to establish a new democratically elected Sports Council which will act as the overall ruling body for sport, and will advise the Government on capital expenditure priorities and allocation of grants. Until such time as this new Sports Council is established, the existing Sports Advisory Body will continue to carry out this function and, in fact, has already met under the chairmanship of the new Minister for Sport and has discussed and approved grants to the Gibraltar Basketball Association and the Gibraltar Football Association for Junior Football. subject to further documentation to be presented, further grants will be approved for the Gibraltar Pool Association and the Gibraltar Amateur Athletics Association.

As regards the question of premises, the Government are aware that approximately 76 sporting, cultural and charitable organisations had been included in a list for allocation of premises. Some of these had already been offered premises by the GSLP Government, of which a number had finalised arrangements but others are awaiting policy decisions and/or structural works to the areas offered. The Gibraltar Rifle Association's case is amongst those awaiting a policy decision. There is also a number of organisations that had received no offers and had been left pending the availability of suitable areas.

I can confirm that this Government are reviewing the whole situation. The necessary policy decisions will be taken as soon as full consideration can be given to the matter.

SUPPLEMENTARY TO QUESTION NOS. 66 AND 68 OF 1996

HON MISS M I MONTEGRIFFO:

I am very disappointed at that answer because when we were in office we started a process of giving premises to sporting associations whereby we gave them a commitment that we would actually provide funds for them for the refurbishment of their premises to the extent of giving them manpower and the materials. What the Minister has said as regards the £49,000 is actually a figure that is given to sporting entities for sporting activities but not in relation to the question that I am asking. The Minister has not either answered my question as far as whether the Government are

prepared to provide financial assistance to the Gibraltar Rifle Association in the construction of an indoor rifle range. Again, before we left office we were approached by the Rifle Association and we told them that we would look at the plans and help them in the construction of a rifle range. Does not the Government therefore feel that they should fill the same commitment?

HON LT-COL E M BRITTO:

First of all, I am sorry that the Opposition Member is disappointed at my answer but I share her feeling because throughout the four years that I was in the Opposition it is something that I felt continuously in the answers that she gave me. However, it was not my intention to disappoint her. Let me say, first of all, that her question is ambiguous. She asks whether we will continue to provide funds to those associations for whom the GSLP had provided premises but she does not distinguish between the type of funds involved. That is why I divided my answer into two halves, to be as explicit as possible and I talked about the funds for sporting associations and I also talked about the premises. With regard to the premises, commitments that the previous Government made, and I find it invidious to refer to one particular association, I am talking in general and across the board, the situation is that instructions have already been issued to the effect that any works or licence, lease agreements in writing by the previous Government have been proceeded with and have not been stopped and this includes the provision of funds. Only matters which have not been either approved in writing, and I am sorry to tell the Opposition Member that she will now realise that there are many of those where very little is in writing, these matters which have not been approved in writing have been left pending the review that we are presently carrying out. This review is being dealt with with certain urgency, I have the next meeting on it is due to be held early next week, round about midday on Monday, and on matters of land generally the Government have a further meeting during the course of the week and it is being dealt with with that degree of urgency. But the short answer is those that were already committed and on-going and signed, sealed and delivered are still on-going; those where policy decisions are needed or which were not committed in writing by the previous administration have been temporarily held up pending this review that we are carrying out, that does not mean that they have been stopped necessarily, it does also not mean that they will necessarily carry on. It means exactly what I say, that they are under review. But there is no intention to stop things unnecessarily. I hope that answer satisfies the Opposition Member.

HON J BOSSANO:

Can the Minister just clarify for my benefit that what he is talking about is a review as to the allocation of the premises but I take it that the actual refurbishment of the premises will be completed independent of the freedom that they have to allocate it to somebody else?

HON LT-COL E M BRITTO:

The situation, as I have tried to explain, is that there are some projects that have been signed, sealed and delivered, plans are ready or funds have been allocated and those that are still on-going, those remain on-going. But there are other projects that are in various stages of completion. In many cases the commitments have been verbal, have not been in writing and it is therefore those that we are looking at again. It would, of course, be unlikely that projects that are already on-going and

have been allocated and some work has been done, it would be unlikely that it would be taken away from one entity to give it to another. As I say, everything has been held up pending the review and once the review is carried out final decisions will be made. But it is not the intention to make changes, the intention is to carry out a review.

HON J BOSSANO:

I accept that it would not make sense to do anything different. The only thing I am trying to be clear is that the Minister is not saying that until they have carried out the review and decided who is going to be allocated the actual work on refurbishing the premises to make them habitable will presumably still be going on?

HON CHIEF MINISTER:

Not necessarily. If the review results in premises not being allocated as the previous Government had intended, they might not be refurbished because they might be intended for a new purpose for which either no refurbishment is necessary or for which a different kind of refurbishment may be necessary. So certainly the question of the refurbishment works is an integral part of the review of allocation.

NO. 69 OF 1996

THE HON J L BALDACHINO

PRINCE GEORGE'S BLOCK

Can Government state if Prince George's Block has been handed over to the Government by the MOD and if so what use they intend to make of it?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Prince George's Block has not been handed over to the Government of Gibraltar by the Ministry of Defence.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1996

HON J L BALDACHINO:

So I assume by that answer that they will decide what use they will make of it once it is handed over to them, is that correct?

HON P C MONTEGRIFFO:

The hon Member is correct. If and when the transfer takes place a decision will be taken as to its use.

HON J L BALDACHINO:

Logically it will not follow then by that answer that when his hon Colleague was in the Opposition, I am referring to the Minister for Housing, where he stated that all residential properties that would be handed over by the MOD would then be used for Government rented accommodation, it does not necessarily follow that that will be the procedure or the policy of the Government on any other building that the MOD hand over, am I correct?

HON P C MONTEGRIFFO:

That is certainly the understanding that he should have, yes.

NO. 70 OF 1996

THE HON J C PEREZ

WINDMILL HILL

Can Government state whether G E Americom have now completed contracts with Government for the building and operation of a Satellite Teletracking Station at Windmill Hill?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have not yet completed a commercial agreement with G E American Communications for the construction of a satellite control centre and various antennas at a site in Gibraltar. There are several commercial and technical matters still to be resolved and I expect to hold my first meeting with one of the directors of G E Capital Satellites (Gibraltar), a subsidiary of G E Americom, within the next few weeks, to fully acquaint myself with the project.

The Government fully support this satellite project which will help to continue Gibraltar's development as an important telecommunications player in the world market. It will also provide employment opportunities in the local labour market.

The Government hope to be in a position to sign a commercial agreement with G E Capital Satellites (Gibraltar) in the near future.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1996

HON J C PEREZ:

Given that the company was very nearly ready to sign contracts prior to our leaving office, does the Minister know whether there is any particular issue which is blocking the negotiations or stopping the contracts from being signed?

HON P C MONTEGRIFFO:

I have eluded in my reply to both technical and commercial issues. On the purely technical issue, and by that I include legislation, as the hon Member will know Gibraltar's currently legislation on telecommunications is extremely defective and requires work on, in particular there is a need to look at the Wireless Telegraphy Ordinance implementing EU Directives and also have extended to Gibraltar the Outer Space Act. In addition to technical and legislative matters, there are matters of a commercial nature which I think the ex-Minister will have a feel for, which this new Government believe should be addressed to ensure that Gibraltar extracts the best benefit from the arrangements that we hope to bring to the Rock.

HON J C PEREZ:

I trust the Minister, whilst trying to extract the most benefit for Gibraltar will not kill the project completely and allow the company to leave and seek to establish elsewhere?

HON P C MONTEGRIFFO:

The hon Member will well understand it would not be for my political benefit to allow that to occur. This project, like the one indeed that the hon Member will now have a question on, has the ability to generate not insignificant employment, employment that does not depend on frontier traffic or anything else to which we may be vulnerable from our neighbours and therefore it is the type of project which we give particular priority.

ORAL

NO. 71 OF 1996

THE HON J C PEREZ

SATELLITE TRACKING STATION

Can Government state whether the developers of the Afro-Asian satellite tracking station have concluded their negotiations with Hughes in the United States and whether as a result the satellites for the project are now being manufactured?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Afro-Asian Satellite Communications (ASC) are still in the process of finalising negotiations with Hughes Space and Communications International in the United States for the construction of the first satellite for their project. ASC and Hughes expect to be in contract within the next few weeks.

Development work on the satellites has been on-going for close on a year.

The Government support this project which, when fully operational in about two years time, will provide employment for people in the local labour market.

SUPPLEMENTARY TO QUESTION NO. 71 OF 1996

HON J C PEREZ:

The Minister is probably aware that unless and until the negotiations from Hughes and the financing is not complete the project is in a state that it might not get materialised. Can the Minister state whether there has been any commitment to commence investment in Gibraltar by the developers in terms of a presence be that in brick and mortar at Windmill Hill or via the acquisition of offices in Gibraltar for the operation?

HON P C MONTEGRIFFO:

There is no such commitment yet extracted from ASC. We hope that if the negotiations with Hughes conclude successfully, hopefully some time this summer, that ASC would invite tenders for the beginning of the clearance works on the site allocated. There is no commitment, however, from ASC on that basis. The matter is still very much at the stage of Hughes and ASC seeking to resolve the differences which the hon Member, I am sure, is aware of and which we are hopeful will successfully be concluded.

HON J C PEREZ:

If Mr Speaker will bear with me I might deviate somewhat from the question and ask perhaps the Minister for Education whether the realisation of this project would affect the specialisation of subjects of the university in respect of the study that is being carried out by Sheffield University? If these projects are realised, is that going to be taken into account in the study by Sheffield to see whether they would specialise in this field?

HON P C MONTEGRIFFO:

I think the hon Member is right in everything that he has been saying in this session with regard to the desirability of Gibraltar having as up-to-date a communications connection with the highways information as possible and anything in that area will benefit not just residents but any educational establishment that we can attract to the Rock. Certainly with regard to the G E project in particular perhaps since they will be broadcasting fixed satellite information, that sort of benefit will be particularly relevant to the sort of establishment that Sheffield University is considering to introduce in Gibraltar. Certainly he can only help and we hope that that benefit will be for the University, for all our other educational establishments and for residents alike.

NO. 72 OF 1996

THE HON R MOR

ILLEGAL IMMIGRANTS

What is the position as regards the five Russian and other North African illegal immigrants held in prison on the instructions of the Governor?

ANSWER

THE HON THE CHIEF MINISTER

The position is as follows. The five Russian detainees applied for asylum in the UK. The applications were refused. They also applied for asylum in Canada. A decision from the Canadian authorities is currently awaited.

The United Kingdom is currently considering additional questionnaires which the Russians were asked to complete to determine what other possibilities might be open should their request for asylum in Canada fail.

As regards the 34 North African illegal immigrants, 10 were found to be holding Moroccan passports and it was therefore possible to return them to Morocco shortly after their arrival. A further 17, who had some form of identification, were provided with travel documents by the Moroccan Consular authorities from Algeciras and left Gibraltar on 14th June.

The remaining seven have no identity or travel documents whatsoever. They have been interviewed by the Moroccan Consular authorities who are currently trying to establish their identity. In the meanwhile, the seven are being advised to contact relatives or others in Morocco who may be able to assist in the identification process.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1996

HON R MOR:

Does the Government accept that the question of illegal immigrants is a constitutional responsibility of Her Majesty's Government and as such would it be the position that Her Majesty's Government should subscribe for the upkeep of such persons whilst they are here in Gibraltar? Is that the position?

HON CHIEF MINISTER:

I am not sure I heard the last bit. That they should subscribe to the cost? Yes, I can confirm that that is the position of the new Government and that I have transmitted it to the United Kingdom through the Governor. We are not prepared to accord them facilities in Gibraltar which will remove the pressure from the United Kingdom Immigration Authorities to urgently address their applications for asylum and certainly it is correct that this is a constitutional responsibility of the United Kingdom and, of course, the policy of the Government is not driven by lack of humane sensitivity. We fully appreciate that here are men who have been convicted of no

criminal offence and who are languishing, although they are allowed to leave the prison during the day, but they are certainly being incarcerated for much of the day and the whole of the night. The policy of the Government is driven not by lack of sensitivity to the humane aspects but to the fact that Gibraltar sits in the middle of a south to north route of immigration and of illegal immigration and if we allow these five Russians or indeed the seven Moroccans who are in much the same situation to simply integrate into the community whilst others are relieved of the need for an urgent decision as to a permanent status for them, then Gibraltar would soon be flooded by similar situations we will impose an intolerable financial burden on the Government of Gibraltar and I have informed Her Majesty's Government that we are not prepared to put the Government in that position.

HON J BOSSANO:

Is the Chief Minister aware that that same position has been put to the British Government on every previous occasion that an illegal immigrant has arrived in Gibraltar and that so far it has failed to produce any kind of positive response?

HON CHIEF MINISTER:

I am aware of that which is why I am not willing to do anything that makes it easier for them to continue to take that line.

NO. 73 OF 1996THE HON J BOSSANO**SOCIAL ASSISTANCE FUND**

Can Government state what is the projected income and expenditure of the Social Assistance Fund for the year 1996/97 giving a breakdown by item?

ANSWERTHE HON THE CHIEF MINISTER

Until such time as the Government complete the study on the restructure of the public accounts, the estimated income and expenditure of the Social Assistance Fund will be as follows:

<u>Income</u>	<u>£'million</u>	<u>£'million</u>
Import Duty		22.0
(Less)		
Customs Department - Administration Costs		<u>(2.7)</u>
		19.3
 <u>Expenditure</u>		
Grant payable to Gibraltar Health Authority	9.0	
Grant payable to John Mackintosh Homes	0.7	
Social assistance Payments	1.6	
Family Support Benefits	0.8	
Rent Relief	0.3	
Elderly Persons Allowance	0.2	
Management Charges	0.2	
Other Expenses	<u>0.1</u>	

Giving a total expenditure of £12.9 million and projecting a surplus subject, I hasten to add, to the restructure of Government finances, a surplus of £6.4 million.

SUPPLEMENTARY TO QUESTION NO. 73 OF 1996

HON J BOSSANO:

Can the Government confirm that in the first month of the financial year 1996/97 the Social Assistance Fund had already made an initial payment of £2 million to Community Care Trust in respect of the projected grant of £15 million in the financial year 1996/97 and if that is confirmed can the Government explain on what basis they have removed that payment from Community Care Trust?

HON CHIEF MINISTER:

The Government, to my knowledge, have not recovered from Community Care Trust any grant that had already been paid. If they have done so they have not done it on instructions from me. However, I can tell the Opposition Member that the policy of the Government is that the Community Care Trust appears to be presently adequately funded. We have not received a request for additional grants from the Community Care Trust, if we receive such formal requests we will of course give it consideration but I have to say that my view at the moment and I say without an outstanding receipt for grants from the Community Care Trust, is that that Trust and the objects for which it was created is already adequately funded.

HON J BOSSANO:

That is a matter of judgement and I have not asked for that view. What I have asked him is given the fact that there was an initial payment made in the first month of the current financial year, would the Chief Minister say that if there are no instructions from him for that money to be recovered it could well be that this has not been brought to their notice and that therefore that payment would, in fact, appear in the current year's expenditure?

HON CHIEF MINISTER:

As I say, if there has been a payment, to my knowledge it has not been physically taken back from the Community Care Trust. If the payment has been made, which is what the question implies, can only be returned by the recipient. The giver cannot, without the co-operation of the recipient, take the money back. If it has not already been made then the present policy of the Government is that it should not be made because with or without that first payment the Trust is adequately funded and I repeat that there are no outstanding requests for additional grants.

NO. 74 OF 1996

THE HON J BOSSANO

DEMONSTRATION AT CONVENT PLACE

What undertakings were given to the Moroccan nationals demonstrating at Convent Place in order that they should suspend their demonstration during the visit of His Royal Highness the Duke of Edinburgh?

ANSWER

THE HON THE CHIEF MINISTER

As was made public in a joint statement by the Transport and General Workers Union and the Moroccan Workers Association at the time, the Moroccan nationals demonstrating at Convent Place decided, at my request, to temporarily lift their demonstration during the visit of His Royal Highness the Duke of Edinburgh as a gesture of goodwill to the people of Gibraltar.

The Government have separately agreed to hold discussions as soon as is practically possible with representatives of the TGWU and the Moroccan Workers Association to address the issues affecting the Moroccan community in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1996

HON J BOSSANO:

Are those discussions that the Government intend to hold on the basis of the proposed formula which would have involved the Ministry of Defence accepting a responsibility for meeting any costs of additional incentives for people to be repatriated voluntarily to Morocco which was the proposal for a number of years and which finally the Gibraltar Government did on their own and neither the MOD or anybody else in Gibraltar in the private sector subscribed to, is that still what we are talking about, that approach?

HON CHIEF MINISTER:

I am not aware that there is any outstanding proposal but certainly the position of the new Government of Gibraltar, as I have just during the lunch time informed the Director-General of the Moroccan Government's Immigration Ministry who is currently in Gibraltar, is that whilst the Government of Gibraltar wish to proceed as a matter of urgency with addressing these issues, equally we are convinced that the moral and financial responsibility for the ultimate solution does not lie solely on the Government of Gibraltar. That is the position which we agreed to from the Opposition benches and we have, of course, remained consistent to that view and that principle now that we find ourselves in Government. So certainly we will be putting to the British Government and, indeed, to the Moroccan Government, methods of financing any repatriation programme which will not be exclusively at the expense of the Government of Gibraltar.

ORAL

NO. 75 OF 1996

THE HON J BOSSANO

FAMILY ALLOWANCES

Is it still the policy of the Government that the payment of family allowances to Spanish workers for the period 1986 to 1989 has to be met by UK?

ANSWER

THE HON THE CHIEF MINISTER

The Government are currently studying the matter and are therefore reserving our position.

NO. 76 OF 1996

THE HON A ISOLA

Will Government confirm that they intend to press Her Majesty's Government to formally terminate the 1987 Anglo-Spanish Agreement on the airport in accordance with the motion carried unanimously by this House?

ANSWER

THE HON THE CHIEF MINISTER

The Government's position is as stated in the motion to which the question refers.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1996

HON A ISOLA:

Would the Chief Minister confirm that he will press the United Kingdom to put into effect the terms of the motion which were to ask the United Kingdom to formally terminate the Agreement?

HON CHIEF MINISTER:

Whilst the preference of the Government is that the Agreement should formally be terminated, it is the position of the Government, I understand shared by Opposition Members, that the Agreement is redundant in practice and therefore whether or not it is terminated formally in a legalistic sense is really quite irrelevant to the question of whether it can be implemented. The preference of the Government is that the 1987 Airport Agreement which is both inoperable and politically unacceptable should be terminated. If it is not terminated it must not be implemented and the position of the British Government, and it is a position that we accept, is that it will not be implemented without the consent of the people and the Government of Gibraltar. We consider that, whilst not being our first preferred position, to be satisfactory to the limited extent that it cannot result in the 1987 Airport Agreement being implemented contrary to our wishes. However, what the Government of Gibraltar will be dedicating our efforts towards will be the formulation of an Airport Agreement entirely on commercial lines, acceptable to the Government of Gibraltar and will be offering this to others to subscribe to. That will be our approach rather than wasting time in the sense that if they did not do it at the request of my predecessor no one should assume that they will do it at my request and that therefore it does not seem productive to dedicate one's resources and time exclusively to securing the termination of the existing Agreement, what we will be doing in parallel is trying to have it replaced by an alternative acceptable Agreement and, of course, if we can achieve that it implicitly involves the cancellation of the original one.

HON A ISOLA:

Is the answer to my question no?

HON CHIEF MINISTER:

Well, it depends what he means by pressing the Government. If he means am I going to write every week to the Foreign Secretary asking him to cancel the Airport Agreement the answer is no. But if he means will I make it clear to the Foreign Secretary that the present Government share the view of the previous one, I will certainly do that which is of course unnecessary because in the letter that my predecessor wrote to the Foreign Secretary I know he was at pains to make it clear that it was the unanimous decision of the House and since the Foreign Secretary knows that the then Opposition is now the Government, he also knows that the present Government share that view.

HON J BOSSANO:

Does not the Government agree that when we took that unanimous position in this House and put it to the British Government we were already aware that their position prior to us voting on that motion was that the Agreement signed in 1987 would not be imposed on Gibraltar because that announcement of it not being imposed on Gibraltar was made actually in 1987 at the time that it was signed? That is the first statement that was made in this House when the Agreement was signed. So therefore what is it that is any different about the response of the British Government which is that it will not be imposed in reply to saying we want it terminated?

HON CHIEF MINISTER:

The fact that we ask the British Government to terminate it does not enable us to terminate it, it is as he knows not an agreement to which the Government of Gibraltar is a party. Therefore there is nothing that we can do to force the British Government to terminate it. I do not share the analysis of the Opposition Member in respect to the position of the British Government and he knows that shortly prior to the general election I pointed out to him, indeed just two days before he issued a press release calling into question the reason and the position of the British Government and the reason why they held it and the effect to the British Government's position, Mr David Davis, the Minister of State at the Foreign Office with responsibility for Gibraltar, had told the House of Commons in answer to a question that the British Government would not impose the 1987 Airport Agreement contrary to the wishes of the people and the Government of Gibraltar. It seems to me that that is capable of only one logical and rational meaning which is that until the people and the Government of Gibraltar say yes, the British Government will not impose the Agreement. That position is not as satisfactory as the Agreement being terminated but is at least safe to the extent that one is willing to trust the word of the British Foreign Minister which I am on this issue.

HON J BOSSANO:

That is not what I have said, Mr Speaker, in my question. Is he not aware that the statement that he is quoting was not made for the first time last year, it was made for the first time in 1987 when not only did the Foreign Secretary state publicly that the Agreement that had just been signed with the ink not yet dry was a matter for this House of Assembly to implement or not implement but, indeed, Senor Ordonez himself confirmed so publicly in a GBC television interview? So my question to the Chief Minister is if he thinks that that is satisfactory surely when they voted in this

House to ask the British Government to terminate the Agreement, it was in the knowledge that for nine years the British Government had already been saying they would not impose it on the Government of Gibraltar. Would he not agree that what was peculiar in the response of the Foreign Secretary was this qualification which had never appeared before, did not appear in the House of Commons answer and had never appeared in any previous public statement which said, "For as long as the climate of public opinion is against it" which would suggest that it is on the shelf waiting for the climate of public opinion hopefully to change in the direction that some people may want it to change in the Foreign Ministries in either of the two Governments. Would he not agree that that is a reasonably accurate analysis?

HON CHIEF MINISTER:

No, I do not, Mr Speaker. The latest statement from the British Government, regardless of what might have been the first, was that made by Mr David Davis in the House of Commons just a few weeks before the general election and it was as I have stated, that the British Government would not impose the Agreement on Gibraltar contrary to the wishes of the people and the Government. That requires the Government to say, "I want you to implement it". This Government will not ever say to the British Government, "I want you to implement the 1987 Airport Agreement" and therefore I do not accept that the hon Member's analysis is at all correct. But I have to say this, regardless of what I think of his analysis. The statement that the Agreement would not be imposed for as long as the climate of public opinion is against it, referring as it does to the climate of public opinion in Gibraltar means that it would not be imposed whilst the people of Gibraltar do not want it imposed. I agree that that is something different to the question whether the Opposition Member wants it imposed but the criteria here is what the people of Gibraltar want and not what the hon Member may or may not want. But that is not the position of the British Government as last stated which is that it would not be imposed without the consent of the people and Government of Gibraltar which I think is a secure position providing that one believes them.

HON J BOSSANO:

We are not discussing and I am not asking the Chief Minister nor does my hon Colleague's question ask whether the position is secure. It is quite obvious that if the British Government had had either the political will or the ability to impose it they have had nine years in which to do it and they have not done it. So I am not suggesting that it is going to be imposed. What I am asking is, given the fact that we have known for nine years that there was an explicit and public commitment which is no different - what Mr Davis has said now is absolutely no different from what was said by Sir Geoffrey Howe the day he signed it. Given that we have still said in the knowledge that that commitment had been given we want it terminated. That is the point I am making. Therefore we knew that when we voted. Clearly the Chief Minister could have used the argument that there was really no need to ask for it to be terminated because of his confidence in the Foreign Secretary and because of the reliability of the Foreign Office and of how good friends the British Government have always been to the Government of Gibraltar and that therefore since they have been telling us since 1987 why vote? Well, we voted because we have said since 1987, and that is what the motion indicated, all attempts at changing the Agreement have failed and the danger of the Agreement being there, whether the British will impose it or will not impose it or the climate of opinion will change if the demography of Gibraltar changes at some future date with new inhabitants having

different climates of opinion and being more interested in an airport than it may be 1704, there we have got a situation where in any case Spain is being given undoubtedly a weapon which they constantly use by saying, "There is the Agreement and the first thing that the Gibraltarians should be doing is saying yes to the UK to the 1987 Agreement". Surely the Chief Minister recognises that that is the first thing he will be asked to capitulate on in the Brussels process?

HON CHIEF MINISTER:

They may or may not ask me to capitulate on it. They know that I will not. Precisely one of the reasons why we supported the motion calling for the Agreement's termination was not because we were all lying awake at night worrying that it was going to be implemented over our heads because we were satisfied that it was not. It was precisely because if the 1987 Airport Agreement was off the table, out of the way, it might prove easier to persuade the Spaniards to accept an alternative one. Of course, I recognise that persuading the Spaniards to accept a new agreement when they still think that there is a perfectly good one on the table is harder than persuading them to accept an acceptable airport agreement when there is nothing else on the table. So that is why I said 15 minutes ago when this exchange began that our preference was that the Agreement should be removed and cancelled altogether but that we do not link that to the question of security about its imposition contrary to our will. It seems to me that my position is eminently logical.

HON J BOSSANO:

It may be eminently logical, Mr Speaker, but it is the Chief Minister who has chosen to make the link by saying he does not subscribe to a link which nobody else has made. The position is if we voted unanimously in this House to ask the British Government to act in a particular way on our behalf, does he not think that in every area where the British Government act for Gibraltar in respect of its external affairs, at the end of the day we should be moving into a situation when acting on our behalf means that they implement what is the unanimous view of this House and not simply ignore otherwise all that we are doing really is kidding ourselves that anything we say here makes any difference to the people in London.

HON CHIEF MINISTER:

Sometimes I am led to believe that these exchanges take so long that the Opposition Members forget what was said at the beginning of it. They asked me whether the position of the Government was still the same as it was in the motion unanimously carried in the House to which I said that it was exactly the same. So it is still the Government's position that we would want the British Government to cancel the Agreement. All that I have said subsequently to that is that because we are not a party to the Agreement we cannot cancel it ourselves and since I do not have Exocet missiles to threaten London with, I cannot do more than just invite them to continue to respect the wishes of the House. If they do not I am not prepared to declare political warfare on the British Government simply because they will not accede to this our request. But it is still our request, it is still my preference and the Government are still committed to doing what we reasonably can to persuade the British Government to go down that road. But I do not lie awake at night trembling with concern at the fact that they have not yet or might never agree to do it.

HON J BOSSANO:

Without being reduced to trembling awake at night or having to produce Exocet missiles which I have no doubt are no part of the Chief Minister's armoury whether with this issue or any other issue that may face our people, is he in fact going to press them at least to the extent of having it as a permanent feature of his agenda with the meetings with the Foreign Secretary saying, "This is a permanent feature of the policy of the House of Assembly" and we expect them to move in this direction. Is that going to be part of his conduct with the relations with the UK or not?

HON CHIEF MINISTER:

I am certainly prepared to raise it with the Foreign Secretary but I am certainly not prepared to sacrifice the relationship between the British and Gibraltar Governments at that particular altar. There may be altars which are more important and to which I might be willing to sacrifice the good relationship between the new Government of Gibraltar and Her Majesty's Government but it is not that one. I will certainly raise it with him, I will raise it with the Minister of State on Monday which indeed the Leader of the Opposition may do himself and I will raise it with him at regular intervals but we attach the same or if not more importance to pursuing the alternative which is to having the Airport Agreement changed to something which is acceptable to Gibraltar. We think that that is more productive than banging our heads against the wall.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

4TH SEPTEMBER, 1996

NO. 77 TO NO. 122

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QUESTIONS & ANSWERS

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ORAL

NO. 77 OF 1996

THE HON MISS M I MONTEGRIFFO

LEWIS STAGNETTO WARD

Is it intended that Lewis Stagnetto Ward should remain in its present location in what was formerly the Private Corridor?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Pending refurbishment works, Lewis Stagnetto Ward will remain in its present location.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1996

HON MISS M I MONTEGRIFFO:

Can the Minister clarify that? Does he mean in its present location in the Private Corridor?

HON K AZOPARDI:

Yes, pending refurbishment works.

HON MISS M I MONTEGRIFFO:

I suppose that when the Minister refers to the refurbishment works he means the kitchen?

HON K AZOPARDI:

As the hon Member knows this is something that has been on-going for some time. It is intended to refurbish Lewis Stagnetto Ward and indeed the kitchen. Lewis Stagnetto Ward was moved to the Private Corridor. A temporary kitchen will be set up in what was Lewis Stagnetto Ward; the kitchen will be refurbished, the temporary kitchen will be cancelled, that ward will be refurbished and then Lewis Stagnetto Ward will then move back to what was always Lewis Stagnetto Ward.

HON MISS M I MONTEGRIFFO:

So it will not remain in the Private Corridor as originally the Minister indicated?

HON K AZOPARDI:

No, I said, "pending refurbishment works". When the refurbishment works are over then they will move back.

HON MISS M I MONTEGRIFFO:

Does the Minister not agree that because of the size of the Private Corridor it would make sense that it would be used as a geriatric ward rather than move the Lewis Stagnetto Ward back to a smaller ward?

HON K AZOPARDI:

My advise from the managerial staff there is that this indeed was the intention of the previous administration but if there are better plans and better use can be made of the current wards then, of course, the Government will consider them. But, as far as I understand, the plan is that.

HON MISS M I MONTEGRIFFO:

So really what the Minister is saying is that he is not prepared to consider moving back the Lewis Stagnetto Ward to the Private Corridor?

HON K AZOPARDI:

No, the Minister has said that "pending refurbishment works, Lewis Stagnetto Ward will remain where it is". When they finish it will move back, but in the interim if someone suggests to me, in a managerial capacity, that a better use can be made of space in the hospital then I will consider it.

HON J L BALDACHINO:

Am I right, in the answer that the Minister has given and when he said that the previous administration had considered that Lewis Stagnetto Ward should remain in the Private Corridor, is he saying that those suggestions have been coming from the hospital management seeing that the previous administration, which was us, already had given consideration to that possibility?

HON K AZOPARDI:

The hon Member misunderstood me. My understanding, and I can say it is my understanding because I have to rely on the advice that I receive, is that it was the previous administration's intention to complete the refurbishment works and move Lewis Stagnetto Ward back. I have said that I am willing to consider it. I will discuss the matter with management and if a better use of space can be made it will be made but that is the current plan.

NO. 78 OF 1996

THE HON MISS M I MONTEGRIFFO

RELOCATION OF THE HEALTH CENTRE

Can the Government confirm whether there are now any proposals for the reallocation of the Health Centre from its present location?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

As indicated in Question No. 34 of 1996, Government are considering the relocation of the Health Centre but no firm proposals exist as yet. If a firm decision is taken Government will make a statement accordingly.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1996

HON MISS M I MONTEGRIFFO:

Will the Minister confirm that he will give a statement publicly when that happens?

HON K AZOPARDI:

Yes.

NO. 79 OF 1996

THE HON MISS M I MONTEGRIFFO

ST BERNARD'S HOSPITAL

Do the Government propose to proceed with the plans to provide St Bernard's Hospital with a second theatre?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

As far as Government are aware the previous administration had no plans, that were implemented, to provide a permanent second daily fully functioning operating theatre. Nevertheless, this administration are currently reviewing surgical requirements to evaluate the need for a second operating theatre, functioning as the main theatre is at present.

Such a review is also tied in with the conclusions that the Review Team reach on waiting lists. These are awaited and therefore no decision can as yet be announced.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1996

HON MISS M I MONTEGRIFFO:

Just to clarify one point, we did have plans and in fact the plans were drawn by a private company and we did receive them and we were considering them, so that the Minister is aware.

HON K AZOPARDI:

On that point, just a few months ago in answer to a question put by this side of the House which was then the Opposition, to the hon Member who was then the Minister, in answer to the question, "Do Government intend to establish another operating theatre at St Bernard's Hospital?" she answered, "No". That is Question No. 90 of 1995, that is what I go on.

HON MISS M I MONTEGRIFFO:

But I can confirm to the House that since then we did have proposals and we were considering them otherwise I would have not told the Minister.

HON K AZOPARDI:

That is a remarkable

HON MISS M I MONTEGRIFFO:

We worked pretty fast when we were in office.

NO. 80 OF 1996

THE HON J C PEREZ

VARYL BEGG ESTATE

Can Government state why the car park at Varyl Begg Estate has not yet been completed?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING AND
BUILDINGS AND WORKS

The reasons why Government have not yet completed the car park at Varyl Begg Estate are that Government are considering certain aspects of policy including:

- (1) The need to continue or change the previous Government's policy to execute such transactions through Gibraltar Land Holdings Ltd or do the exchange directly with the Treasury Department,
- (2) The parking capacity available throughout the Estate.

Once Government have undertaken a process of consultation with the Estate Tenants Association and residents, a decision will be taken whether or not to proceed with Phase II.

SUPPLEMENTARY TO QUESTION NO. 80 OF 1996

HON J C PEREZ:

Is the Minister saying that they might not proceed in finishing the car park as envisaged and does that mean that there will be half the car park complete and the other half will remain in the rubble state that it is at the moment?

HON J J NETTO:

I think the Opposition Member needs to clarify whether we are talking about the garages or whether we are talking about the car park which needs tarmacking.

HON J C PEREZ:

The question is quite clear, we are talking about the car park and not about the garages. The car park is the one that faces Europort Avenue which commenced works in April last year and is still incomplete and half the car park is still in a state of rubble and the cars continue to park on top of it because the works that were started by the support services section in April when I was in office are not yet complete.

HON J J NETTO:

I thought the Opposition Member was talking about the garages and obviously in relation to that I was given an answer. Therefore what he means is that in terms of the car park which he is referring now, what I can say is that in the normal programme of works of the road section it will have to be considered.

HON J C PEREZ:

One might be able to consider new things in a road programme of works. I am talking about works which commenced in April and I am sorry if the Minister has confused himself but the question clearly talks about the car park at Varyl Begg and not garages. What I am talking about is works that were already scheduled, that commenced and that had not been completed. It is not something that needs to be reviewed again.

HON J J NETTO:

Therefore if the works were scheduled I should imagine that the work will be done.

HON J C PEREZ:

Since they started in April and we are now in September can someone in the Government tell me when they intend to complete the works?

HON J J NETTO:

I will get the answer once I have it available from the relevant department.

NO. 81 OF 1996

THE HON J L BALDACHINO

UNEMPLOYED GIBRALTARIANS

Can the Government state how many Gibraltarians were registered unemployed at the ETB at the end of June 1996, broken down in female and male categories and in the age groups of over 25 and under 25?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING AND BUILDINGS AND WORKS

The figures are as follows:

	June 1996			July 1996		
	Under 25	Over 25	Total	Under 25	Over 25	Total
Males	55	117	172	68	119	187
Females	83	105	188	93	106	199
Total	138	222	360	161	225	386

SUPPLEMENTARY TO QUESTION NO. 81 OF 1996

HON J L BALDACHINO:

Can the Minister confirm, in the first answer that he gave when he said that there were, under males over 25, 112?

HON J J NETTO:

If he is referring to males over 25, it is 117.

HON J L BALDACHINO:

In the total.

HON J J NETTO:

The total is 172.

ORAL

NO. 82 OF 1996

THE HON J L BALDACHINO

VACANCIES AT THE ETB

Can Government state how many vacancies were opened at the ETB in the month of June, with a breakdown by trade and how many vacancies were filled showing the trade and nationality of the persons employed?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING AND
BUILDINGS AND WORKS

Answered together with Question Nos. 83 and 84 of 1996.

ORAL

NO. 83 OF 1996

THE HON J L BALDACHINO

VACANCIES AT THE ETB

Can Government state how many vacancies were opened at the ETB in the month of July, with a breakdown by trade and how many vacancies were filled showing the trade and nationality of the persons employed?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING AND
BUILDINGS AND WORKS

Answered together with Question Nos. 82 and 84 of 1996.

NO. 84 OF 1996

THE HON J L BALDACHINO

VACANCIES AT THE ETB

Can Government state how many vacancies were opened at the ETB in the month of August, with a breakdown by trade and how many vacancies were filled showing the trade and nationality of the persons employed?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND TRAINING AND BUILDINGS AND WORKS

Vacancies opened at the ETB were: June 331; July 337 and August up to the 29th were 198.

	June	July	August
Legislators, Senior Officials and Managers	- 15	13	9
Professionals	- 21	13	13
Technicians & Associate Professionals	- 32	48	31
Clerks	- 53	60	34
Service Workers & Shop & Market Sales Workers	- 90	65	35
Skilled Agricultural & Fishery Workers	- 6	3	1
Craft & Related Trades Workers	- 27	40	29
Plant & Machine Operators & Assemblers	- 10	7	5
Elementary Occupations	- 77	88	41

Vacancies filled by nationality were;

JUNE

Legislators, Senior Officials and Manager	- 4 Gibraltarians, 4 British, 3 Spaniards, 1 non-EU Total - 12
Professionals	- 1 Gibraltarian, 1 British, 3 Spaniards, 2 non-EU, Total - 7, Vacancies cancelled - 2
Technicians & Associate Professional	- 22 Gibraltarians, 1 British, 1 non-EU Total - 24
Clerks	- 35 Gibraltarians, 1 British, 1 Portuguese, 1 Moroccan Total - 38, Cancelled - 2

Service Workers & Ship & Market Sales Workers	- 33 Gibraltarians, 13 British, 7 Spaniards, 1 other EU, 1 non-EU Total - 55
Skilled Agricultural & Fishery Workers	- 1 Gibraltarian, 3 Spaniards Total - 4
Craft & Related Trades Workers	- 4 Gibraltarians, 3 British, 9 Spaniards, 2 other EU Total - 18, Cancelled 1
Plant & Machine Operators & Assemblers	- 7 Gibraltarians, 1 Spaniard Total - 8
Elementary Occupations	- 40 Gibraltarians, 8 British, 3 Spaniards, 3 other EU Total - 54, Cancelled 2

JULY

Legislators, Senior Officials and Managers	- 4 Gibraltarians, 2 British, 1 Spaniard, 1 other non-EU Total - 8
Professionals	- 2 Gibraltarians, 2 British, 1 Moroccan, 2 non-EU Total - 7
Technicians & Associate Professionals	- 27 Gibraltarians, 3 British, 1 Spaniard Total - 31
Clerks	- 36 Gibraltarians, 6 British, 1 Spaniard Total - 43
Service Workers & Shop & Market Sales Workers	- 31 Gibraltarians, 9 British, 5 Spaniards Total - 45, Cancelled 2
Skilled Agricultural & Fishery Workers, non filled Craft & Related Trades Workers	- 11 Gibraltarians, 1 British, 4 Spaniards, 3 other EU, 1 Moroccan Total - 20, Cancelled 3
Plant & Machine Operators & Assemblers	- 4 Gibraltarians, 1 British Total - 5, Cancelled 1
Elementary Occupations	- 54 Gibraltarians, 8 British, 4 Spaniards Total - 66, Cancelled 5

AUGUST

Legislators, Senior Officials and Managers	- 1 Gibraltarian, 3 British Total - 4
Professionals	- 2 Gibraltarians, 3 British, 2 Spaniards, 1 non-EU Total - 8
Technicians & Associate Professionals	- 11 Gibraltarians, 5 British Total - 16, Cancelled 3
Clerks	- 20 Gibraltarians, 2 British Total - 22, Cancelled 1
Service Workers & Shop & Market Sales Workers	- 10 Gibraltarians, 2 British, 2 Spaniards, 1 non-EU Total - 15, Cancelled 1
Skilled Agricultural & Fishery Workers	- None filled
Craft & Related Trades Workers	- 6 Gibraltarians, 5 British, 4 Spaniards, 1 other EU Total - 16, Cancelled 1
Plant & Machine Operators & Assemblers	- 2 Gibraltarians, 1 British Total - 3
Elementary Occupations	- 14 Gibraltarians, 2 British, 1 Spaniard, 1 other EU, 1 Moroccan Total - 19, Cancelled 4

SUPPLEMENTARY TO QUESTION NOS. 82, 83 AND 84 OF 1996

HON J L BALDACHINO:

Can the Minister then clarify that in the figures that he has given none of the vacancies that he has given, for example, in August were a carry-over from July, is that correct? He has only limited himself to giving me the figures as per my question, is that correct?

HON J J NETTO:

The truth of the matter is that the actual question is very deficient because as the Opposition Member knows from the system that he introduced in the ETB, vacancies filled does not necessarily mean filled from the very same month, a vacancy can be filled from the previous month. So the actual question itself is not a true reflection of the movement in vacancies filled in that particular month.

HON J L BALDACHINO:

The Minister must be aware that in the system that the GSLP Government introduced, he gets a daily report and from the daily report he can give me the answer. My question is very simple, I have asked and it is clear that I have asked by month are the vacancies that have been filled in that month from that month. Is he telling me that from the figure that he has given me some of them are the vacancies that have been carried over from other months, is that correct or not?

HON J J NETTO:

Yes, of course it is correct.

HON J L BALDACHINO:

Therefore, my question is, how many vacancies in total have in each month been cancelled, can he tell me that?

HON J J NETTO:

If the hon Member wants further details, by all means he can write to me or next time in a future question in the House I shall bring the full printout which I will have to lay on the whole table of the Government and spend six hours of the House of Assembly's time for which most people both in the Chamber and in the public gallery will fall asleep. So if he wants particular questions to particular things by all means he can write. We are not paranoid in Government as they were in hiding information, we are willing and able to give information freely available.

HON J L BALDACHINO:

We were not hiding information, the only thing is that the Opposition at the time did not know what questions to ask. If they had known the questions to ask they would have got the same answer he is trying to give me now. Seeing that the Minister is so

generous will he then provide me with the figures without asking him on a monthly basis? Will he then pass on the figures that I am asking in this House so that I do not have to ask him the question and so that people will not have to be bored in the gallery, will he do that?

HON J J NETTO:

I will go even beyond that, not only am I prepared to give him the figures, I am prepared to allow him to go to the ETB where my staff can actually give him a course on how the figures are arrived at as well.

HON J L BALDACHINO:

The hon Member does not need a course on how the figures are arrived at, the Minister does. He does not understand them. The question is I know how the figures are.....

MR SPEAKER:

Order. That is not a question.

HON J L BALDACHINO:

I am responding to the answer that the Minister has given me.

MR SPEAKER:

A supplementary must be.....

HON J L BALDACHINO:

I am grateful to the Minister for inviting me to the ETB, I will take it up. I have another supplementary on the answer that he has given, non-EECs, does that mean that those persons have been given a work permit?

HON J J NETTO:

Of course, if they are non-EEC they need a work permit, he ought to know that.

HON J L BALDACHINO:

I accept that. Will he then be prepared to give me the nationalities of the persons because he has given me non-EEC, I would like to know the nationality which is more than my question asks?

HON J J NETTO:

Yes, there is no problem, all he has got to do is write to me and I will give him the information.

HON J L BALDACHINO:

No, why should I write to him when I am asking a question in this House. Will he be prepared to pass on to me the nationalities of the persons who have been employed who are non-EEC which he has given me in his answer but he has not given the nationalities, will he be prepared to pass it over to me without writing?

HON J J NETTO:

Of course, but in the first instance he has got to tell me in the question that he wants specifically the breakdown of nationalities. I have got no problem in giving him that information.

HON J L BALDACHINO:

The question actually says that, "showing the trade and nationality of the persons employed".

HON J J NETTO:

But I am actually giving the hon Member the total. If in future he wants a breakdown of the total I shall give it to him as well.

HON J L BALDACHINO:

I accept that, but my question absolutely asks for the nationality.

NO. 85 OF 1996

THE HON A ISOLA

PROMOTING GIBRALTAR IN SPAIN

Can Government state whether the 17 advertising signs promoting Gibraltar in Spain are in addition to the ones placed last year, and are they located at the same sites as they were in 1995?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

Government confirm that the 17 advertising signs promoting Gibraltar in Spain during August and September 1996 is a new contract entered into in July 1996 and does not form part of the campaign undertaken last year by the previous administration.

There are six sites under the current contract which are the same as those used during 1995. The rest are new sites.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1996

HON A ISOLA:

Will the Minister indicate whether the intention of the Government is to pursue on a more long-term basis rather than the initial two months? I assume the two months at the moment is a trial period.

HON J J HOLLIDAY:

When we took office there was not a contract in place to promote Gibraltar in Spain and it was agreed that it was a feasible thing to do, so we took a short term period and contracted 17 sites for a period of two months. Obviously when we look at it from a long-term perspective we feel that it may be sort of a longer term and a far more aggressive campaign in Spain may be a possibility so this will be considered at the time.

HON A ISOLA:

May I ask the Minister if he has any indications as to whether he is satisfied with the success now that the two months are over?

HON J J HOLLIDAY:

It is still early days for us to conclude on this but I can assure the hon Member that the feedback that we have had is positive.

ORAL

NO. 86 OF 1996

THE HON A ISOLA

TOURIST INDUSTRY

Can Government state how many persons are estimated to be currently employed directly in the tourist industry?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

The number of persons estimated to be currently employed in tourism and related industries is approximately 900.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1996

HON A ISOLA:

Although it is not in the question, could the Minister state, he has just told me directly and indirectly, what trades are included in that computation, is that possible?

HON J J HOLLIDAY:

Yes, the total figure that has been arrived at will include hotels, restaurants, coach operators, casino, travel agents, tourist sites and other facilities.

HON A ISOLA:

Could the Minister give the figures by breakdown by letter, obviously he may not have the information available now, if he does and he can give it now, well then fine?

HON J J HOLLIDAY:

Yes, I undertake to do so.

NO. 87 OF 1996

THE HON J L BALDACHINO

ALLOCATION OF HOUSING

Can Government state how many housing units have been allocated in the months of June, July and August?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government have allocated, during the months of June, July and August, a total of 20 flats.

This can be broken down by months as follows:

June - 8; July - 6; August - 6.

SUPPLEMENTARY TO QUESTION NO. 87 OF 1996

HON J L BALDACHINO:

Has the Minister got available with him if they are all post-war or part post-war and part pre-war?

HON H CORBY:

I can tell the Opposition Member that I have got the list here with me which says how the allocations have been done. There are three allocations on a social (a) category; medical (a) there are two; decanting there are nine allocations; approved exchanges are four; 3RKB list is one; and a 4RKB list is one.

HON J L BALDACHINO:

On the exchange basis, I suppose they would not be classified as an allocation unless it is from a pre-war to a post-war flat, is that correct?

HON H CORBY:

That is correct.

HON J L BALDACHINO:

So therefore am I to understand that allocations on the exchanges have been from a pre-war to a post-war?

HON H CORBY:

I have not got that information with me but I can certainly have it for the hon Member if he wants it. I can tell him that this Government is following the same procedure as the previous administration and allocations are done by the Housing Allocation Committee as laid down in the Housing laws.

HON J L BALDACHINO:

Am I to understand from that last remark that the allocation of these flats in June, July and August were on the recommendation of the previous Housing Allocation Committee?

HON H CORBY:

Most of them, yes.

HON J L BALDACHINO:

Who recommended the others?

HON H CORBY:

The Housing Allocation Committee did the allocation. As the hon Member knows there is a private organisation, Residential Services, who are the people who deal with the allocation and there are committees that deal with the allocation of housing. My role as such, which I inherited from the previous administration, is that I see that the thing is above board, that nobody is given a flat, let us say, if there is somebody in the housing waiting list who is first and a person who is given the flat is fourth, then I ask why. If there is a social case and we have to decant somebody because the roof has fallen down, then I have a report and I act on that.

HON J L BALDACHINO:

That was not my question. My question was, under whose recommendation were the houses allocated for June, July and August? The answer I got from the Minister was that most have been recommended by the previous Housing Allocation Committee. If he says most, then it is not all and what I am asking is the remaining ones, who recommended that they should be allocated to those persons who they have been allocated to?

HON H CORBY:

I have already said to the Opposition Member that it is the Housing Allocation Committee. The new ones have been allocated by the Housing Allocation Committee.

HON J L BALDACHINO:

So therefore there is a new Housing Allocation Committee and if there is a new Housing Allocation Committee, can the Minister tell me in what Gazette was it gazetted that those persons were appointed as the new Housing Allocation Committee?

HON H CORBY:

The houses were allocated by the Housing Allocation Committee, whether it is the new one or the old one is immaterial.

HON J L BALDACHINO:

It is not immaterial because if it is a new one and it has not been gazetted then the allocations and the recommendations and the establishment of that committee is illegal under the Special Powers Ordinance. To give the Minister more information, under the Housing (Special Powers) Ordinance, I think it is Section 1.

HON CHIEF MINISTER:

It follows, I think, that the hon Member is saying, if there is not a new Housing Allocation Committee then the new Housing Allocation Committee cannot allow vacated houses and therefore if houses have only been allocated by the Housing Allocation Committee and there is not a new one, they must all have been allocated by the old one. One thing is for sure, the Minister for Housing is not personally allocating houses if that is what the hon Member is driving at.

HON J L BALDACHINO:

No, I am not implying that at all. I am only reacting to the answer that the Minister gave me, he said most, if he had said all, then I would have accepted that. Let me then bring it to the attention of the Minister that a Housing Allocation Committee must be gazetted and must be appointed and if that has not happened then that is what should have happened otherwise everything is illegal.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In one of my other capacities, I think I can confirm that the Committee was appointed. What I am not too sure about is whether it has actually been gazetted, that might be a matter of timing in the printers and so on. But I can tell the hon Member that the Committee was, in fact, appointed.

HON J L BALDACHINO:

I accept then that the new Housing Allocation Committee has been appointed and therefore we will see it reflected in the Gazette in the near future, is that correct?

HON J J BOSSANO:

Can I just say that the questions that we are asking are as the Standing Orders provide, to obtain information not to cast aspersions on anybody and therefore is it the case or is it not the case that all the allocations have been on recommendations by the Housing Allocation Committee and therefore what may have happened is that because the Minister said most of the allocations, he gave us to understand that some had not been done on recommendation. Can I have confirmation of that?

HON H CORBY:

Yes.

NO. 88 OF 1996

THE HON J L BALDACHINO

ALLOCATION OF EDINBURGH HOUSE AND CHILTON COURT

Can Government state if they have estimated when they would be in a position to allocate Edinburgh House and Chilton Court?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Government are at present in negotiations with the MOD for the transfer of Edinburgh House and Chilton Court to the Government. It is not possible to estimate when allocation of the flats will commence. The estates are currently being surveyed.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1996

HON J L BALDACHINO:

I accept what the Minister has said that they are still under negotiation with the MOD. Will the Minister then clarify that once the negotiations have finished they will not need to carry out a survey of the buildings, that they will ask the MOD for a survey to be passed over to the Gibraltar Government?

HON CHIEF MINISTER:

The survey is being done now. The answer states that the survey is being done now before any question of hand-over takes place.

HON J L BALDACHINO:

And based on that survey, once they get it, the Government will then consider the allocation of the flats, is that correct?

HON H CORBY:

That is correct.

NO. 89 OF 1996

THE HON J L BALDACHINO

HOMELESS PERSONS

Can Government state how many persons are categorised as homeless and, if any, what are their housing needs in room requirements?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are 11 persons who are classified as homeless. Of these, 10 require a 1RKB flat and 1 requires a 3RKB flat.

SUPPLEMENTARY TO QUESTION NO. 89 OF 1996

HON J L BALDACHINO:

Of these 10 does this include people who are living in the hostels?

HON H CORBY:

No, those are not people living in the hostel.

HON J L BALDACHINO:

Can the Minister clarify that in some cases where people are classified as homeless and they are single persons and male, they are alternatively allocated a room in the hostel even though they do not lose their status as homeless? Can the Minister confirm then that of the 10 that he has said that they are in need of a 1RKB if there are some in the hostel that fall under the category of homeless?

HON H CORBY:

From what I have from my department the people who I have mentioned have been offered accommodation at the hostel, they are living with other relatives and friends and they have refused to go into the hostel.

HON J L BALDACHINO:

I am referring to the workers' hostel. I know at least two persons who are actually in the hostel who are considered to be social cases and they have been categorised as homeless and they are living in the hostel. Will the Minister, seeing that he might not have the information with him, look at what I am asking and pass me the information at a later date to see how many there are actually living in the hostel?

HON H CORBY:

I have given him a figure but I will certainly pass on the information.

HON J L BALDACHINO:

Is it then the intention, and I am referring to the 10 who require a 1RKB, seeing that the housing list for 1RKB is a short list and seeing that if they are homeless and they are classified as social cases, some of them might be in the post-war list. Would it not be better then, rather than to go to the new Housing Allocation Committee and seeing the position that the persons are in, in the post-war list, allocate a post-war rather than go from a social and then into a post-war?

HON H CORBY:

Let me say that we are doing everything that we can to house these people. Let me say to the Opposition Member that these people have been homeless since 1994 when they were in Government and it is now a year and five months after that, but we are certainly looking into the matter and wanting to provide either both priority on the list.

HON J L BALDACHINO:

I accept that some of them have been there a long time but not all of them because I know three at least that have been there since 1995 or recently in 1996.

NO. 90 OF 1996

THE HON R MOR

SOCIAL INSURANCE FUND

Can Government state whether the court case challenging the dissolution of the Social Insurance Fund, financed by the Junta de Andalucia in the name of a Spanish pensioner, is still being pursued?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Yes, Sir. The position remains as it was on the 16th May 1996, which, as Opposition Members will recall from when they were in Government, includes a challenge to Community Care.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1996

HON J J BOSSANO:

Given, in fact, that there is an amended agenda bringing in a Bill to provide for the closed fund which restores the rights that disappeared with the dissolution of the Social Insurance Fund, and that in fact today we have had a copy of that Bill circulated, can the Minister say whether the continuation of the case is related to the fact that that step has not yet been taken?

HON CHIEF MINISTER:

No, as the Opposition Member knows, the case involves a challenge to the dissolution of the fund which is now being repaired, so to speak, by the publication of that Bill and it also contains a challenge which has not yet been formulated before the court papers but which exists in exchange of correspondence to the validity of Community Care. When the hon Member was in the seat, that I now occupy, he was aware that indications were then being given of the broadening of the case beyond the question of the dissolution of the Social Insurance Fund to the question of whether Spanish beneficiaries under that fund were being unfairly discriminated against because they were not receiving Community Care. It will no doubt please the hon Member to know that the Government intend to continue to defend that case on the same basis as has been previously envisaged.

HON J J BOSSANO:

It does please me that the Government are going to continue to defend the case and I welcome the fact that that is going to happen, but is it not the case, and that is the only knowledge that I have, that when the correspondence to which the Chief Minister has referred questioned the possible discrimination between Spanish and Gibraltarian beneficiaries, it was on the incorrect premise that the Gibraltarian

beneficiaries of the dissolved fund were getting substitute pensions. Is that not the case, that that is all that there was in correspondence up to the 16th May and that if there is anything new it is post the 16th May and is certainly not, in my knowledge or in the knowledge of the public?

HON CHIEF MINISTER:

The Opposition Member knows that it is not the intention of this Government to rehearse the litigation through the medium of Government press releases. The fact remains that whereas that is the assertion that has been made, and what has happened is that what was only at the stage of correspondence on the 16th May when the hon Member ceased to be Chief Minister, has now naturally, with the passage of time, developed into statements made in affidavits and things of that kind. The fact remains that whereas the Government maintain the view that Community Care does not amount to objectionable discrimination against Spanish pensioners, as to whether that is a false or correct premise, is a matter for a court of law to decide and not for the Government unilaterally. The Government have their view which we will defend with all the legal resources that we can hire but at the end of the day the Government of Gibraltar are not able to prevent people from arguing things in court and, indeed, are certainly not in a position to direct courts of law in Gibraltar as to what they should find in their judgements. So the position is that the case has been widened, we expect it to develop in the way that I have indicated, the Government will vehemently defend those propositions, which we agree with the Opposition Member are based on a false premise in our opinion, but ultimately that would be the very issue for a court of law to adjudicate on.

HON J J BOSSANO:

While I cannot stop the Chief Minister making a long speech whenever I ask a question, the question is intended to obtain information and the information that I am seeking is whether there has been a new development post the 16th May or not, because up to the 16th May the exchange of correspondence with the party that was pursuing the case on behalf of Spanish pensioners, was based on the incorrect view that Community Care was making substitute pension payments. Since it is now manifest that even if that had been the correct view, it is an irrelevant issue because the pension payments are to be restored retrospectively, is it that there is now a new argument in relation to Community Care which has materialised in exchange of correspondence since the 16th May of which we have no information in the Opposition or, indeed, neither have the general public outside?

HON CHIEF MINISTER:

The answer is that, regrettably, and arising from the irresponsible reference by the Opposition Member in his speech at the Opening of this House to sums of money which he had accumulated in Community Care Ltd, as a direct result of that irresponsible reference which we, in Opposition, had for years avoided dealing with across the floor of the House, an affidavit has now been sworn making direct reference to the statements made by the then Chief Minister of Gibraltar and therefore attributing authenticity to it, and that has resulted in the case being widened to include a challenge to Community Care. I told the hon Member at the time that I thought that his reference to Community Care in his speech at the Opening of this House was an act of gross irresponsibility and I repeat that now. As to formal developments in the court case, a date has now been fixed for the hearing

of the appeal on the question of whether the Spanish pensioner has to pay security for costs or not. In connection with that application on appeal, on the question of security for costs, an affidavit has been sworn by the solicitors representing the applicants and it is in that affidavit that statements are made in relation to Community Care relying on the statements put in the public domain by the Leader of the Opposition in his opening address at the Opening of the House recently.

HON J J BOSSANO:

Is it not a fact, since the Chief Minister clearly is more interested in conducting the business of the House by innuendoes and aspersions than by providing information which is what Question Time is about, as the Standing Orders provide, that the amount of reserves in Community Care is in public documents which are tabled in this House and which the Chief Minister will, at some stage, presumably table because it is a contribution from the Social Assistance Fund to Community Care Trust, which is reflected in the audited accounts and which, presumably, the firm of Triay and Triay is capable of reading without any help from me? Is that not a fact?

HON CHIEF MINISTER:

The Opposition Member must know, surely his memory cannot be as short as three months, that the company in which he put the monies has no obligation to report to this House.

HON J J BOSSANO:

No, I am afraid that the Chief Minister is wrong. The company in which the Government of Gibraltar put the money, is a registered charity which is called Community Care Trust which is the recipient of the money from the Social Assistance Fund. If he takes the trouble to read the audited accounts that have been tabled earlier today by the Financial and Development Secretary, he will find that I am right and he is wrong. Will he, since I have to put a question, take the trouble so to do?

HON CHIEF MINISTER:

I have taken the trouble so to do. Indeed, little has occupied more of my time since I was elected on the 16th May than shoring up the defences in respect of Community Care that the hon Member left in a pretty weak condition.

HON J J BOSSANO:

No, that is not the question that I have asked the Chief Minister. The question that I have asked him is, will he take the trouble, so that he can correct the incorrect answer that he has given in this answer, to find out that in fact the money that is provided by the Social Assistance Fund goes to Community Care Trust and precisely because it is provided by the Social Assistance Fund, it has to be tabled in this House because that is a requirement under the Public Finance (Control and Audit) Ordinance? Therefore, the previous answer that he gave to my question which was that the company into which he claimed I had put the money did not have to report to the House is, in fact, incorrect. If he does not yet know whether it is incorrect, will he take the trouble to find out so that, for the sake of the record, it can be recorded that the answer that he gave me is wrong?

HON CHIEF MINISTER:

No, I do not need to take any further trouble and I do not accept that the answer that I have given to this House is incorrect.

MR SPEAKER:

That is the end. I have been allowing more supplementaries.....

HON J J BOSSANO:

Can I ask then....

MR SPEAKER:

If it is related to your original question, nothing more.

HON J J BOSSANO:

It is related to the answer that I have just been given.

MR SPEAKER:

No, I cannot allow it.

HON J J BOSSANO:

Well, you do not know what I am going to ask, Mr Speaker. I want to ask you something.

MR SPEAKER:

You will not get an answer.

HON J J BOSSANO:

Mr Speaker, but how can you say that I will not get an answer until I have asked you? You do not know what it is I am going to ask you.

MR SPEAKER:

I know in advance.

HON J J BOSSANO:

I wish to congratulate your sixth sense, perhaps the next time the Minister for Tourism wishes to bring a clairvoyant he will not need to go to Andalucia for one, he can use your services.

MR SPEAKER:

Do not compare me to Rappel, compare me to someone else.

HON J J BOSSANO:

On a point of order. Since Members of this House are required to make themselves responsible for the truth and the accuracy of the answers they give, am I permitted to write to you demonstrating that the answer that I have been given is false?

MR SPEAKER:

That is a different matter, yes.

HON J J BOSSANO:

That is the question I wanted to ask.

MR SPEAKER:

The answer is yes.

HON J J BOSSANO:

Yours powers of clairvoyance are failing, Mr Speaker.

MR SPEAKER:

No, your question is different now to what it originally was. Next question.

NO. 91 OF 1996

THE HON R MOR

ILLEGAL IMMIGRANTS

What is the position as regards the five Russian and other North African illegal immigrants who were imprisoned on the instructions of the Governor?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Before I answer the question, this question was drafted well before events took over the Russian side of it. So I can read the answer as it was and formulate it as the hon Member did on that occasion and will then tell him what the parts of it that are not relevant anymore.

There are currently three Russians detained in custody awaiting deportation on the basis of detention orders signed by the Governor, pursuant to Section 59(1) of the Immigration Control Ordinance. Another four Russians who were previously held in prison on a similar basis, were released from custody on the 15th August 1996, following an order from the Supreme Court. All other North African illegal immigrants who were recently imprisoned have already been successfully deported. The detention of illegal immigrants pending a full and proper consideration of each case conforms fully to the policy of the Government.

Let me say that currently the three Russians who were detained have also been released and they have been given permits on a temporary basis until they appear in court.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1996

HON R MOR:

I remember that when the issue first arose, I think it was last November, the concern of His Excellency the Governor was to immediately take this drastic measure of sending illegal immigrants up to prison because otherwise it would make it very easy for illegal immigrants to come here and then we would be landed with the problem. As we all know, it is a non-defined domestic matter, it is exclusively a matter for Her Majesty's Government, and therefore, is the current situation not leading to a tremendous problem which the Minister will remember from the conference is also a matter which arises in other small territories as well? Are the Government going to impress upon Her Majesty's Government that she needs to take very strong measures on this issue?

HON CHIEF MINISTER:

From the outset of our arrival in office on the 16th May, the Government have impressed on Her Majesty's Government the need to expeditiously entertain either these men's applications for asylum or otherwise to make arrangements for their return to whence they came. Let me say that Gibraltar simply cannot afford a regime

whereby anyone can arrive here illegally and stay for as long as Her Majesty's Government decide it takes them to review the application and make a decision to deport them. For that reason the Government of Gibraltar intend, as soon as possible, to bring to this House legislation to amend the Immigration Control Ordinance to close the loopholes which, subject to appeal, have at first instance been identified by the acting Chief Justice.

HON J J BOSSANO:

This question of the temporary permits that they have been given, does that not in effect legitimise their presence in Gibraltar?

HON CHIEF MINISTER:

It legitimises their presence for the duration of the permit which is one month. It is the view of the Government that it brings the law into disrepute to have a person in Gibraltar supposedly illegally and the authorities being unable or unwilling to do anything about it. Therefore a temporary permit of one month's duration has been extended and the amending legislation that will be introduced will be adequate to revise their case once that one month's permit has expired.

HON J J BOSSANO:

Is the Chief Minister indicating, in fact, that the legislation will come before the expiry of the temporary permit of one month or is it that they are going to be renewable on a monthly basis?

HON CHIEF MINISTER:

Well, one or the other, but I cannot say when the legislation will be ready. It would be my hope, subject to the drafting technicalities being finished in time, to bring it to this House during this meeting.

HON J J BOSSANO:

Is it not something that the Government can deal with through supplementary regulations, do they have to bring primary legislation to deal with this?

HON CHIEF MINISTER:

Yes, I believe that given the comments that have been made by the acting Chief Justice in delivering his ruling and given the importance of the subject matter and given also this Government's policy of, where possible, bringing important legislation onto the statute book after debate in this House through primary legislation rather than regulations, it is the Government's intention to deal with it by primary legislation. As to whether technically it could be done by subsidiary legislation, I am not in a position to give the hon Member a technically correct answer to that, it may well be possible.

HON J J BOSSANO:

Would the Government not agree that if it is, on investigation, technically possible, it is better to act to protect it and then, if necessary, as is happening with the other Bill that we have got on the Order Paper, the matter can be subsequently transposed into primary legislation?

HON CHIEF MINISTER:

The problem that the powers that the acting Chief Justice has found to be inadequate for the purpose to which they have been put, are powers contained in the Ordinance itself and not in the regulations made thereunder. The Government believe it is bad legislative practice to amend provisions in primary legislation through subsidiary legislation.

NO. 92 OF 1996

THE HON R MOR

INMATES IN PRISON

What is the current number of Gibraltarian inmates and other different nationalities held in prison?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Again we have the same problem with this question so we will have to deduct the three Russians in custody from the figures I am going to give now.

The current number of inmates in custody by nationalities is as follows:

Gibraltarian	5
British (UK)	4
Spanish	7 (including 1 female)
Moroccan	5
French	3
Russian	3

NO. 93 OF 1996

THE HON R MOR

SOCIAL INSURANCE FUND

Can Government state who is drafting the Regulations for the closed insurance scheme that is to pay benefits arising from the Social Insurance Fund and when do Government expect these Regulations to be published?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

In keeping with the Government's policy of introducing, where possible, important legislation through this House, the new closed pension scheme will be introduced by primary legislation and not by Regulations as the previous Government had intended and the question therefore assumes. The Government hope to introduce the Bill in the House during this meeting. There will, of course, also be regulations to be made under such new legislation to deal with the working details of the scheme, equivalent to the regulations that existed under the 1955 Ordinance, which is the Social Security (Insurance) Ordinance.

The new Ordinance has been drafted on behalf of the Government by a specialist draftsman loaned to the Government by the ODA. When Opposition Members receive the draft Bill they will see that it is substantially a re-enactment of the 1955 Ordinance and repeats the rights to benefit and terms and conditions of that Ordinance.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1996

HON J J BOSSANO:

Is it not indeed the case that in answer to Question No. 52 of 1996 the Minister, for the sake of accuracy and the record, said that it was intended to introduce the necessary regulations shortly and therefore the question assumed we were getting regulations because it was based on his answer to Question No. 52 of 1996 and not because there were regulations already in preparation because, is it not the case that none have in fact been drafted previously?

HON CHIEF MINISTER:

No, there are several false premise to that question. The first is that our assumption that Opposition Members intended, had they won the election, to do it by regulation is reflected in exchange of correspondence and indeed working papers on the files that would have been the path or the course in respect of the Opposition Members. It may well be that we would have done it through regulations because our policy is not that we will always do things through regulations but if the matter is important enough and it is possible we would do it by primary legislation otherwise we would

do it by subsidiary legislation. When the question to which the hon Member relates was answered, we thought that we were under a tighter time pressure to bring this legislation into place but as we found that we had more time available to us we were able to go down our preferred route which was, and still is, through primary legislation. That is the explanation as to why there was a reference to regulations in the previous question and it is now being done by primary legislation.

HON J J BOSSANO:

Can I then ask, if the Bill that has been circulated will need to have regulations made under it for the scheme to come into effect or not?

HON CHIEF MINISTER:

As the answer given by the Minister for Social Affairs says, "There will of course also be regulations to be made under such new legislation to deal with the working detail of the scheme equivalent to the regulations that existed under the 1955 Ordinance". In other words, the structure of the scheme, the rights to benefit and the things that used to be in the 1955 Ordinance will be in a new Ordinance and the things that used to be in regulations under the 1955 Ordinance which, as the Opposition Member knows deals with the nitty gritty of the working of the scheme, will be done by regulations which are currently being drafted. And yes, the hon Member is correct, before the scheme can be actually implemented in terms of handling the first cheque out through the payments cashiers window, it will be necessary to have the regulations in place.

HON J J BOSSANO:

Can we deduce from the answer that the type of regulations that are likely to emerge can be more or less predicted from the regulations that existed before as a guidance in anticipation of what to expect?

HON CHIEF MINISTER:

Indeed and without wishing to pre-empt the debate on the Bill, the only real difference is that because this is a closed scheme with no contributors, there is nobody contributing anymore to the old scheme given that the old scheme is closed as at the 31st December, the only difference between the new Ordinance and its subsidiary legislation is that it excludes all provisions from the old law that related to the obligation to make contributions to it because it is a closed scheme and there are no contributors to it.

NO. 94 OF 1996

THE HON J GABAY

PRIVATE NURSERIES

Are the Government planning any new regulations in respect of private nurseries?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

The Government, through the Department of Education, are planning to introduce new regulations for private nurseries to ensure that these fulfil certain requirements in respect especially of educational standards and also safety and environmental aspects of their premises.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1996

HON J GABAY:

Is the Minister in a position therefore at least to generalise on the matter, perhaps to pronounce on the question of qualifications, methodology and perhaps even pedagogic philosophy and will he be concerned actually in setting standards to be pursued in nurseries so that nursery education does not simply become a matter of child minding, important as that is of course to mothers who work out of the home?

HON DR B A LINARES:

The answer is, of course.

HON J GABAY:

I look forward with great interest to see what will be forthcoming on the generalisations that I have made on the subject.

NO. 95 OF 1996

THE HON J GABAY

BISHOP FITZGERALD SCHOOL

Is the Minister for Education in a position, at this late stage, to assure the House that all problems relating to the move of Bishop Fitzgerald's School have been satisfactorily resolved?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

I am happy to assure the House that all classrooms in Bishop Fitzgerald's School and Governor's Meadow reception classes at their new premises in New Camp have been made ready to accommodate the children more than adequately at the beginning of this school term. All lecture rooms in the College of Further Education are similarly ready for the students due to start term on the 11th September. It is likely that the machine rooms and technology areas there requiring the installation of technical equipment will also be in place by the 11th September but at the latest, I assure the House, they will be ready for use a week after that.

May I take this opportunity of stating to the House that the need for these school moves was pressed upon us when this Government came into office after the general election in May and that it has been possible in such a short period of time, over the summer months, to carry out the logistical arrangements and physical refurbishment required by these moves is the result, which I wish to acknowledge here, of generous and dedicated efforts by many people, the technical, administrative and professional officers in the department; the Principal and lecturers of the College of Further Education; the Headteachers and teachers of the schools involved and the caretakers and cleaners involved and very particularly I wish to stress the management and staff of Joinery Building Services who have worked long hours during these summer months conscious that they were labouring for the good of our children.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1996

HON CHIEF MINISTER:

On a point of order, before Opposition Members ask supplementaries, can I just place on Hansard that there are discrepancies between the text of the question that the hon Members will receive when they eventually get the written answers and the answer that my hon Colleague has just read out and we will provide amended text. In other words, because this does not feature in Hansard, this gets delivered to hon Members in the form that the Minister has just read it. He has read it with amendments which will obviously not feature in the copies that will be handed to Opposition Members and we will correct that as soon as logistically possible tomorrow.

HON J GABAY:

Apart from the commendable explosion of gratitude that we have been subjected to, is the Minister aware that three classes are likely to exceed in the fourth year the accepted number of 25 pupils?

HON DR B A LINARES:

This is not the case. Precisely only today the Director of Education is discussing the matter with the management of the school and with the Teachers' Association and assures me that this, he is certain, will not be the case throughout the coming term.

HON J GABAY:

Therefore I can assume that my information is correct and that tomorrow the fourth year will not have classes of 28. Further to the main question, can the Minister assure us that all standard safety measures against the incidence of fire have been taken and have been approved by the Fire Brigade at this stage?

HON DR B A LINARES:

The City Fire Brigade have inspected the premises and have assured us that they are perfectly safe for use, they have positively added details or improvements which are currently being immediately implemented but globally and generally they are quite satisfied that the schools can be used as from now in perfect safety.

HON J GABAY:

Although I accept the Minister's confirmation that the Fire Brigade is satisfied, I would draw his attention to the fact that there is a fire escape in Block G that appears to be dangerous and that the railings are particularly low and hazardous. Is he aware of this?

HON DR B A LINARES:

I am entirely aware, I have a complete and detailed report from the City Fire Brigade and, as I say, all the details pointed out there are receiving immediate attention. I am grateful to the Opposition Member for his concern in this matter.

HON J GABAY:

It has also come to my notice that the toilet facilities in Block G are non-existent so would the Minister comment on that? It would appear to pose particular problems because the younger pupils in Block G would have to go to the other block where the older pupils have their classes and this may well be a disruptive excuse for many children as I am sure the Minister is well aware.

HON DR B A LINARES:

That is not my information. That is entirely new to me, I will look into it of course but may I take this opportunity in general terms for the satisfaction of this House and parents and of Opposition Members to say that the schools at New Camp have been inspected throughout the works programme and just before the beginning of

this term, these past few days, by myself certainly but more to the point, by persons with a more expert eye in such matters such as the Director of Education, the Headteachers, the Teachers' Association, the Government Structural Engineers, the Government Technicians in the Electricity Department, the Government's Technical Officer, the City Fire Brigade as I mentioned a moment ago, the Occupational Therapist, the Parents' Association and lately the parents themselves of the children who have been having parents' evenings there over the past few days. The general consensus is that the schools are perfectly safe and sound and indeed the parents last night acclaimed it as very attractive and accommodating for the teachers and the children, and I say so in all sincerity positively because it is important to assuage any anxiety in the minds of parents whose children, one of them may I point out perhaps is relevant is myself, my daughter is entering reception class in Governor's Meadow at New Camp and I am perfectly at ease about it.

HON J GABAY:

I am delighted to hear this last piece of news since I believe that the law states that a teacher should take as much care over the generality of children as a caring parent might do at home. This is why, given my past experience and talking to somebody of similar experience, there is great concern over safety and what may appear small detail to the less informed. Finally, again, relevant to this question, I pointed out during the last session that there was somewhat concern expressed with regard to the traffic arrangements. Given the large number of pupils concentrated in that particular area, is it not the case that the lay-by which is to be constructed there to make matters easier, has not yet been completed?

HON DR B A LINARES:

Yes, indeed, it is not complete today. It will be within a matter of a few days, that I am assured.

HON J C PEREZ:

Can the Minister state whether the works of the lay-by went out to public tender or whether they were awarded direct?

HON DR B A LINARES:

There was a pressing need for immediate and quick action on this, precisely to meet the concern expressed by the Opposition Member, and the Director of Education quickly scouted around at possible firms that would be able to do the job in good time and eventually came to a conclusion that JBS, who was involved and engaged in all the other works, would logistically because they had all the plant and workers there, would finish the job in good time as indeed is going to happen.

HON J C PEREZ:

Is the Minister aware that JBS has never done works of this nature and that they subsequently subcontracted the work out to Amey?

HON DR B A LINARES:

I am indeed aware and I do not have many scruples about that.

HON J C PEREZ:

Fine, but the Minister has just said that the reason why it did not go out to public tendering is because they thought JBS could do it and what happened is that they gave it to JBS and then subsequently it went out to subcontracting.

HON DR B A LINARES:

It is not fair to put it that way. JBS did a great deal of infrastructural work, provided the lay-by, it was one aspect, finally tarmacking at the end I believe that needed to be subcontracted and that was a matter of detail. I do not think we should quibble about that because the pressing point was, the urgency of the matter that this should be completed as soon as possible. Even as it is they have fallen slightly behind time through no fault of anybody but infrastructural problems with the sewage and so forth that needed attention. But there has been a great deal of good faith throughout having that objective primarily in mind.

HON J L BALDACHINO:

Is the Minister then saying that the best possible solution and the quickest method was to give it to JBS and that JBS did most of the groundwork and therefore did a good job on that part and therefore the part that they could not do was the one that they subcontracted to Amey?

HON DR B A LINARES:

Yes, indeed, the Opposition Member has crystallised exactly what I, in a longwinded way, expressed.

HON J L BALDACHINO:

So it was actually on the merits of the urgency to get the safety part to the school, is that correct?

HON DR B A LINARES:

Yes, I also forgot to say that actually the quote and the price given by JBS was much cheaper than that originally quoted to the Highways and Sewers Department.

HON LT-COL E M BRITTO:

For the sake of further clarity I would like to add that as will become clearer from an answer to a question later on on the Order Paper, that the Highways Department of the Government are also involved in the final resurfacing.

HON J GABAY:

To come back to the original question of safety and the pupils, given the fact that the lay-by is not completed, can the Minister assure us that there will be special police supervision particularly the first few days of the term?

HON DR B A LINARES:

Yes, indeed, we have been in contact with the police in this respect and they have assured us of co-operation in that matter.

NO. 96 OF 1996

THE HON J GABAY

ASSISTANT IN THE FRENCH LANGUAGE

Will the Government consider contracting the services of an assistant in the French language as is the standard practice in most UK Secondary Schools?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

The Government have no intention of contracting the services of an assistant in the French language in our schools. Whatever may be the case in UK schools, the need for this has never been identified locally as a priority by the Department's advisers, by the teachers themselves or by the Teachers' Association. We have in the past welcomed and would still welcome voluntary assistance from French academics who can share in our curriculum at secondary level and often in return benefit themselves from improving their English.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1996

HON J GABAY:

With a degree of immodesty I think I can speak with some authority on the subject. The academic work of the subject is one thing, the reason why an assistant is usually employed is so that the pupils have the opportunity of having direct contact with a native speaker usually a young person who can understand the needs and feelings that preoccupy youngsters. If the need has not been brought to his attention I do so myself as a matter of importance particularly given the fact that the GCSE exams and 'A' levels have become predominantly colloquial. This in no way undermines or underestimates the excellent work done by teachers of the French language locally but if consulted, I feel quite confident that they would feel that their work would be suitably complimented by the creation of that post which, in any case, is not an expensive thing and is usually done by someone filling in a gap here on an exchange basis. So perhaps the Minister might be willing kindly to consider the suggestion made.

HON DR B A LINARES:

I did explain before that on a voluntary assistance basis part exchange this would be entirely acceptable, but I must insist, that however desirable that form of luxury is, taxpayers' expenditure on this type of thing cannot in any way be identified as a priority given in the context of all the other needs within the education agenda. I would stress that one with evidence by saying, that given our magnificent pass rate, I accept the colloquial aspect of the practice in the fluency of the French language but nevertheless at the end of the day, in establishing needs we have to go on academic results. Given the extremely magnificent pass rate in French for GCSE and 'A' level, in no way can we consider this as a priority in our agenda.

HON J GABAY:

That the Minister for Education should describe the post of an assistant as a luxury really is a reflection of his ignorance on the subject. Secondly, of course we are all proud of the results that we obtain but by constantly repeating them there is a danger of becoming complacent because there is a very important on-going debate with regard to standards, we do not need the Minister for Education to remind us every time of the results, not only are we aware of them, we contribute to them.

ORAL

NO. 97 OF 1996

THE HON J GABAY

COOPERS AND LYBRAND REPORT ON SHEFFIELD UNIVERSITY PROJECT

Are the Government still expecting to receive the results of the Coopers and Lybrand Report on the Sheffield University project in this month of September, as stated by the Minister during the last meeting of the House?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

I understand from University college of Gibraltar Ltd who contracted Coopers and Lybrand to carry out a feasibility study and report on the Sheffield University project that the scope of their survey has now been widened and that consequently the final report may not be ready as initially expected by the end of September. I understand that Coopers and Lybrand are now looking at other models beyond the Sheffield concept which they believe may be more marketable in the context of a University establishment for Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1996

HON J GABAY:

I am grateful for the answer. Might I ask the Minister to keep us informed of any developments, that would be quite useful at our end?

HON DR B A LINARES:

Yes, there have been developments, obviously, this is an ongoing fluid situation. Sheffield University feel that their university model recommended by Coopers and Lybrand in their interim report is not compatible with the requirements of their own corporate plans and mission objectives. As such they could not participate directly in pursuing such a model but the Government, in close liaison with the University of Gibraltar Ltd, are in contact with the vice-chancellor of Sheffield University, Professor Gareth Roberts, who in an indirect manner is prepared to support the University project extending its links with other universities in the UK and very particularly with Sheffield Hallam whose academic activities are complimentary to those of Sheffield University.

HON J GABAY:

Does not the Minister realise that moving in the direction of Hallam is, in fact, a way of demeaning the standard expected of a university and what is the reason really to moving in the direction of an institution that has a much lower reputation academically?

HON CHIEF MINISTER:

The Government are not moving in any direction. This is a project by a private company to bring to us their ideas and when they bring to us their ideas we express a view on them. If there is a private organisation that wishes to discuss with Sheffield Hallam or any other academic institution the possibility of establishing a project in Gibraltar they are free to do so. The Government will then express our view if Government are required to contribute to that project valuable resources.

HON J GABAY:

I am grateful for the point made by the Chief Minister and perhaps the statement that I made may be taken into account if there is a Government commitment or if their advice is sought as the project develops.

HON J J BOSSANO:

Did not the Minister say at the last meeting of the House that in fact the option on their project would expire in September and in fact it now seems to have expired since the nature of the project appears to have changed direction, and did he not say that if it was not concluded by September the possibility of the College of Further Education being given the opportunity of moving to those premises would be reconsidered?

HON CHIEF MINISTER:

Yes, the Leader of the Opposition is quite right. The option, if that is the right word, certainly had expired in September. The Government are now reconsidering all options for the use of Lathbury Barracks including alternative private sector projects which have nothing to do with the field of academia and therefore as far as the University of Gibraltar Ltd is concerned, they had no further first refusal over the site and it is now a site available for the Government to consider for general economic exploitation.

ORAL

NO. 98 OF 1996

THE HON J GABAY

SCHOLARSHIP HOLDERS

Will the Hon Minister for Education inform the House as to how many scholarship holders have graduated this year and how many of these graduates are expected to return to Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

Eighty-one scholarship holders have completed their studies in UK this year. Ten of these have been employed by the Government as qualified teachers. The rest have been released from their contractual obligation to return to Gibraltar for a specified period of time, which is a traditional and formal condition of their scholarship grants. But I am not able to state how many of these will physically return to Gibraltar to seek employment in the private sector and how many will try their luck in wider job markets elsewhere.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1996

HON J GABAY:

Might it not be a sensible idea to record on an annual basis the direction taken by Gibraltar graduates and issue an annual report? Might not such a report be a useful guideline both to graduates and also it could provide a valuable statistic on the retention or export of Gibraltarian talent?

HON DR B A LINARES:

That is a very good idea and, in fact, I have already given instructions to the Department of Education to issue this type of global reports about movements, etc in the field of education, a practice which was normally, may I say, eight years ago, but which was stopped during the previous administration.

NO. 99 OF 1996

THE HON J GABAY

NON-MANDATORY SCHOLARSHIPS

Will the Hon Minister for Education inform the House as to how many applications for non-mandatory scholarships have been received and how many have been awarded?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

Sixty-nine applications were received by the Scholarship Awards Committee this year for non-mandatory scholarships and 52 of these were recommended by the Committee for non-mandatory awards. This compares very favourably with the 16 non-mandatory awards granted last year.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1996

HON J GABAY:

Further to the main question, could the Minister comment on the process of selection and the criteria applied and to what extent the Minister has discretionary powers?

HON DR B A LINARES:

The Scholarship Awards Committee is an advisory committee to the Minister but as a matter of policy on my part I will only overrule the decisions of the committee, one way or the other, in the unlikely event of procedural impropriety on their part. The committee is made up of top and experienced professionals in the field. As regards the criteria, there are of course statutory requirements in the Education Ordinance concerning entitlement of applicants but apart from that, at Ministerial level, the criteria given to the Awards Committee may be summed up as follows: The relevance of the course to the needs of the community, for example, in the finance sector, tourism, etc; track record of the students in their first degree, for example, at least a good 2-1 grade; non-degree courses which are not available locally; and of course, an interview with the applicant to gauge the seriousness in motivation and the suitability of the individual to the desired course. It is a broad area of criteria within which these professionals exercise their discretion and advise me accordingly.

NO. 100 OF 1996

THE HON J GABAY

MANDATORY SCHOLARSHIPS

Will the Hon the Minister for Education inform the House how many mandatory scholarships were awarded by Government last year and how that figure relates to the latest awards?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

Mandatory scholarships are not awarded, as I am sure Members of the House appreciate, by Government on a discretionary basis. The number of scholarships is determined exclusively by how many of our students are successful in obtaining university places. All such students obtain a scholarship. Answering the question more specifically and directly, the figure this year was 155 and the figure last year was 184.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1996

HON J GABAY:

Is the Minister in a position to comment on the decrease, or rather he said, if I have got it correctly, that this year we have had 155 and last year 184, could he comment really on the decrease of scholarships awarded depending on places obtained?

HON DR B A LINARES:

There are a number of comments that I could make. I can repeat, and I think it is worth repeating, that mandatory awards are not discretionary, they are governed by the Department of Education's Awards Regulations 1990 which establishes, using more legal jargon, that an entitled student who is accepted by an educational establishment in a designated course automatically qualifies for a scholarship award. In other words, why the number of awards was lower this year is not because the GSD Government are less generous than the GSLP Government but simply because the universities perhaps have been less generous in accepting our students than last year. Another comment that I can make is that this drop in standards, if it can be interpreted that way, is really what could be called in computer jargon a sort of glitch, a sort of break in a very definite pattern and trend which has been over recent years a definite pattern of success, but the laws of statistics often work this way. On the other hand, the record high results that we have obtained this year at GCSE level would prompt me actually to wager that we are in for a bumper year at A-level in two years time and an expensive one, I suppose, for Government.

HON J GABAY:

Obviously one is happy to take pride in the performance of our pupils but it is all this talk about bumper years that is actually worrying educationists in England because of the lowering of standards. Be that as it may, of course we want our pupils to have good results, we should also be equally concerned in the standards that we are achieving and the ongoing debate on the subject. Since of course there is concern about the standards of the A-levels and about the standards of some of the weaker polytechnics that have been called universities, I feel that perhaps might it not be a good idea for the Minister and his department to shed some light on the proportion of our students going to the better universities and those going to universities where some of these polytechnics are imploring people to come in with an 'E' in one A-level subject? I think we need to be concerned about our own standards and where it is that they are going. What is developing in the UK is something, in my opinion, similar to the Ivy League in America. I do not want to make a long speech over it, I am terribly sorry if I extend myself, the question is, might it not be worthwhile to produce some information or some documentation on the institutions that our pupils are going to?

HON DR B A LINARES:

There are interesting points raised by the Opposition Member on this one that may indeed merit further analysis but I do not wish to indulge also in a debate at this time.

HON J J BOSSANO:

Can the Minister confirm, in fact, therefore that the media report that his department was bracing itself to cope with a massive level of applications for places in the United Kingdom universities as a result of this year's likely numbers was in fact an exaggeration and that the department is not having difficulty in coping given the figures that he has given?

HON DR B A LINARES:

No, the Director of Education actually gave a guesstimate, he quoted a figure of 200 and we have pretty well hit that target. If one puts together the 52 non-mandatory awards given on a non-mandatory basis and the 155 mandatory awards, it actually makes 207 so really very close to the figure that the Director of Education was bracing himself to face in terms of expenditure.

HON J J BOSSANO:

Would the Minister not agree that linguistically if one talks about bracing oneself to cope with 200 it gives an impression that this is something that puts the department under a strain and this is not the case.

HON DR B A LINARES:

I am not sure whether the term "bracing himself" was actually emanating from the Director himself who is a technical and would not use this sort of emotive language or just really media type of language, I am not sure of that but I agree that perhaps we should avoid this type of journalism.

HON J J BOSSANO:

But, in fact, being able to service that number of scholarships is something that the department is equipped to handle, am I correct?

HON DR B A LINARES:

Entirely correct.

NO. 101 OF 1996

THE HON MISS M I MONTEGRIFFO

FLOODLIGHTING AT THE VICTORIA STADIUM

Have the Government now taken a decision on whether to proceed with the floodlighting of the main pitch and the second pitch at the Victoria Stadium?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are considering improving the Victoria Stadium main pitch floodlighting system by replacing the existing floodlights with an up-to-date more efficient system which would provide improved illumination at a lower running cost. A final decision has not yet been taken.

As regards No. 2 pitch at the Stadium, a full floodlighting system cannot be installed due to its proximity to the airfield. Nevertheless, clearance has been obtained to install a lighting system which would be suitable for training sessions. A survey has been carried out and the cost implications are being considered, but the policy decision has been made to go ahead.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1996

HON MISS M I MONTEGRIFFO:

I am pleased to hear the second part of the answer to my question because that is a policy decision we had taken when we were in office to proceed with the second pitch. We had already been given clearance for the type of lighting that the Minister has mentioned. But in a question that I put to the Minister in the last session of the House he did say that the Government were considering the floodlighting of the main pitch. Can he be more specific now, is it that the Government are more inclined to accept that it needs to be replaced?

HON LT-COL E M BRITTO:

No, the position is exactly the same. Government are still considering it and have not made a decision. It will probably come up for review at the time of the estimates for next year and together with other departments, the Sports Ministry will be making a bid for expenditure and then the Government, as a whole, will decide on priorities for that expenditure and at that stage a decision will be taken.

HON MISS M I MONTEGRIFFO:

So really what the Minister is saying is that in this financial year the floodlighting will not be replaced?

HON LT-COL E M BRITTO:

That is correct.

NO. 102 OF 1996

THE HON MISS M I MONTEGRIFFO

FINANCIAL ASSISTANCE TO GIBRALTAR RIFLE ASSOCIATION

Have the Government now taken a policy decision as to whether they intend to provide financial assistance to the Gibraltar Rifle Association for the construction of an indoor rifle range?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The position remains as outlined in my answer to Question No. 66 of 1996.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1996

HON MISS M I MONTEGRIFFO:

So really can I not get the Minister to give a firm commitment to the House that they will honour the commitment that we gave to the Rifle Association when we were in office?

HON LT-COL E M BRITTO:

The Government in May 1996 inherited something like 76 applications from sporting associations. There is a committee under my chairmanship which is considering these applications, they have been put into priorities and they are being processed. As I said in my answer to Question No. 66, a number have had finalised arrangements and others are awaiting policy decisions for structural works to the areas offered. The Gibraltar Rifle Association case is amongst those awaiting a policy decision. Once that policy decision is made then we will proceed but at the moment the committee is dealing with those applications which are considered to be of a higher priority.

HON MISS M I MONTEGRIFFO:

I understand what he has said, Mr Speaker, but I do not think he has answered my question. My question is, given that when we were in Government we gave that commitment, will he honour the commitment that we gave them?

HON LT-COL E M BRITTO:

Let me remind the Opposition Member that she is no longer in Government, this Government are considering the situation and will commit ourselves as and when we decide that we are ready to do so.

NO. 103 OF 1996

THE HON MISS M I MONTEGRIFFO

GASA

Can Government confirm whether they have received any representations from the Gibraltar Amateur Swimming Association for the allocation of an additional area of land next to their existing swimming pool for the construction of their premises?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Gibraltar Amateur Swimming Association have not made any official representations to Government for the allocation of an additional area for the building of their premises.

ORAL

NO. 104 OF 1996

THE HON J C PEREZ

MOT TEST CENTRE

Will Government confirm that they have received proposals from the employees of the MOT Test Centre for the privatisation of the facility?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are aware that outline proposals for the privatisation of the Motor Vehicle Test Centre were made by staff to the previous administration in February 1995.

Government have asked the staff to update and resubmit their proposals and these will be given due consideration when received.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1996

HON J C PEREZ:

The position then at the moment is that Government are waiting for the staff to make updated proposals to the Minister direct? Is that the position?

HON LT-COL E M BRITTO:

That is correct. To resubmit their proposals in an updated form.

HON J C PEREZ:

But there is no, in principal, objection to privatisation per se on behalf of the Minister?

HON LT-COL E M BRITTO:

The situation at the moment is that the Government are awaiting these proposals and when these proposals are received we will make a policy decision one way or the other.

ORAL

NO. 105 OF 1996

THE HON J C PEREZ

STUDY INTO TRAFFIC CIRCULATION

Have Government already commissioned an in-depth study into traffic circulation, and if so, to whom?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 109 of 1996

NO. 106 OF 1996

THE HON J C PEREZ

SECOND TV CHANNEL FOR GBC

Do Government support the introduction of a second TV channel by GBC?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

GBC has not made any formal proposals to the Government for the introduction of a second TV channel. However, the Government would consider favourably any cost effective proposals which would improve the television service.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1996

HON J C PEREZ:

By cost effective does the Minister mean keeping within the £1 million of allocation that has been the normal thing for the last three years in the estimates?

HON LT-COL E M BRITTO:

This is not something that the Government have given consideration to and it is to a certain extent a hypothetical question, so it is not one I can answer at this stage.

HON J C PEREZ:

So basically the Minister is saying that if it does not cost too much and depending what is going to be on offer in the second channel for the money being asked for, Government will then be able to take due consideration on it?

HON LT-COL E M BRITTO:

That is right. As the Opposition Member no doubt knows, GBC have in fact been carrying out test transmissions during the course of the current year and have not yet come to the end of those tests. We all know that they are considering the possibility of having two different networks transmitting but until such time as formal proposals are made in the light of those test transmissions, no consideration can be made.

HON J C PEREZ:

So the position is that notwithstanding the public utterances of the Chairman of the Board of GBC the corporation cannot proceed with the second channel unless proposals are made to the Government first, is that the position?

HON LT-COL E M BRITTO:

Not necessarily. GBC, as the Opposition Member knows, works independently of the Government and if GBC were to produce proposals for a second channel that does not mean any extra funding for the Government, then Government would not stand in its way. If, however, the proposals meant extra funding then Government would have to weigh up the proposals.

HON J C PEREZ:

So the only way that proposals will get to the Government is if there is a need for extra funding over the £1 million that is at present allocated to GBC?

HON LT-COL E M BRITTO:

No, I think we are making too heavy weather of what is something relatively simple. GBC have been carrying out test transmissions and at a given moment in time they will decide whether they want to expand their transmissions or not expand them. There has been no approach to Government and therefore at this moment in time I am not in a position to give anything more definite until those proposals are made.

HON J C PEREZ:

But what I am trying to clarify from the Minister is, as he has just said, that if there is no need for extra funds, then the corporation can proceed with a second channel without reference to the Government. If the Government will only be receiving a proposal from the Board if there is a need for extra funds, extra funds meaning more money than what is allocated to GBC every year which is £1 million that I have been mentioning. If the Minister thinks that extra funds is something else can he explain what it is because that is what I understand to be extra funds?

HON LT-COL E M BRITTO:

The situation is, and I will repeat it again, that until such time as GBC make proposals the Government cannot make policy decisions.

HON J C PEREZ:

Yes, I understand that. What I am trying to get the Minister to say is that he has already told me that if the corporation is able to have a second channel without the need for extra funds then the proposals might not get to the Government and the Government might not be able to direct the corporation in any way at all over the matter. That is what the Minister has said. What I am saying is that if what the Minister means by extra funds is more money than what has been allocated over the last two years to the corporation in the estimates which is in the region of £1 million?

HON LT-COL E M BRITTO:

The hon Member persists in hinging the question on the extra funding and I said at the very beginning not necessarily because until such time as proposals are made, as the cost implications are studied, the Government cannot make decisions based

on hypothesis and one of the rules of this House, I may remind the Opposition Member, is that hypothetical questions are not allowed. When proposals are made the Government will make decisions.

HON A ISOLA:

If I can just try and clarify to what I understand the question is aimed at. If a second channel does not mean any expenditure over £1 million is there a need for Government to be approached?

HON LT-COL E M BRITTO:

GBC is an independent entity. It is subject to certain influences from the Government as it has always been, but it is fully capable of arranging its own programmes and deciding what it puts out as long as it comes within certain rules and regulations. If within its existing budget and within its existing restrictions it is able to produce a second channel or increase its hours of transmission or do any other changes, then it has the full powers to do so.

HON J C PEREZ:

Now that we have got the Minister to say that, within its existing resources the corporation can do things without reference to the Government, he said in a previous supplementary that he might only receive a proposal if GBC come up and say, "This is going to cost more money and we need extra funds", that is what the Minister said previously.

HON LT-COL E M BRITTO:

No, what I have said is that no formal proposals have been made and that the Government would consider favourably any cost effective proposals which would improve the television service.

HON J C PEREZ:

But the Minister said and has repeated that the corporation might proceed with a second channel and might not have to come to the Government because it is not in need of extra funds to introduce the second channel. My question to that is, what does the Minister mean by extra funds? That is not a hypothetical situation. I am saying, what does the Minister mean by extra funds, does he mean that the corporation would need more than the £1 million allocated to it over the last two years to be able to proceed with the extra channel, is that what the Minister means by extra funds?

HON LT-COL E M BRITTO:

I would have thought that the answer to that is obviously yes. [HON J C PEREZ : *Thank you.*] Extra funds is extra funds, "extra" means more than they had before.

ORAL

NO. 107 OF 1996

THE HON J C PEREZ

ACCESS FOR WHEELCHAIRS

Will Government consider providing proper access for wheelchairs at the General Post Office now that the refurbishment of that area of Main Street is to take place?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

As part of the beautification of Main Street, plans already exist to construct a ramp at the entrance to the General Post Office to provide easier access for wheelchairs and prams.

ORAL

NO. 108 OF 1996

THE HON J C PEREZ

Question withdrawn.

NO. 109 OF 1996

THE HON J C PEREZ

TRAFFIC

Can Government state whether traffic will be permitted through Main Street every evening and all day on Sundays, once the refurbishment is complete?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government expect shortly to be in a position to commission a full-scale study of all aspects of traffic circulation and parking management in Gibraltar. The policy decision whether and, if so, at what times to permit traffic to use Main Street will be made when Government have considered the results of the in-depth study to be carried out in the light of unavoidable traffic circulation needs. However, the policy of the Government is to eliminate vehicular traffic from Main Street to the greatest possible extent and as soon as possible. Avoidable traffic through Main Street is very unlikely to be allowed simply because it is evening time or Sunday.

SUPPLEMENTARY TO QUESTION NOS. 105 AND 109 OF 1996

HON J C PEREZ:

Is the Minister aware that members of the police in the Traffic Commission and indeed the majority of the Traffic Commission have indicated when the beautification works were put to them that it was of great necessity that the end part of Main Street from Engineer Lane to the ICC building be kept functional at all times?

HON LT-COL E M BRITTO:

Will the Opposition Member clarify what he means by functional?

HON J C PEREZ:

That cars can drive through it.

HON CHIEF MINISTER:

That depends on other wider traffic circulation policy decisions that Government have to take following new studies. Certainly on the basis of the present traffic flows down from the Upper Town, it is difficult to see how the northern end of Main Street can be pedestrianised. But if alternative arrangements were made in other areas from which traffic flows to that part of Main Street, it may well be possible to pedestrianise that part of Main Street which, indeed, would be the Government's preference.

HON J C PEREZ:

I can see that the Chief Minister is being convinced by the Tunnel project more every day that passes. Can the Chief Minister state whether the report that is to be commissioned is to go to public tendering or whether they have sought quotes from experts in the field in order to be able to get the cheapest and the most professional report possible of all aspects of traffic in Gibraltar?

HON CHIEF MINISTER:

The position at the moment is that the Government have not yet ourselves commissioned a report. There is a Canadian company that has made proposals in relation to the management of parking in Gibraltar... *[HON J C PEREZ: Did the Chief Minister say alien?]* A Canadian, who are indeed aliens in the context of Gibraltar. A proposal has been made to the Government in respect of which the Government have asked them to make more detailed proposals and in the context of those more detailed proposals they will be submitting ideas on traffic flow. So Government have not contracted anybody to do this work but somebody who had a proposal in relation to parking management in Gibraltar, I think the Opposition Member is aware of who they are because I think there was first an approach to him, that proposal will include ideas about how traffic flow might be changed advantageously.

HON J C PEREZ:

Perhaps the Chief Minister ought to look at a similar study that was put to the Government way back in 1989 by a Manchester based company and possibly he will find that people from outside rather unaware of the specific difficulties that pertain to Gibraltar motorists look at it from a different perspective and that is a matter that ought to be taken into account in looking at that report that is going to be commissioned.

HON CHIEF MINISTER:

Yes, indeed, at the end of the day there will be a policy decision from the Government followed by consideration by the Traffic Commission. These decisions will be made by locals and not by aliens.

NO. 110 OF 1996

THE HON J C PEREZ

ROAD RESURFACING PROGRAMME

Have Government prepared a road resurfacing programme for the current financial year and, if so, can the Minister state which roads are to be resurfaced and when?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

During the current financial year the following roads have been resurfaced:

Tarik Road - including the construction of a new pavement
Jone's Battery and Lower Castle Road - including the construction of a new pavement
Grand Parade (slurry sealed)
Secretary's Lane (slurry sealed)
Wasteground in Europort Avenue to the west of Bishop Fitzgerald and Governor's Meadow Schools is being converted into a dropping off zone and parking area

The following roads are programmed for resurfacing before the end of the current financial year:

Alameda Estate - Service Road
Rosia Road - New Harbours area - including pavement
Green Lane
Prince Edward's Road (part of)
Europort Road (part of)
Market Place
Winston Churchill Avenue - south

The following works are programmed to be done before the end of the current financial year:

Pelican crossings at:-

Rosia Road by Jumper's
Winston Churchill Avenue by the Air Terminal
Devil's Tower Road by St Theresa's

The following pavements are due to be constructed before the end of the current financial year:

Reclamation Road
South end of Old Naval Hospital Road

SUPPLEMENTARY TO QUESTION NO. 110 OF 1996

HON J C PEREZ:

I notice that priority is not being given to the entrance to Main Street which was scheduled to take place in this current financial year which was linked to the liner terminal, that is to say, the whole of the Waterport area up to the liner terminal has not been included in the programme. Is it perhaps because that is going out to tender and not done directly by the workforce?

HON LT-COL E M BRITTO:

No, the reason for that is, that the Government are looking at broader proposals for the beautification of the whole area and because of this the actual road resurfacing has been put back to fit in with the more extensive works that will be done.

HON J C PEREZ:

Is the Minister intending to complete the works with existing labour or is it intended that some of this work, as was the case with Tarik Road and Jone's Battery, is to be contracted out?

HON LT-COL E M BRITTO:

No decisions as such in advance have been made on that but it is likely that due to the restricted assets of the Highways Department, that outside sources might have to be contracted.

HON J GABAY:

Might not the Minister consider the state of Naval Hospital Road which is in dire need of resurfacing?

HON LT-COL E M BRITTO:

Indeed, there are many roads which are in dire need of resurfacing. Yes, the answer is that all roads which it is deemed are in need of resurfacing will be considered.

HON J C PEREZ:

Just to add to what my hon Colleague has said, if the Minister might perhaps make himself aware that Old Naval Hospital Road was not done last year in waiting for the lock-up garages to be constructed and that it was scheduled to take place once those were completed. I understand that those garages are completed and that it is possible for that road to be resurfaced now.

HON LT-COL E M BRITTO:

If the Opposition Member will bear with me for a moment. Yes, the area that is scheduled to be done in Old Naval Hospital Road is the south end where there is a certain amount of wasteground that has been left but not the road as a whole. In any case there is a project of more garages along that road.

ORAL

NO. 111 OF 1996

THE HON J C PEREZ

GOVERNMENT LOTTERY DRAWS

Will Government state whether they intend to change the regularity of the Government Lottery Draws from fortnightly to weekly?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government have no plans at present to change the Lottery Draws from fortnightly to weekly but, in due course, Government will conduct an in-depth review of all aspects of the Government Lottery.

ORAL

NO. 112 OF 1996

THE HON J GABAY

KING'S BASTION

Have the Government any plans for the redevelopment and restoration of King's Bastion?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are looking into the restoration and redevelopment of the area of King's Bastion. The Government are considering how the redevelopment of King's Bastion can be achieved both to restore its attraction as a site and to attract commercial and touristic interest. Various reprovisioning issues arise both with regard to the Government services and offices still located there and also in respect of the tenants of the dwellings looking onto Line Wall Road. The Government's plans for King's Bastion are still at a preliminary stage. Once a clearer conceptual design has been elaborated by the Department of Trade and Industry we will be inviting developers to submit outline proposals for the development of King's Bastion along the lines indicated. We are also keen to complement the redevelopment of King's Bastion with the enhancement of the City Walls linked to King's Bastion. The process of planning will, of course, involve consultation with the Gibraltar Heritage Trust and other affected parties. The Government believe that King's Bastion has the potential to be a major historic attraction for our tourism industry.

NO. 113 OF 1996

THE HON A ISOLA

FINANCIAL SERVICES INDUSTRY

Can Government state how many persons are estimated to be currently employed directly in the financial services industry?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

According to the latest Employment Survey tabled in the House earlier today; the number of people directly employed in the banking, finance and insurance industry as at April 1995 is 1,405 full-time and 165 part-time employees. These figures include employees in the legal and accountancy firms. The ETB has supplied figures in respect of open contracts as at 30th August 1996 in this sector. The total provided by the ETB shows an employment of 2,965 divided as follows:

Banking and Finance	875
Insurance	572
Legal/Accountancy	1,518

The difficulty in making comparison between this figure and that provided in the latest Employment Survey is that it is often the case that employers fail to notify the ETB of termination of employment. It is therefore probable that a part of the increase is attributable to new jobs that have been created whilst others have been lost and not reflected in the latest figures. Only a full employment survey will reflect accurately the number of jobs in the sector at any particular time. The ETB at present has no breakdown of full-time and part-time employees.

The Government are keen to increase the number of people employed directly or indirectly as a result of the financial services industry. To achieve this the industry requires a major but carefully co-ordinated promotional strategy. The Government will also have to increase the resources available to it to develop the industry. We have already assured the Financial Services Commission that funding shortfalls should not impede it in the important work of achieving passporting initially in insurance but subsequently in other financial services.

ORAL

NO. 114 OF 1996

THE HON J J BOSSANO

REDUNDANCIES IN MOD

Can Government state how many Gibraltarians are anticipated will be made redundant in the financial year 1997/98 by the MOD?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 115 of 1996.

NO. 115 OF 1996

THE HON J J BOSSANO

REDUNDANCIES IN THE MOD

Can Government state how many Gibraltarians are anticipated will be made redundant in the current financial year by the MOD?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

One of the major difficulties facing Gibraltar in respect of the MOD rundown is the lack of clarity with regard to the precise number and especially the timing of the redundancies by the MOD. Whilst, therefore, the overall figure of around 700 direct civilian jobs are anticipated to be lost within the next four years, how many of these will go within this and the next financial year is uncertain. The MOD has, however, put the Government on notice that it intends to effect the following redundancies over a given period:

- (a) 19 jobs in the GSP by March 1997;
- (b) 4 jobs in the Royal Marine Auxiliary Service by March 1997.

Redundancy notices delivered to employees at the Royal Naval Hospital have been withdrawn and discussions between the MOD and the Minister for the Environment and Health are taking place.

As the Government have announced, with regard to the GSP, we are investigating the absorption of the job losses by recruitment into the Royal Gibraltar Police Force. In fact, out of the 19 jobs, a total of 14 will be available for recruitment into the GRP since the balance would be lost through retirement and other reasons. As regards the four employees in the Tug Section of the RMAS, the MOD are in advanced discussions with commercial entities for the sale of the tug vessel Sealyham and the transfer of the MOD employees.

A number of important issues relating to the methodology of the rundown still require to be determined. The Government are keen later this month or as soon as possible in October and after the publication of the Deloitte Touche Report to try and make progress on this front in particular through reactivating the Joint Economic Forum.

The MOD and the Trade Unions have been keeping Government informed of their contacts and on-going discussions. Both the MOD and Unions are keen to avoid compulsory redundancies. We share the grave anxiety of all MOD employees and can assure them of the Government's continued efforts to ameliorate the impact of the impending reductions.

SUPPLEMENTARY TO QUESTION NOS. 114 AND 115 OF 1996

HON J J BOSSANO:

Is it that the information on the timetable of the redundancies was not made available to Deloitte Touche as part of the data that they required in order to make their study?

HON P C MONTEGRIFFO:

The Leader of the Opposition is correct. That data has not been made available to the Deloitte Touche consultants. It is one of the matters that has frustrated not just them but frustrates the Government. There are numerous issues which the MOD raises as being impediments to their being more explicit in a timetable which would allow us to identify manpower recess against land recess and against our own projects for economic activity so that there would be a chance to marry these together. This, as I have mentioned in my first reply, is one of the major difficulties and something which the Deloitte Report will not address unfortunately. It is something, as I have indicated, that we are keen to try and make progress on in the Joint Economic Forum once that is reactivated following the publication of the report.

HON J J BOSSANO:

Is the Minister aware that the previous administration had made the point a considerable time ago to Her Majesty's Government that the very least that they could do was to produce as much advance notice as possible in order to make it more probable that measures could be developed to dovetail with the release of labour into the local labour market and that that point, in principle, was accepted a couple of years ago? Is the Minister aware of that?

HON P C MONTEGRIFFO:

I was not aware that that point had been put by the previous administration but I can well understand that it would have been put because it is the first sort of issue that would occur when looking at such a problem, Mr Speaker. We have certainly raised it with the MOD and the word flexibility has been used to describe that very process. The MOD uses the word flexibility to describe the need it has for operational reasons not to be totally explicit about the timetable because it wants to ensure that its functions can be run down or accommodated in some other way smoothly but the same must apply in reverse for Gibraltar, namely, Gibraltar must have the flexibility that if we are creating new economic activity which will create employment for a certain number of people who could be deployed from the MOD, that we should have the flexibility and the MOD should extend that flexibility to allow those MOD employees to move over to such an activity when that activity occurs and not six months or one year later when those jobs have been taken elsewhere. That is the point which is uppermost in my mind and which will be attended to by the Deloitte Report, that is a point that will be stressed by the report which, I can assure the Leader of the Opposition, will feature in our discussions with the MOD in the Joint Economic Forum.

HON J J BOSSANO:

Would the Minister take into account, making that point, that in fact the argument had been fought and won a long time ago and that he should avoid having, as it were, to go through the exercise of having to persuade them all over again, to accept what they reluctantly persuaded some time ago, which was, that in providing the Government of Gibraltar with the necessary information to make, as it were, an inventory of human resources, the probable but not necessarily committing them to anything but the probable numbers and breakdowns in terms of skills, age and sex with minima and maxima would be the kind of data that it is within their power to produce quite easily and that, if necessary, can be done on a confidential basis to the Government so that the Government can work with data which enables them to plan coherently. Will the Minister take into account that all that has been gone through already and that he may be starting on the assumption that he needs to put a lot of effort into making them accept and understand that, when in fact we had got to that stage already?

HON P C MONTEGRIFFO:

I am delighted to welcome any progress that has been made by the previous administration on this matter and if that is decisions that have been taken by the MOD and which we can work, I have no wish to either reinvent the wheel or claim credit for what may have been achieved in the past. Let me say that I should not give the impression, Mr Speaker, that the MOD is embattled with us on these issues. No doubt there are difficult, complex and probably uncomfortable decisions to take all-round but the attitude of the MOD, indeed the attitude of the Trade Unions, is one of great support for Gibraltar in this predicament and we hope that those expressions of support translate themselves into meaningful flexibility along the lines that we have been discussing now.

ORAL

NO. 116 OF 1996

THE HON A ISOLA

REVENUE FROM TOURIST INDUSTRY

Can Government state what is the estimated contribution to Government revenues derived directly from the tourist industry?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 117 of 1996.

ORAL

NO. 117 OF 1996

THE HON A ISOLA

REVENUE FROM FINANCIAL SERVICES INDUSTRY

Can Government state what is the estimated contribution to Government revenues derived directly from the financial services industry?

ANSWER

THE HON THE CHIEF MINISTER

In the absence of reliable desegregated data it is difficult to give a reasonably accurate estimate of the contribution to Government revenues derived directly from the tourist or financial services industries. On the basis of PAYE, company tax and import duty receipts, it is estimated that the tourism and financial services industries each contributed around £10 million to Government revenues.

ORAL

NO. 118 OF 1996

THE HON J J BOSSANO

GRUNDY REPORT

Have the Government rejected any of the recommendations in the Grundy Report?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 119 and 120 of 1996.

ORAL

NO. 119 OF 1996

THE HON J J BOSSANO

GRUNDY REPORT

Did the Grundy Report recommend that a serving UK policeman should be seconded to the Royal Gibraltar Police to carry forward the other recommendations in the report?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 118 and 120 of 1996.

NO. 120 OF 1996

THE HON J J BOSSANO

GRUNDY REPORT

Can Government state why they consider it necessary to bring a Police Officer from the UK to implement the recommendations of the Grundy Report?

ANSWER

THE HON THE CHIEF MINISTER

The Government have not yet considered, in detail, the recommendations of the Grundy Report and no decision has therefore been made as to which, if any, should be rejected. Such decision will be made jointly by the Government of Gibraltar, who pay for the Police, and His Excellency the Governor, who has constitutional responsibility for internal security.

The Grundy Report expresses the view that it will require outside police management expertise to complement the expertise currently available within the Royal Gibraltar Police to effect the changes suggested in the Report within a reasonable period of time. Any decision to temporarily second a UK Police Officer to implement such parts of the Grundy Report as may be accepted, will be taken on the basis of technical advice as to the level of expertise and experience required to manage the introduction of such changes.

SUPPLEMENTARY TO QUESTION NOS. 118, 119 AND 120 OF 1996

HON J J BOSSANO:

Is there not a conflict between that answer and the information contained in the Convent Press Release issued on the 25th July which says, "As a first step the UK Police Service will be supplying a serving Police Officer, of appropriate rank, on temporary secondment to become the Project Officer for carrying forward Mr Grundy's recommendations"? If a decision has not yet been taken on which recommendations are going to be accepted and carried forward, how can a decision have been taken that there will be a Police Officer to do it?

HON CHIEF MINISTER:

The decision, and I accept that the words "will be taken" in my answer are ambiguous in this context, that a UK serving Police Officer ought to implement the Report have already been taken and indeed, I should add, the initial processes of selecting a suitable Police Officer have already commenced, but nobody has been appointed. The terms of engagement have not been decided and therefore, we are not yet in a position to say that there has been an engagement, or the terms of the engagement, but the Leader of the Opposition is quite right, it is already in the public domain that a UK serving Police Officer will act as Project Manager for the introduction of the changes recommended. As I said, such as may be accepted, because they are certainly not all acceptable.

HON J J BOSSANO:

I have not asked about the terms of his appointment or anything else. What I am saying is, how is it possible that in September the Government of Gibraltar have not yet taken a decision on which recommendations they are accepting and which they are not accepting, and in July the Government of Gibraltar whose agreement, presumably was necessary, had accepted that a UK Officer would be required to implement what they still do not know is going to be implemented at this stage?

HON CHIEF MINISTER:

There are many excellent recommendations in the Grundy Report supported, not just by the Government, but indeed by Senior Officers in the Police Force itself, which the Government would be anxious to see introduced. There are others with which the Government do not agree. But that there are many recommendations which will be accepted and which will be implemented, have already been decided.

HON J J BOSSANO:

So the Government, have already decided which recommendations they are accepting, but have not yet decided, which recommendations they are rejecting?

HON CHIEF MINISTER:

There are many recommendations which are in no sense controversial and there is no debate about those. There are other recommendations which the Government regard as controversial and no decision has been made, indeed, there has been no process of discussion or consideration, either within the Government or indeed between the Government and His Excellency the Governor as to those more controversial recommendations. That is absolutely correct.

HON J J BOSSANO:

Are the items listed in the Convent Press Release of the 25th July, recommendations that have been accepted by the Government?

HON CHIEF MINISTER:

I cannot, from memory, recollect what all of those recommendations are, but I do recall, that at the time of that Press Release, a draft of that Press Release, was shown to me and in the context of that, I came to the conclusion, that it was a reasonable summary in vague enough terms about the recommendations that would not be objected to or that were not controversial.

HON J J BOSSANO:

I do not know how vague they are. Am I then correct in deducing, that the recommendations which have not been accepted and not been rejected are not likely to feature in this document that is a public document since the 25th July?

HON CHIEF MINISTER:

I am on thin ground because I have not got the list in front of me nor indeed in my memory, but I think it is safe to say, that there are recommendations in the Grundy Report which are not reflected in that list.

HON J J BOSSANO:

Is it the intention of the Government, at some point when they finally make up their minds, to say which recommendations they accept and which recommendations they reject, so that if there is a view which we consider requires explanation, we can then follow the matter up by questioning the Government as to their reason for accepting or rejecting a particular recommendation?

HON CHIEF MINISTER:

It would be difficult for the Government to do that without putting the whole of the report in the public domain, a possibility which the Government, in consultation with the Governor, do not entirely reject as a possibility, let me say. But the decision as to which recommendations will be implemented, will be taken jointly between the Government and the Governor. If that can be agreed amicably, as one expects will be the case, between those two parties, we see no need to go public on the recommendations with which we disagree, which are not going to be implemented. If, on the other hand, contrary to our wishes, certain recommendations are implemented, which I think is an unlikely prospect, but if that were to occur the Government would certainly record publicly which recommendations were being implemented notwithstanding the Government's objections.

HON J J BOSSANO:

In respect of the recommendations, that were summarised in the press release of the 25th July, are these recommendations such, that in the estimate of the Government of Gibraltar they require some expertise on the part of a UK Police Officer which is not available within the Royal Gibraltar Police or indeed within Gibraltar or within the public service?

HON CHIEF MINISTER:

Yes, the Government are satisfied of that, as are senior officers in the Royal Gibraltar Police. Many of these recommendations are recommendations that have recently been introduced as novelties in the United Kingdom Police Force. It therefore seems entirely logical to the Government of Gibraltar, that the experience that has been gathered in the UK in the teething problems of implementing similar recommendations which relate to the modernisation of the Police Force and increasing its effectiveness in relation to the resources available to it, ought to be harnessed and, indeed, I can only assume that it was a similar rational desire to use UK expertise for the benefit of Gibraltar, that prompted the Leader of the Opposition, several years ago to accept the offer by the United Kingdom to second to the Income Tax Office in Gibraltar an officer who is still in place two years after he was seconded. I can only assume that the reasoning that has led this Government to accept UK expertise in relation to the police, are the same as the reasoning that moved the Opposition Member, to accept UK assistance in relation to matters of income tax.

HON J J BOSSANO:

I am not supposed to be answering questions, but since the assumption of the Chief Minister is not quite right, I can tell him that when the offer of UK expertise for the Tax Office in relation to corporation tax was made by the United Kingdom, the position of the Government of Gibraltar was, that we would accept an expert from the United Kingdom paid for by the United Kingdom and that we would consider paying for him subsequently provided that, in the period that he was here on the UK expense, he produced a sufficient improvement in collections to more than pay for his wages. Since as the Chief Minister knows the collection of corporation tax went up from something like £8 million to £15 million and the man costs nowhere near £8 million, it was a value for money exercise which the Chief Minister, when he was in the Opposition, used to say I was obsessed with and that was the explanation for that particular exercise. Given the fact that this criteria, presumably, does not apply in that the UK officer is not supposed to actually be saving money in the Police Force, does the Chief Minister not agree that most of the recommendations that are summarised in the Press Release of the 25th July 1996 do not appear to require any particular knowledge from outside Gibraltar? For example, would the Chief Minister not agree with me that the recommendation which says, that the statement of common purpose should be reissued, which has happened, did not require a UK Project Officer; that the recommendation that says that there should be a Community Consultative Group with the Police, does not require a UK Police Officer; that the recommendation that says that overtime should be analysed, does not require a UK Police Officer; that the recommendation that says that they should be looking at why there is so much sick leave, does not require a UK Police Officer? Is there anything in particular that persuaded the Chief Minister, when presumably the case was made to him, that there was some specific area of expertise, for example, that the accounts department should be computerised is not beyond our capacity in the native Police Force, I take it, so is there anything in particular that persuaded him that we needed somebody from the UK to manage the change?

HON CHIEF MINISTER:

I now have in front of me a copy of the aforementioned Press Release which is a very brief summary of what is a long and detailed document and it is not doing the Grundy Report justice to suggest that its recommendations are as superficial as they appear on this list. The Government are entirely satisfied and see no ulterior reason for the need to avail ourselves of United Kingdom expertise on a temporary basis for the introduction of this project. Just as impeccable reasoning led the Leader of the Opposition not to be suspicious of such offer of assistance in relation to increasing the yield from income tax, I wish to avail myself of the same impeccable thinking in order to see if for the same or, indeed, smaller sums of money, we cannot be more successful in our fight against crime in Gibraltar.

HON J J BOSSANO:

I am not questioning the desirability of fighting crime. All I am saying to the Chief Minister is, that given that what is in the public domain is this press release and given that this press release says, "The UK will be supplying a serving officer to become the Project Officer for carrying forward Mr Grundy's recommendations" and the press release summarises Mr Grundy's recommendations..... *[Interruption]* Well, that is what the press release says it does. The press release says, "There are

a number of recommendations which are summarised below", and then it says that somebody is coming from the United Kingdom to carry them forward. It appears that the Chief Minister, having now obtained a copy of the press release, agrees with me that on the basis of this it does not seem to suggest that this is beyond our capacity.

HON CHIEF MINISTER:

The Chief Minister agrees with nothing of the kind. The Chief Minister is entirely satisfied that it is fully in the broad interest of Gibraltar, taking all considerations into account, including the one that I suspect is keeping the Opposition Member awake at night, constitutional considerations, taking all the interests of Gibraltar into account, the Government are entirely satisfied that it is in the interest of Gibraltar to avail ourselves of this temporary secondment of expertise.

HON J J BOSSANO:

There is no question of any constitutional concerns keeping me awake at night. I am seeking information and the information that I have available to me, which is what was made public on the 25th July, and since the 25th July the Government of Gibraltar have not said a dicky-bird in spite of issuing innumerable press releases for breakfast, lunch and dinner, they have never said anything at all about how they feel about the Convent Press Release of the 25th July. Since this is the first opportunity, I am seeking to find out if it is not on the basis of what is in the Press Release that the Chief Minister is so convinced that some expertise is being provided to implement some recommendations which is not reflected here, is it not reasonable that we should know which is the recommendation which is being implemented for which the particular expertise is needed because it does not seem to be justifiable from what has been published.

HON CHIEF MINISTER:

The Opposition Member must know that these matters cannot be dealt with on such an official basis. There are many, many recommendations, even some of the ones referred to in this list, in three lines, which extend to three pages in the report. He can make light of the Grundy Report if he pleases, it is actually a comprehensive document and which the Government are entirely satisfied contains recommendations which are eminently attractive and which will be introduced and which can best be introduced by somebody who has previous experience in introducing them into a Police Force in the United Kingdom. The reason why I do not jump up and down every time the Convent issues a press release saying whether or not I agree with it, is that I am not at war with the Convent and therefore, the Governor does me the courtesy of showing me his draft press releases on such matters to obtain my approval before he issues them, which is what the relationship between the Convent and No.6 Convent Place should be.

HON J J BOSSANO:

So, in fact, this press release was issued with the Government's approval and therefore we can take it that the fact that press releases are issued by the Convent from now on are a reflection of the policies of the Government of Gibraltar and commit the Government of Gibraltar in exactly the same way as the Government of Gibraltar would be committed if they were issuing the press release in their own name, is that correct?

HON CHIEF MINISTER:

I would not expect His Excellency the Governor, or anybody in the Convent, to issue a press release in respect of any matter which is the business of the Government of Gibraltar, without consulting with the Government first. If there is an irretrievable breakdown in the marriage, such that that ceases to be the case, I will tell the Opposition Member so that he can start divorcing the two places. Certainly in respect of matters which are the concern of the Government of Gibraltar, it would not be in keeping with the relationship that exists between No.6 Convent Place and the Convent, for His Excellency the Governor to issue any statement which commits or compromises the Government of Gibraltar in respect of policy without first clearing it with the Government.

HON J J BOSSANO:

I have no doubt that the Chief Minister would expect, as has always been the case, to be aware of the content of the press release before the rest of the world became aware. The point that I am seeking confirmation on is, that if we can now assume, which we had not done at this stage, that if a press release is issued it has been approved and therefore is a reflection that it is a policy to which the Government of Gibraltar have committed themselves and therefore we can make the Government of Gibraltar as answerable in this House for such a public statement, as if they had issued it themselves, which is not what we have done at this stage?

HON CHIEF MINISTER:

The Leader of the Opposition can assume what he pleases. My answers I think have been clear, I stand by them and he cannot get me to change it simply by repeating it frequently.

HON J J BOSSANO:

I am not asking the Chief Minister to change anything, I am seeking information which I am permitted to do by the Standing Orders of this House. Can the Chief Minister say, given that he is telling me that the Grundy Report is much weightier than my questioning suggests and, of course, I have no way of judging that myself since I am not privy to it, can he say when the Grundy Report was received in Gibraltar and made available to the Government?

HON CHIEF MINISTER:

Yes, I am not sure I can say that from memory but it was around the time of the date of this press release, and it was certainly made available to me as soon as it was received in the Convent.

NO. 121 OF 1996

THE HON J J BOSSANO

DIRECTOR OF MEDIA AND PUBLIC RELATIONS

Can Government state what is the grade and salary of the new post of Director of Media and Public Relations allegedly offered on contract to Mr Francis Cantos, the Editor of the Gibraltar Chronicle?

ANSWER

THE HON THE CHIEF MINISTER

The engagement of Mr Cantos will be as a contract officer, similar to such engagements which have always been made by Government in other technical areas requiring particular professional expertise. The proposed salary is £35,072. By way of comparative indication, Scale 11 applying to Establishment Senior Officers ranges from £25,392 to £39,324.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1996

HON J J BOSSANO:

Can the Chief Minister explain how the position could be offered to Mr Cantos when, in fact, there is no provision for such a position in the estimates of expenditure approved by the House?

HON CHIEF MINISTER:

The Leader of the Opposition must know from the number of occasions that he has had recourse to the device himself in the past that there is the small question of the reallocations and subventions, the Contingency Fund in the estimates which contains £1 million in it and there is more than ample provision to pay Mr Cantos and do many more things with that £1 million. So there is absolutely no difficulty in funding this contractual liability when it is engaged, it is not yet, from the resources available to the Government under the Appropriation Bill adopted in this House last spring.

HON J J BOSSANO:

I am not suggesting that the Government of Gibraltar are going to go bust by paying Mr Cantos £35,000, what I am saying is, and the Chief Minister should know, that the Contingency Fund can only be used to top up money that has been already voted in the approved expenditure. That is to say, it is to me a shortfall in approved expenditure and there is no post of Director of Media, so in fact, the Chief Minister is wrong. If we had approved the post of Director of Media at a lower rate of pay, then he can use the supplementary provisions that are included in the head of expenditure to bring the level up to what the cost may turn out to be during the financial year. But how can he approve the payment of money to a post that does not exist?

HON CHIEF MINISTER:

In the first place, it is only the Opposition Member that is calling this a post. I have not called it a post, I said it can be an engagement as a contract officer which is a markedly different thing to a post, this is not an establishment post. He can use whatever terminology he likes, but of course, his mistaken terminology in his question does not commit me and he must know that there is numerous ways in which the Government - indeed Opposition Members engaged contract officers on frequent occasions: law cost draftsman, doctors in the Health Centre. This has always been done. The suggestion that this is an improper use of appropriated funds is one which the Government wholly reject as entirely without any basis and truth.

HON J J BOSSANO:

Is it not a fact that the press release of the Government, No. 63/96 of the 22nd August said, "The Government confirm that the new post will cover responsibility beyond the task traditionally taken by a Press Officer in the Civil Service"? Therefore, do the Government not agree that it is not I who is calling it a post, they called it a post in their press release? Is the Chief Minister not aware that the Public Service Commission Ordinance says, "that a public office means any civil office of emolument under the Crown in Gibraltar", and is the position that has been offered to Mr Cantos not a public office?

HON CHIEF MINISTER:

No, it is not. The Government have been careful to take advice both in and outside of Gibraltar as to the propriety of this appointment. Indeed, we have followed procedures and contract documentation which has been provided to us by the Foreign Office in the United Kingdom as being what is used there for making appointments of this kind and in this way. We have not reinvented the wheel, we have followed a procedure for the recruitment of certain technical officers of certain types to perform certain functions which is commonplace in the public administration of the United Kingdom. That was checked in advance and that is the procedure that we have followed. If the Opposition Member is not aware of what the procedure is for the engagement of such personnel in the United Kingdom, I will be happy to acquaint him with the system.

HON J J BOSSANO:

I am not interested in what they do in the United Kingdom, I am interested in what the law of Gibraltar says the Government of Gibraltar may do in Gibraltar. Therefore, is it not the case that any officer by the definition that I have read out to the Chief Minister in the Public Service Commission Ordinance, any officer whose office is paid as an emolument of the Crown in Gibraltar, is it not the case that that is inescapably a position in the public service or is it that Mr Cantos will not be employed by the Crown but by the GSD, which is it?

HON CHIEF MINISTER:

Well, neither. Mr Cantos will not be employed by the GSD because (a) he is not a member of the GSD and, (b) the GSD does not have money to employ him. Secondly, I think the question is facetious and completely and utterly an abuse of

the Opposition Member's privilege in this House as against Mr Cantos. So it is certainly not the second. In respect of his first point which is a touch more serious, the position is that the Government do not accept that very narrow interpretation of that Ordinance that the Opposition Member is describing.

HON J J BOSSANO:

It is not a matter of interpreting the Ordinance. I am asking a specific question. Will Mr Cantos be an employee of the Crown or not?

HON CHIEF MINISTER:

Mr Cantos will be paid for by the Crown on contract terms, absolutely.

HON J J BOSSANO:

Is it not the case that under the Public Service Commission Ordinance all the officers who are employed by the Crown are officers, whether they are contract officers or not, who are subject to the rules of the civil service subject to Colonial Regulations and General Orders and will Mr Cantos be subject to Colonial Regulations and General Orders?

HON CHIEF MINISTER:

The Government do not accept that interpretation and it is not appropriate for the Opposition Member to debate legal matters with me. If he thinks that the Government will have done, when we appoint Mr Cantos, something unlawful, I suspect that what he will want to do is to challenge the Government's decision in court.

HON J J BOSSANO:

If the legislature cannot debate legal matters then I think we might as well all pack up and go home. The Government of Gibraltar have made a public announcement. This is the first opportunity by the Opposition that we have to question what it is that they are doing and I think it is perfectly in order for me to draw the attention of the Chief Minister that there appears to be a conflict between the text of the press release issued on the 22nd August and what the law says. Can the Chief Minister say that there is a previous occasion when an office of emolument under the Crown has been deemed not to be subject to the provisions of the Public Service Commission Ordinance?

HON CHIEF MINISTER:

The Government do not accept the use to which the Opposition Member is putting that provision of the Public Services Commission Ordinance. Of course, this problem would then have confronted the Opposition Member when he was in Government because he used to use companies and the Gibraltar Development Corporation to employ whoever he liked, whenever he liked, for whatever terms he liked and for whatever salary he liked. So I can entirely understand that the hon

Member has only just started his research around this subject because it was a problem that he used to avoid by other means. We are not wishing to use those other means and we are entirely satisfied that we can legally defend and politically defend the decision that we will implement when the time comes and if challenged to do so.

HON J J BOSSANO:

The Chief Minister is here to answer for his actions since he is in Government, not for my actions before that day. Of course, he is as free to employ people outside the scope of the Public Service Commission Ordinance as manager of Gibraltar Community Projects Ltd as I was in other instances when we were in Government. The point is, is this position that the Government are taking something that they considered and took advice on in terms of the provision of the laws of Gibraltar? Is that something or is it something that they overlooked?

HON CHIEF MINISTER:

I have stated the Government's position now five times and I have no intention of restating it a sixth simply because the Leader of the Opposition wishes to ask the same question six times.

HON J J BOSSANO:

Given the fact that under the Constitution the employment of civil servants is not a matter which is decided by politicians, for obvious reasons, is it something that the Chief Minister has discussed with the Governor who, according to the law, is responsible for selecting the occupant of any Crown employment?

HON CHIEF MINISTER:

I am delighted to answer that. The hon Member has developed a sudden liking for the Governor exercising his powers which was not the case when

HON J J BOSSANO:

I have not developed a sudden liking for anything. I am asking him whether he has, in fact, discussed this aspect of the relationship under the Constitution with the Governor and it has nothing to do with whether I like him or dislike or anything else. I want information and I am entitled to ask for it. If the Chief Minister does not want to give me the information then he should say he refuses to give me the information and be done with it.

NO. 122 OF 1996

THE HON J J BOSSANO

PERSONAL ASSISTANT TO CHIEF MINISTER

Can Government confirm that the post of Personal Assistant to the Chief Minister, under Head 13, has been upgraded from Higher Executive Officer with a salary scale maximum of £20,426 to Senior Officer with a salary scale maximum of £39,324?

ANSWER

THE HON THE CHIEF MINISTER

The post of Personal Assistant to the Chief Minister has not been upgraded.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1996

HON J J BOSSANO:

Can the Government then confirm that as provided in the estimates of expenditure there is still on the complement of Head 13 a post graded at HEO which is occupied by the Personal Assistant to the Chief Minister?

HON CHIEF MINISTER:

The Personal Assistant to the Chief Minister is presently a person who is of EO rank.

HON J J BOSSANO:

Can the Government explain whether the person that is doing that job of EO rank is, in fact, being paid on a temporary basis the rate of HEO which is what the estimates provide?

HON CHIEF MINISTER:

I cannot say what the position is right now as we speak but certainly the person presently doing that job was previously in the Income Tax Department where there was a salary package which took into account a degree of computer expertise and a way has to be found to compensate that person for those emoluments in the new post. I am not aware of what arrangements may already have been made in that regard but I am aware that the issue exists.

HON J J BOSSANO:

I think the Chief Minister has misunderstood the nature of my question, although I accept entirely that it is perfectly legitimate to protect people's earnings when they move from one area to another. What I am asking is, since what is in the approved estimates is a post graded as HEO am I right in thinking that if there is an EO

occupying an HEO post they must be getting the rate of pay of the post as is normal procedure, am I right?

HON CHIEF MINISTER:

I do not get involved, as I suspect my predecessor used to do, in the nitty-gritty of the workings of these professional civil servants so I will allow the acting Financial and Development Secretary and normally Administrative Secretary to answer that question.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Until such time as a decision is taken on the precise nature of the arrangements for the future of that office, the person currently occupying that post is being paid on an acting basis as an HEO.

HON J J BOSSANO:

Can the Government then say what post is being filled by the former Clerk of the House whose position in this House has been advertised as vacant?

HON CHIEF MINISTER:

The former Clerk of the House who like Mr Cantos is neither being paid for nor is a member of the GSD, is performing the job of Private Secretary to the Chief Minister.

HON J J BOSSANO:

I do not know how private he may be, he was a very public figure recently as Returning Officer and no doubt, without being a member, he must count on the full confidence of the Chief Minister who, I assume, selected him to be his Private Secretary, is that correct?

HON CHIEF MINISTER:

I sincerely hope that the last remarks of the Leader of the Opposition were not intended even to insinuate that there is a connection between the fact that that officer of the Crown is now the Private Secretary to the Chief Minister, or that that casts an aspersion of the manner in which he conducted his job as the Returning Officer in the recent general election, because if that is not what he is insinuating I am hard put to attach another meaning to his words.

HON J J BOSSANO:

I have asked a straightforward question. The Chief Minister has said that the former Clerk of the House is his Private Secretary and all I have said was that he may be his Private Secretary now but he was a very public figure recently as Returning Officer. That is all I have said. I cannot help it if the poisoned mind of the Chief Minister who spent four years in the Opposition casting aspersions and making insinuations about everybody means that he reads some sinister intention into every other word. That is his problem. He should do something about it, I suggest that the relative of his next door neighbour may be able to be of some help, the father, he can arrange an appointment for him. Can I ask, Mr Speaker.....

MR SPEAKER:

I thought you were asking something.

HON J J BOSSANO:

Yes, I was asking which he did not answer.

MR SPEAKER:

He is perfectly entitled not to answer.

HON J J BOSSANO:

The question that I asked was, can I have it confirmed that the Clerk of the House was selected for that job specifically at the request of the Chief Minister?

HON CHIEF MINISTER:

I will answer both his last questions. To answer his second last question first, I have no doubt that if I subjected myself to examination on the basis of my conduct over the last few years to examination by the father of my hon Friend, the Minister for Trade and Industry, I would pass with flying colours. I am not as confident as what the judgement would be in relation to the Opposition Member. *[Interruption]* I am not giving way. In respect of who selected the previous Clerk of this House to serve in the office of the Chief Minister, he has been Chief Minister for long enough but clearly for not as long as he would have liked, to know that it is the prerogative of the Chief Minister to personally select and hand-pick the staff in his private office. That has been convention, not just in Gibraltar but in almost every western European democracy of which I am aware. So the Leader of the Opposition says that I am the one with the sick mind, I do not know what he reads into the fact that I personally selected him.

HON J J BOSSANO:

I am not reading anything, I am seeking information. Is it not a fact that there has never been a Private Secretary to the Chief Minister before and therefore no other Chief Minister could have selected whoever he wanted as his Private Secretary because no such position existed, he has created it.

HON CHIEF MINISTER:

The reason why such a position has not existed over the last eight years is because the Chief Minister in the previous administration became, in effect and personally, a public administrator, dealing with matters which in my judgement it is not proper for the Chief Minister himself to deal with and that is why there is now a senior public officer in the office of the Chief Minister to assist the Chief Minister in discharging the many functions that are attached to the office of the Chief Minister. That is absolutely right, he must know that Ministers in the United Kingdom all have Private Secretaries which does not mean that they sit on his lap and take shorthand from him, it means that they are simply his Chief Executive, he is the doer of the Chief Minister. I am sure he must have known that.

HON J J BOSSANO:

I am well aware that there is a Private Secretary to a Minister in the United Kingdom just like there is a Deputy Speaker and a whole range of people in Parliament which we do not have in a small town like Gibraltar. The point that I am trying to establish is how it is that we now find ourselves with an extra post which has not previously existed in the expenditure of that department when it is not a re-evaluation of the post that existed but a newly created post and is it not a fact that the post, as now described by the Chief Minister, is not one that is provided in the complement shown in the estimates of expenditure of Head 13?

HON CHIEF MINISTER:

Such are going to be the improvements to the quality of the democratic process in Gibraltar that there are going to be many, many new posts. *[Interruption]* Indeed, I do not accept that the previous Chief Minister did not have, in effect, a Private Secretary. The difference is that I have recruited mine from the body of the civil service and he recruited Mrs Keohane from some trade union in the United Kingdom and in effect under the guise of law cost draftsman put her into No.6 Convent Place where she became, without a shadow of doubt, the most powerful civil servant in Gibraltar. That is how he obtained his Private Secretary.

HON J J BOSSANO:

I think the Chief Minister is doing a lot of damage to the dignity of the position he now occupies. First of all he chastises me for a passing reference to the Returning Officer as an electoral officer and now he enters into a tirade against somebody who cannot defend herself against him..... *[HON CHIEF MINISTER: I have said nothing derogatory about Mrs Keohane.]* Mr Speaker, the Chief Minister has said a lot of things for which he has no shred of evidence hiding behind the privilege of this House and if he wants to say nasty things about me he should say them about me but not take advantage of somebody who is no longer working for the public service and which he claimed at the time he was not axing. It appears that perhaps even in that he was not being totally compatible with the truth, if it is a matter to be believed. Is it not the case..... *[HON CHIEF MINISTER: Which of my statements about Mrs Keohane is not true?]* It is not true, although I am not supposed to be answering questions, that I recruited Mrs Keohane from the trade unions in the United Kingdom... *[HON CHIEF MINISTER: The Minister for Trade and Industry then.]* *[HON J C PEREZ: No, from the Public Service Commission.]* Mr Speaker, is it not the case.....

MR SPEAKER:

I will allow one question and one answer. I think we have had enough now. We have deviated completely from the original question.

HON J J BOSSANO:

No, Mr Speaker, the original question, if you will allow me to recall it is, that as far as I could tell there appeared to be the substitution of an HEO for a Senior Officer. It now appears that this is an additional new post, and we have only just found out in the last supplementary, for which there is no provision in Head 13 in the

establishment. *[HON CHIEF MINISTER: So what?]* Well, to my knowledge, Mr Speaker, this is breaking new rules. Can the Government explain to me how it is that they are paying from Head 13, and if they are not paying from Head 13 where are they paying from the new post of Senior Officer which is not in substitution of a post that already existed but an increase in complement?

HON CHIEF MINISTER:

There will be many increases in complement between now and the next budget, at least the next annual budget. Many new jobs will be created in the civil service between now and the end of the current financial year. When I am advised by those who are paid to advise me that the funding available to me for such purposes has exhausted, which is not yet the case, I will of course come back to the House with a Supplementary Appropriation Bill. That is not yet the case and when it is the case he will have an opportunity to decide whether this House should or should not support the Government.

HON J J BOSSANO:

The Chief Minister does not seem to understand or perhaps he chooses not to understand the nature of the question that I am putting to him. I am not saying there is no money in the estimates, I am saying when we have estimates of expenditure in this House which we theoretically approved between all of us but which in effect are a reflection of what the Government want to put in the estimates, is it not the case that we have got a breakdown of what it is the House is approving the money for and if the House is approving the money to pay for a Senior Officer in Head 13, then he can add as much money as he wants to that, but if there is no such post, then can he explain to me how he pays for it?

HON CHIEF MINISTER:

Yes, of course I can explain to him how I pay him. As the hon Member knows these are estimates. There is no division between one department of the civil service and the other in terms of transferability of staff. What has been approved is a sum - the Leader of the Opposition has been long enough in this House to know the difference between the Appropriation Bill which is a four line document and which authorises the Government to spend £x million and the estimate, as the word suggests they are only an estimate, of the revenue and expenditure provided in support of the debate on the Appropriation Bill. The suggestion that the Government are not able to transfer a civil servant from one post to another because in the receiving Head there is insufficient provision in the estimates and that if they do they cannot fill the post from which it has come because that would result in the creation of a new post, is an absurd proposition which the Government do not accept.

HON J J BOSSANO:

The Government may not wish to accept it and I wish he would give me, at least, the courtesy of accepting that I am raising important points... *[HON CHIEF MINISTER: I think he is mistaken.]* But that does not make it absurd because he thinks I am mistaken.

MR SPEAKER:

The thing is that this is a question and answer session, not a debating session.

HON J J BOSSANO:

I do not wish to make it a debate.

MR SPEAKER:

I think you should have the last question and he should have the last answer.

HON J J BOSSANO:

But I am raising important issues in the context of the approval of expenditure of which the Chief Minister in the past has made it such an important policy issue. It is a nonsense to suggest that.....

MR SPEAKER:

No, there is going to be a last question and a last answer.

HON J J BOSSANO:

..... all that we are approving here are estimates which are then meaningless. The approved estimates of expenditure cease to be estimates when they have been approved because what we are approving is, within the body of the estimates, x number of posts. Is it not the case, Mr Speaker, and I accept entirely that an officer may move from one department to another, that this is not an officer moving from one department to another but the creation of a new post in respect of which no funds have been appropriated by this House in the estimates? Am I correct in that or not?

MR SPEAKER:

The last answer. Do not make a speech.

HON CHIEF MINISTER:

If the Government of Gibraltar transcends the accounting rules and the appropriation mechanism of this House that is what the Principal Auditor is for and I have no doubt that he will be the first to wrap me over the knuckles and then the Opposition Member can say, "You see, I was right all along". He is not right all along. He is not right for there is ample provision on virement and on transfers from one Head to another to accommodate this expenditure. It is as simple as that. Otherwise what the hon Member is saying, Mr Speaker, is that it is not possible for the Government of Gibraltar to increase its complement of staff between one budget and the next, it is simply not a tenable proposition.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

25TH NOVEMBER, 1996

NO. 123 TO NO. 191

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NO. 123 OF 1996

THE HON A ISOLA

MAIN STREET BEAUTIFICATION

Are Government considering any proposals to increase the area of beautification presently under way in the Main Street beautification?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government are committed to a policy of general beautification and while no specific plans exist as yet for the extension of the Main Street beautification project that possibility is under consideration by Government.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1996

HON A ISOLA:

Would the extension of the project be on the same terms as is at present?

HON K AZOPARDI:

The view that Government Members take is that we should complete first the beautification project of Main Street and then we should consider the possibility of extending it to other areas but the form of the extension of the beautification has as yet not been considered. Indeed beautification can take various forms, it need not only take the form of the cobbling style of beautification, it can take several forms, facade beautification and other areas of beautification, there are other types and so the possibilities are under consideration but the details are not.

HON J C PEREZ:

So one can take it then that the present contract will terminate before any other might be given to any other contractor, there will not be an extension of this contract in the possible extension or beautification that might take place by the Government?

HON K AZOPARDI:

In general terms yes. The present contract is only being extended to cover specific minute details like, for example, catering for the beautification of the archaeological works that we intend to preserve.

HON A ISOLA:

The Minister mentioned the facade. When will Government be in a position to implement the Regulations relating to the tax relief packages of measures for the works carried out simultaneously at the same time as the beautification programme?

HON K AZOPARDI:

Government will shortly be in a position to announce plans in that area. They may not take the form of the ones that the hon Member envisaged in correspondence that we had on the issue, but certainly we have considered the matter and we will shortly be announcing proposals.

HON A ISOLA:

I was asking specifically in relation to the legislation that is going to be implemented, that is what he is referring to?

HON K AZOPARDI:

Yes, that is what I am referring to.

HON A ISOLA:

It will not be implemented?

HON K AZOPARDI:

No, it will be implemented and they will be announced shortly though the details may not be exactly the ones that I think the previous administration had drafted. But subject to drafting technicalities, then in due course and shortly, there will be legislation announced.

HON A ISOLA:

Just one final question. Could the Minister confirm whether any proposals have been received in relation to the extension of Main Street beautification area? I know he has not considered them but has the Minister received any other proposals?

HON K AZOPARDI:

No, not as far as I am aware. Other than, may I just add because I do not want the hon Member to misunderstand me, other than a very small portion of, I think, 100 square feet of Pitman's Alley that is I think going to be done.

NO. 124 OF 1996

THE HON J GABAY

PRIVATE NURSERIES

What progress has been made in establishing new regulations in respect of private nurseries?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND COMMERCIAL AFFAIRS

The educational advisers have made considerable progress in drafting new legislation based on the new UK-led initiatives on nursery education which are of a general nature and not just applicable to private nurseries.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1996

HON J GABAY:

I think that a considerable amount of time has passed since we last discussed this and I think the House should be entitled to more specific points on the matters that we raised during the last session on the 4 September talking about qualifications, methodology, the pedagogic philosophy, where there is an important on-going debate in the United Kingdom which I think should be reflected in our thinking. Therefore, at least, could the Minister concerned comment on some of the principles or lines to be taken and not simply repeat generalisations as we had on the previous occasion.

HON DR B A LINARES:

Questions, at this stage, are for giving information and I have informed according to the progress which is being made, but the reference to the UK situation is precisely one of the reasons for the delay. The situation in the UK, as the Opposition Member knows, is one of fluid. There is controversy about the introduction of assessments at this early stage. Whilst modelling ourselves with good practice in UK, we want to clear problems, as was the case, if he remembers, with the national curriculum which came into review in UK. We prefer at this stage here to move cautiously.

HON J GABAY:

I still feel that if we are to make a contribution to the on-going debate about the validity of nursery education in its own right, apart from rushing pupils into what would amount to primary school education in reception classes, that the Government should have already made some study on the matter. The Government should have some views on base line assessment. The Government should have some views, as well, of their own to relate to the on-going debate. To be told, I think a couple of months later, that we are studying and making progress, I think is really quite an unfair response to a very pertinent question.

HON DR B A LINARES:

Perhaps the same would apply to the eight years that the GSLP were in Government and nothing was done about this. May I take the opportunity of saying that to encourage standards of excellence in pre-schooling, it is not just a question of prescriptive legislation, there is the matter of creating nurseries and I think it is unfair to accuse the Education Department of being slow in this respect when after a few months in office we created a new nursery in the north end of town. Again, too, it is a question of encouraging through in-service advice and guidance. Only last week we held a three day seminar for almost all teachers in nurseries; private nurseries; Government nurseries and the Services nurseries who attended a seminar on nursery and pre-schooling and early communication and early education. Those are positive initiatives, prescriptive legislation is not the only means of ensuring standards of excellence. Nevertheless, I share the concern of the hon Member in this respect.

HON J GABAY:

I really fail to understand this talk about accusations and looking back all the time. The Government should realise that they are now in Government, surprising as it may sound to themselves, but they are in Government and it is their duty to come forward with answers to questions and it is our constitutional duty to ask questions. So I am not going to go back into history, neither am I going to talk about the values of prescription or otherwise. The fact remains that we have been treated again by the Minister concerned to woolly generalisations totally unrelated to the specific question which I have asked, about what is going on in the UK debate on the matter of nurseries and, in fact, what is happening locally under the establishment of commissions and meetings.

NO. 125 OF 1996

THE HON A ISOLA

BUILDING REGULATION DISPUTE

Can Government confirm that the arbitrator in the "Nina Payas" building regulation dispute has found in her favour?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The arbitrator's decision in the matter between the Development and Planning Commission and the objector reads as follows:-

"Following the receipt of the agreement made of 30 August 1996 between the Honourable Keith Azopardi for and on behalf of the Development and Planning Commission and Katherine Payas of 53 New Passage, Gibraltar, together with the documents referred to as Appendix 1, a meeting was arranged for 25 September 1996 with representatives of the Building Control Authority and with Mrs Payas and her representatives.

The Building Control Authority contends that the building being created is the re-erection of the building following demolition in accordance with regulation K3(2) and therefore the requirements of K1 do not apply.

K3(2) states, "if any building constructed under former control is re-erected after having been burnt down or pulled down to the extent described in regulation A4(8)(a) or (b), the areas of open space at ground level adjacent to and exclusively belong to the building as re-erected shall not be less extensive than the area of open space which existed immediately before the building was burnt down or pulled down".

The complainant through her advisers contends that the building being erected is a new building and as such the requirements of regulation K1 apply.

K1 requires a zone of open space to be provided outside of windows to habitable rooms. To achieve the required dimensions for the zones of open space a minimum distance of 2m is required from the inner plane (face of the wall) to the centre line of the public passageway (New Passage). The actual dimension from the face of the wall to the centre line is 1.25m.

I have carefully considered the contentions of both parties and the requirements of the relevant regulations.

Part K of the Building Regulations sets out the requirements for open space, ventilation and heights of rooms to a building. It should be noted that:

- (1) Part K does not require the provision of windows;
- (2) the provisions of zones of open space do not concern day lighting as such but control the space around buildings to ensure adequate circulation of air;

(3) K3(2) was included in the regulations to ensure that the status quo was maintained, ie existing buildings could be re-erected to their original form in respect of this part of the regulations.

I note that the proposed building is a three storey building with habitable rooms located on each level. Windows are shown to all habitable rooms and face onto New Passage. The footprint of the proposed building is almost identical to the original building (that has been demolished). It is also noted that the original building was a single storey building with one window serving a habitable room facing New Passage.

I am therefore of the opinion that the building being erected cannot be considered the re-erection of the original building and for this reason must be considered as a new building. Since the new building is being provided with windows to the habitable rooms, these windows should be provided with zones of open space in accordance with the requirements of regulation K1. As the requirements of K1 cannot be met, owing to the width of New Passage the plans cannot be in accordance with the requirements of Part K.

This determination is given without prejudice to the question of whether it would be reasonable to relax the requirements of these regulations in this case".

After submission of that judgement the arbitrator contacted the Attorney-General and informed her that an appropriate question to be considered was whether the relevant regulations should be relaxed as indeed he indicated in the final paragraph of his initial determination. He then stated in further correspondence on that subject:-

"The relaxation of any Building Regulation should only be considered where it is felt that a particular requirement is too onerous or that the objective of a particular requirement can be met by other means.

In respect of the proposals at 20 New Passage the requirements of K1 (open space outside windows of habitable rooms) cannot be met since the distance from the inner plane to the centre line of the passageway is less than 2m required.

It is noted that if the proposals were to re-erect the original building within the terms of requirement K3(2) the regulations would be satisfied.

It is also noted that if the proposed building had been designed without windows to the habitable rooms the requirements for zones of open space (K1) would not be imposed. Ventilation could be achieved by other means.

Experience in the UK has been such that when the regulations were rewritten in 1985 the requirements for "zones of open space" were omitted as it was felt that space around buildings is adequately controlled under the Town Planning system.

The relaxation procedure does not require any consultation with adjoining owners, however, experience suggests that where objections have been received in respect of development it may be possible to require amendments to the proposals to minimise the effect on adjoining owners.

With this particular case consideration could be given to:-

1. Locate windows in new property off-set from those of the property opposite to reduce overlooking
2. Glaze windows with obscure glazing
3. Reduce opening lights of windows to minimum area required for ventilation purposes
4. Omit windows to top floor of building and provide roof lights.

I am of the opinion that since the public passageway is in excess of 2m in width adequate circulation of air should exist and that it would be reasonable to relax the requirements of regulation K1 in this particular instance, subject to items 1-4 listed above being addressed".

Government have sought technical and legal advice to evaluate the consequences stemming from the arbitrator's ruling and the circumstances surrounding the arbitration hearing.

Against that background is added the fact that the objector had issued and is pursuing judicial review proceedings against the Government which proceedings are being resisted.

It would be, in the opinion of Government, inappropriate to ventilate the advice that has been obtained and exact grounds of resistance to the proceedings issued until such matters have been determined by the Supreme Court.

SUPPLEMENTARY TO QUESTION NO. 125 OF 1996

HON A ISOLA:

Will Government, pending that determination by the Supreme Court, suspend all works which are continuing as the time takes its course and the court date arrives at a date, whenever that may be, the works continue on a daily basis bearing in mind the finding of the arbitrator on the question of relaxation and possible things to come thereafter, would it not be right to cease the works and to issue a stop order immediately pending the determination of the court?

HON K AZOPARDI:

That is one of the issues that we are taking legal advice on. It is not as simple as that. To suspend the works then requires the permit to be withdrawn because it was unlawfully granted, added to that one must put into the melting pot the fact that the basis of the advice that we are receiving is that Part K of the Building Regulations is for the benefit of the developer but not the adjoining tenant and so that is one of the issues that we are receiving advice on but it is not as simple to say that we will suspend the works because it is not within our exact power to suspend the works until we reach a conclusion envisaged by the Public Health Ordinance that our legal advice suggests we have not yet reached.

HON A ISOLA:

I do not understand quite what the Minister is saying. If the position is that Government have indeed accepted, they came out publicly saying they accepted the arbitration prior to the decision being given. The decision then comes out in a manner in which is perhaps not to their liking and I am not going to go into the reasons as those are, as he said, in the course of the forthcoming proceedings, but surely it would be right, in the circumstances, to find a way of stopping those works pending the determination by the court?

HON K AZOPARDI:

Yes, we can explore that and we are taking advice on that but it is not as easy as to say that the arbitrator's decision is not to our liking. The arbitrator said that Part K(1) had been infringed, that he would relax it. *[Interruption]* The hon Member will get his say. There is provision in the law, the Public Health Ordinance, to relax the requirements of Part K and he has suggested that it is appropriate to do so. But it is the framing of the question, I think, leads the hon Member to that conclusion and those assertions that Government do not particularly like the arbitrator's decision but that is perhaps the misconceived basis of the framing of the question. Because the advice that we are getting is that Part K of the Building Regulations is to the benefit of the developer but not the adjoining tenant and so a determination on whether Part K has been infringed would only be to the detriment of the developer and so a decision in this way could really never be favourable to the objector. It would have to be to the developer, if there has been an infringement of Part K(1) to pursue the remedies open to the developer to address that issue. In the question of the suspension of works, bearing in mind the basis of the advice that we are receiving, we are also considering the issue of suspension of works, there are only two ways that that can be done: either it is done voluntarily by the developer who, I think, was approached by the previous administration and indeed this administration to suggest to him that he voluntarily do so until the determination of the arbitration. That avenue has not been reached. The only other way to do it is to proceed along a route envisaged by the Public Health Ordinance and is to withdraw the planning permit but the advice that we are receiving is that we have no basis upon which to do so.

HON A ISOLA:

The question is not misconceived in any form. In fact, it is clear to the Opposition that the Government have come to the same conclusion which is why I noticed a motion has been issued to set the decision aside. If the arbitrator's decision is that one can relax the regulations at one's pleasure, then what is the need for a notice of motion to set aside the arbitrator's decision if one can do what one likes with it? What is the need for this?

HON K AZOPARDI:

I am surprised that the hon Member has a copy of the notice of motion given that it is a document in proceedings which has as yet not been determined by the court and is not for public information. But let me answer the point. It has nothing to do with the basis of the decision. The decision and the advice that we took upon which we decided to issue a notice of motion to set aside the arbitration award is not related to the contents of the arbitration judgement but rather is connected to the

conduct of the arbitrator. If he has a copy of the notice of motion, he will see that it refers to the misconduct on behalf of the arbitrator because it will be alleged that he did not give a proper hearing to both parties, he did not consider Government's line of argument and those issues will be ventilated in the court proceedings. I do not think it is appropriate to do so now. But one thing has nothing to do with the other and it is not appropriate for the hon Member to mix those issues up because it misleads, I think, anyone who is listening to us on this issue.

HON A ISOLA:

I am not seeking to mislead anybody. I am just surprised, in fact, that the Minister in his reply did not mention, after having read three pages of decisions, that the Government themselves are moving in court to set the decision aside. I think that would be less misleading than the question that I am asking. Bearing in mind that the decision was given on the 11th October and we are now on the 25th November, by when does the Minister expect to have advice as to whether he will in fact stop the works or not?

HON K AZOPARDI:

It is not misleading of me not to mention it. Indeed, I mentioned that it was in the opinion of Government inappropriate to ventilate the advice that had been obtained until the issue was determined by the Supreme Court. Neither did I mention the fact that the objectives pursuing against the Government in the judicial review proceedings so I think that point is the point..... *[Interruption]*

HON A ISOLA:

Those were the proceedings that he referred to specifically, the judicial review proceedings, I was listening carefully.

HON K AZOPARDI:

Well, he was not listening very carefully because I did not say judicial, I mentioned that we were resisting the judicial review proceedings but he will see when I next say in the next paragraph that it would be inappropriate to ventilate the issues in the proceedings issued, that encompasses all proceedings that had been issued on the issue. And so dealing with the points that he raised as to when we are going to suspend the works, and that was the way he framed the question. It will take some time, I imagine, for the proceedings to be determined by the Supreme Court. From the suspension of works, again I revert to the original answer that I gave that the advice that we are receiving is that we have not yet reached the stage where the Public Health Ordinance envisages that the Government can act to withdraw the planning permit and so we must rely on the advice that we are getting and one cannot mix the issues of the suspension of the works which can be done on a voluntary or lawful basis with the issue of the arbitration proceedings and the proceedings that are at the moment on-going in the Supreme Court. One simply cannot mix those issues up.

HON A ISOLA:

Is the answer simply then that, in fact, the works will not be stopped because he is satisfied that they cannot be stopped?

HON CHIEF MINISTER:

The answer, I would have thought, is very clear by now, Mr Speaker. The answer is that the Government will not suspend the works until we are satisfied that there is a lawful basis for doing so which is the same view that the hon Members took during the eight months whilst they were in Government that the same Mrs Payas was begging them to do the same as he is now begging the Government to do and all that is required is the ability to distinguish between what makes good politics and the fact that Governments have to act in accordance with law and not in accordance with pressure that they may be subjected to. That is what the hon Member should remember.

HON A ISOLA:

There is nothing I have to remember. All I am asking is a simple question which is, are Government going to stop the works? If what I am being told is that the advice is that it should not be stopped, well then just tell me that, that is the simple question I am asking. But the answer I am getting is that they cannot reveal the advice, they cannot tell me, in other words, they do not know what is going to happen.

HON J J BOSSANO:

Is it not the case, given that the Chief Minister has chosen to talk about the eight months before and I do not know how much he knows about the eight months before but I know quite a lot about it, that the advice that was being given then was that there had to be a basis for acting to stop the works and that that was the reason why the Government, of the time, went along with the idea of an arbitration in order to have an independent basis on which they could act? Is that not the case of the eight months before?

HON CHIEF MINISTER:

Yes, one of the problems that we face is the inept agreement entered into by the previous Government to subject a matter to arbitration in circumstances which have happened, namely, that even when the arbitrator finds that there has been a breach of building regulations it is still not possible for the Government lawfully to order the suspension of the building works. That is precisely the difficulty that the hon Member has created by entering into that arbitration agreement and it is precisely the problem that the Government are now trying to resolve. In other words, the fact that the arbitrator has found what he has found still does not create a lawful basis, not incidentally for the Government but for the Development and Planning Commission to order the developer to stop the works. That is precisely the dilemma that we are faced with.

HON J J BOSSANO:

If the agreement to go to arbitration was so inept on the 16th May then why is it that on the 30th August the Government, in a letter to the Chronicle, made clear that an agreement which had been in a position to study between May and August they were honouring and supporting and that the result would be that it would be binding in accordance with the Ordinance. In fact, the Chief Minister must remember that the response of the Government on the 30th August was that there was a question as to whether that arbitration would be proceeded with or not. They had the

opportunity of not proceeding with it if it was so inept or is it that they have come to the conclusion that it is inept because the result is not to their liking?

HON CHIEF MINISTER:

The Government do not like or dislike the result of the arbitration. The Government have no interest in the building in 39 New Passage or the one across the passage from it. But certainly the arbitration as constructed and the result of the arbitrator does not permit the Development and Planning Commission - the hon Member must know that it is not the Government that issue planning permissions, that it is the Development and Planning Commission, it does not permit the Development and Planning Commission to order the developer to stop the building. It is the simplest course of action for the Government to do and it is not possible on the basis of the findings as they presently are to take that step. It really is as simple as that.

HON J J BOSSANO:

Yes, but the Chief Minister conveniently reminds us that it is the Development and Planning Commission that is responsible for taking the decision now even though he is quite happy to blame the previous elected Government when it suits him to put the thing in another way. If indeed the advice given previously was that the arbitration would enable action to be taken, have the Government had the opportunity of going back to review that advice as to why it is that now they have got the result of the arbitration they seem still to be having the same difficulty in acting now as we were then before the arbitration? This is the whole purpose of the arbitration, to have an independent reason for reviewing the decision.

HON CHIEF MINISTER:

That question has been answered by my hon Colleague in explaining the views expressed by the arbitrator. Obviously the hon Members have not listened to the arbitration award as my hon Colleague was reading it.

HON J J BOSSANO:

I am aware that the Minister previously read at length the text of the arbitration award although in fact the question says, "Can Government confirm that the arbitrator has ruled in favour of Mrs Payas?" and I would have thought it was possible to say, yes or no. I am not sure that having listened to him reading the text from listening to the text it is possible to say, yes or no. But if the answer is yes, then it seems to me there is one cause of action and if the answer has been no, then I would have thought there is nothing left to be done because regrettably for the complainant the arbitration has been lost.

HON CHIEF MINISTER:

The answer is that it is not possible to say that the arbitrator has ruled in favour of Mrs Payas. The arbitrator has found that there was a technical breach of building regulations but a regulation that existed, not to protect Mrs Payas but to protect the occupiers of the building under construction and the arbitrator also ruled that it was a breach which it would have been reasonable for the Development and Planning Commission to waive in all the circumstances. So the answer is that the arbitrator has not found in favour of Mrs Payas and has certainly not found facts which enable

the Government or the Development and Planning Commission to order the developer to suspend the building without exposing the Government to an action for damages by that developer. That is the sad reality of the position.

HON J J BOSSANO:

In that case, if the result of the arbitration is not clear-cut in the sense that it has come out in favour of one side, why is there a need to seek to have it set aside on the basis that the arbitrator misconducted himself by not allowing the officials to put their arguments? I cannot understand the consistency in the argument. If at the end of the day what the arbitrator has done is apparently to come up with a judgement which is not 100 per cent on one side or the other, then surely the argument that is being put that it should be set aside because not enough weight was given to the officials is an argument that says that the arbitrator should have come out saying, no and had he conducted himself properly he would have come out saying no. Is that not the case?

HON CHIEF MINISTER:

No.

NO. 126 OF 1996THE HON J GABAY

GIBRALTAR HERITAGE

Have the Government now worked out its strategy for heritage?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

In response to a supplementary to Question No. 32 of 1996, Government indicated that the establishment of a Heritage Commission was the principal first step towards the formulation of an overall long-term heritage strategy.

The Commission has now met twice and will shortly commence work towards advising Government on the elaboration of an effective heritage strategy.

While the details are yet subject to discussion with that forum the Government broadly see the strategic overview as requiring:

- (a) amendments to existing legislation
- (b) strengthening of enforcement mechanisms
- (c) greater public awareness
- (d) vigorous Government backing of specific projects.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1996

HON J GABAY:

I feel that we face the usual problem of confusing general statements of intentions with strategy. As I see it a strategy is a plan of action and I think that the setting-up of a consultative body does not really tell us anything. With regard to the generalisations made, we seem to be back to the response I was given to Question No. 32 in June. It would be interesting to find out what has happened since June to this day other than the formation of a body to give an opinion.

HON K AZOPARDI:

The hon Member will permit me a minor observation which is that to hear a criticism of not having produced a strategy in six months when Opposition Members did not do so in eight years is somewhat rich. But let me say, I have said to him what we have done. Since June, the time that he asked the question, we have set up a Heritage Commission which will be the principal forum that will discuss the

development of the strategy. It has met twice, it will do so again, it will involve a strategy along the four bases that I have indicated and then once it is prepared and it will be a plan of action, it will be ventilated publicly and no doubt the hon Member will ask me questions on it.

HON J GABAY:

I appreciate that in matters of heritage a plan is a long-term business. It is not that we are requiring the Minister to tell us of a programme of action but at least to delineate what the intentions are in some way that we can understand and with that in mind and further to Question No. 32, in respect of the uncluttering and the maintenance of the City walls, he assured me that he would be examining the scope for this. So is it possible to have an answer to that particular point?

HON K AZOPARDI:

I think later on in the Order Paper there may be a question generally on that matter and I did say also at the time that we would be looking at the uncluttering of the City walls and it is certainly something foremost in the mind of the Government. But the principles of the heritage strategy plan that will be in place in due course, the basis of it will be the four points that I mentioned. In other words, we need to amend the existing legislation. I am talking about the Heritage Trust Ordinance - there is a question on it further along - the Town Planning Ordinance; we need to look at urban conservation; we need to strengthen the enforcement mechanisms, as I said, and I am dealing there principally with issues such as illegal works, collection of evidence. We need to have greater public awareness and we need to have a more vigorous backing of specific projects. Those two points I think are self-explanatory. That will be the basis upon which a strategy is developed. While the hon Member concedes that he is not asking for the details of the plan, he has asked for the basis and ultimate reasoning behind the plan. Those four items is the reasoning behind the plan.

HON J GABAY:

I think that there is an important difference between the general principles and the line of action to be pursued and I think it is not unreasonable to expect the Government to be specific in certain cases such as the question we have asked and which he had promised to answer about the scope in terms of the maintenance and uncluttering of the City walls. And of course there were other points raised as well. Talking about in fact the relationship between the Gibraltar Heritage Trust and the new Heritage Commission, it would be interesting to get some idea as to what Government's thinking on the purpose of this Commission is and to what extent, for example, the power of the Gibraltar Heritage Trust will be enhanced or whether it will be diminished. I think these are important questions irrespective of on-going discussion in the background.

HON K AZOPARDI:

The next question is on the Heritage Trust. Does the hon Member wish me to answer it then or now?

HON J GABAY:

I think it would be preferable to answer it now, they are inter-related.

HON K AZOPARDI:

The intentions between the Heritage Commission were set out in the manifesto with which we went to the election. In other words, we would set up a body which would advise Government precisely on issues such as this, the formulation of a proactive long-term strategy. The Commission members are drawn in general terms from Government departments, from the four Government departments concerned; tourism, education, environment and DTI because they have a planning input. There is also presence of the Archivist and the Museum Curator. Apart from that there are members of the Heritage Trust and so there is a liaison between the Trust and the Commission. The Commission will advise on the formulation of a long-term strategy. The Trust forms part of that formulation and so there is a comfortable link between what is the Heritage Commission in its advisory function to Government and the formulation of a strategy and what is the Trust in its separate statutory role and the powers of duty it has at the moment and will have in due course.

HON J GABAY:

I feel that I would rather leave the matter there at the moment because we are, in fact, at cross purposes with regard to our own expectations. But just simply one minor point. I did ask at the time, this was in June, about the plans for the refurbishment of Wellington Front and I was assured by the Minister that the plans were on his desk and that he would be surely commenting on this shortly. Has he any comment to make on that practical point?

HON K AZOPARDI:

What I did say in reality was that while I had not had an opportunity to discuss those plans with the professionals, if the Hon Member wanted to ask me in a few months time I am sure I could give him an answer. I do not think he has asked me.

HON J GABAY:

The question was in June so I feel that it is not unreasonable to have expected an answer to this now other than to be given again generalisations.

HON CHIEF MINISTER:

On a point of order. In the first instance there is already a question on the Order Paper later on specifically about Wellington Front, perhaps the hon Member is not aware of that. Secondly, there is a rule that one cannot ask the same question or questions on the same subject twice within six months and the hon Member thinks that Question Time is to ask for a progress report in relation to the subject matter of the question that he asked last June. It is a flagrant breach of the purposes for rules of asking questions. If the hon Member wants information then that is quite entitled to ask but I do not think, Mr Speaker, that Question Time is simply to ask the Government how much progress has been made in relation to the subject matter of this previous question in June.

HON J J BOSSANO:

Since it is an alleged point of order and of course when questions are submitted to the House they are either accepted or not accepted in accordance with the Standing Orders of the House. To my knowledge, in the 24 years that I have been here, it has always been considered appropriate to produce a question which is a reflection of an unsatisfactory answer to a previous question on the same subject. I, for example, am asking a question today of the Minister whether he can now give me an answer on MOD redundancies which he could not give me the last time I asked it and the answer may still be he still cannot give it to me. I think it is not an abuse of the right of the Opposition to ask questions to simply come back with a related question because the information we sought was not given. They are not required to give the information but we are entitled to keep on asking.

MR SPEAKER:

The question in the Order Paper was, "Has the Government now worked out its strategy for heritage?" A perfect question and a perfect answer. It only arises out of a supplementary which I cannot stop him after he has asked a question but then the other side does not answer it. So really the breach of rules is in the supplementary and not in the question.

HON J GABAY:

May I make a comment on this?

MR SPEAKER:

Not a comment on the ruling, a comment on the question.

HON J GABAY:

On the question, yes. Very often one question leads into another one as the hon Minister realised and asked whether he might answer that question and I said yes. The problem lies with the omniscience of the Chief Minister who apart from playing the role of the Chief Minister also wants to play the role of Speaker.

HON CHIEF MINISTER:

No, not at all. It is just that the question of Wellington Front is not down for answering by the hon Member but it is down for answering by the Minister for Trade and Industry, it is not a question of whether he wants to answer it now or later, it is not his question at all.

HON J GABAY:

This could easily have been done by a comment from the hon Member for Heritage. I think that the situation is obviously rather silly, all I would say I would rather have my attention drawn by the Speaker of the House than by somebody trying to step into that role as well.

NO. 127 OF 1996

THE HON J GABAY

GIBRALTAR HERITAGE

In what ways do Government intend to treat the Gibraltar Heritage Ordinance?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government are, in conjunction with representatives of the Heritage Trust, considering amendments to the Heritage Trust Ordinance. As yet discussions have not concluded and it is premature to conclude on what the final effect of the eventual amendments will be.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1996

HON J GABAY:

We shall wait and see what developments take place in this matter.

NO. 128 OF 1996THE HON MISS M I MONTEGRIFFO**ROYAL NAVAL HOSPITAL**

Can the Government state what is the nature of the discussions between the MOD and the Minister for the Environment and Health, in respect of the Royal Naval Hospital?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government are not in discussions with the MOD over the Royal Naval Hospital. Discussions are taking place exploring issues of secondary care with the MOD. Those discussions are at a very preliminary stage as only two meetings have been held to date.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1996

HON MISS M I MONTEGRIFFO:

Will the Government not recall in answer to Question No. 115 of 1996 by the Minister for Trade and Industry when he said that redundancy notices delivered to employees at the Royal Naval Hospital had been withdrawn and discussions between the MOD and the Minister for the Environment and Health are taking place. Can he answer that question please?

HON K AZOPARDI:

Yes, I think it is because the hon Member misconstrued the reference made in that answer. Indeed the answer is as the hon Member has just stated but that did not mean that I was in discussions in relation to the Royal Naval Hospital itself. If one looks at the precise sentence it reads, "Redundancy notices delivered to employees at the Royal Naval Hospital have been withdrawn and discussions between the MOD and the Minister for the Environment and Health are taking place". There were two points there, one is that the redundancy notices were withdrawn; the other point was that discussions between the MOD and myself were taking place. The juxtaposition in the same sentence could have lent itself to misinterpretation but certainly it was not to suggest that I was discussing the Royal Naval Hospital but I have said in my answer that I am discussing issues of MOD secondary care.

HON MISS M I MONTEGRIFFO:

The Minister must agree then that the answer given by the Minister for Trade and Industry is misleading?

HON K AZOPARDI:

No.

HON J L BALDACHINO:

To what discussion was the Minister then referring to in Question No. 115 of 1996.

HON K AZOPARDI:

To discussions between myself and the MOD in relation to MOD secondary care but not in respect of the Royal Naval Hospital as is suggested in the hon Member's question. The hon Member's question suggests that discussions are taking place and I read it, "in respect of the Royal Naval Hospital", that is not true. I am referring to discussions in relation to MOD secondary care but not the future of that particular hospital.

HON J J BOSSANO:

Is the Minister then saying that the discussions that he is having do not have an effect on the Royal Naval Hospital's continued operation?

HON K AZOPARDI:

In the sense of the medical secondary care facilities well I suppose the answer is no but in respect of the future of the Royal Naval Hospital as the building itself and its particular future then we have as yet not reached a stage where I could answer the question in the affirmative. I am certainly quite satisfied that the discussions that are taking place are not in respect of the Royal Naval Hospital, only in respect of the abstract concept of MOD secondary care which yes, is provided for at that facility but is not relative or relevant to the future of that particular building.

HON J J BOSSANO:

How can it not be relative or relevant to the future of the building if the people who work in the building will or will not be made redundant or may or may not be made redundant in more or lesser numbers depending on the result of his discussion or is it not the case that the discussions that he is having on secondary medical care will affect the employment in the RNH?

HON K AZOPARDI:

If the hon Member had asked me the question whether I was discussing issues which could relate or have an effect on the future of the employees which are presently located at the Royal Naval Hospital then I would have answered the question yes. But as the hon Member asked me the question whether I was discussing the Royal Naval Hospital, the answer is no because I am not discussing the Royal Naval Hospital, the building.

HON J J BOSSANO:

The question is not asking him whether he is discussing the building, it is asking him what is the nature of the discussion. We do not know what he is discussing. All that we have asked him to do was to tell us what is the nature of the discussion that he is having in respect of the Royal Naval Hospital, given the supplementary information that we had in a previous question. It seems that the talks that he is

having on secondary medical care presumably will have an effect on what is the future of the RNH and the numbers employed in it. Are we correct in deducing that?

HON K AZOPARDI:

I have said to the House that I am in discussions with the MOD over the provision and indeed issues of secondary medical care. The Opposition Members for a period between March 1993 and 1995 answered questions from the Members of the Opposition asking on the development of the negotiations that the previous administration were holding with the MOD. The reply that we received was that as negotiations had not concluded those details could not be made public nor could the nature of the discussions be revealed in this House. And so I ask for the hon Members' indulgence when I take precisely that line that the previous administration did.

HON J J BOSSANO:

Can the Minister tell us whether the position is that having terminated those discussions, they have actually been re-opened on the same premise as they were taking place previously which we both know but which we are not saying?

HON K AZOPARDI:

I am not privy to the negotiations that were conducted by the Opposition Members but if he wants to tell me what they negotiated about then I will evaluate it.

HON J J BOSSANO:

So the Minister is not aware that prior to the 16th May the MOD was putting forward proposals for the Gibraltar Government to take over secondary medical care, he does not know that?

HON K AZOPARDI:

No, Mr Speaker, I know that because that is in Hansard. What I do not know is the details, I am not privy to that.

HON J J BOSSANO:

I am not asking for the details. I am asking whether in fact the nature of the discussion that he is taking is a resumption of that which was in fact concluded with the MOD finally deciding to have their own cottage hospital in Queensway Quay and to therefore retain a greater number of people in MOD employment and that is how it finished. Is it that the matter has now been re-opened?

HON K AZOPARDI:

But how can I answer the question without knowing the nature of the discussions that the Opposition Member was having? Let us say that I assume that to be the case but I do not know because I am not privy to the nature of the discussions that they were having.

HON J J BOSSANO:

Can I ask the Minister is the position of the MOD at the moment in the discussions that they are having with him, that they are going to proceed with setting up a cottage hospital which will continue to provide facilities to the MOD. Is that still the position which was the position that we left it?

HON K AZOPARDI:

Yes, that is the position at the moment. The discussions are in a very preliminary stage and so there is no reason to suggest that that will be otherwise.

HON J J BOSSANO:

But are the discussions on the basis of changing that? Because, Mr Speaker, the point I am trying to make is, the Minister is aware that that was how it finished and what we are trying to establish is, having finished at that point is it that the whole issue has been reopened so that there will not be a cottage hospital and instead the Government of Gibraltar will be providing the secondary medical care? Is that the nature of the discussion?

HON K AZOPARDI:

If the discussions proceed favourably then it will have an effect on whether that is established or not. Yes, but I will not go further to discuss the details of those discussions.

HON J BOSSANO:

I am not asking the Minister.....

HON K AZOPARDI:

I have answered his question, yes.

HON J J BOSSANO:

No, he has not answered the question. I am not asking the Minister to give me the details. I am asking the Minister to confirm whether the nature of the discussions, which may or may not lead to an agreement, and I am not asking him to either predict that it will lead to an agreement or to tell me at what stage he is, what I am trying to establish is the subject matter. The wish of the MOD to not proceed with the cottage hospital and instead have the responsibility of providing medical care taken on by the Gibraltar Health Authority. Is that the subject matter of the discussion? I do not want details.

HON K AZOPARDI:

Those are all issues that are being explored, yes.

NO. 129 OF 1996

THE HON MISS M I MONTEGRIFFO

MEDICAL AND NURSING REVIEWS

When do the Government expect that the Medical and Nursing Reviews will be concluded?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The report of the medical review team was received last week. It will now be considered by the Government Ministers.

The nursing review has as yet not concluded but it is expected that it should do so relatively soon.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1996

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether the Government will be committed to implement all the recommendations within both reviews?

HON K AZOPARDI:

Committed in the same way that she was committed to implement the 1987 report. Government will consider the ramifications and implications of all the recommendations, financial, structural and staffing and then we will decide on the consequences of that and see which are appropriate to be implemented for the efficiency and greater health care available to the public.

HON MISS M I MONTEGRIFFO:

Let me remind the Minister that we did go a long way to implementing the review of 1987. So what the Minister is saying is, that he is not prepared to go along implementing all the recommendations of both reviews, am I correct?

HON K AZOPARDI:

Government's hands cannot be tied, she will appreciate that because when she says she went a long way and that is a value judgement because I do not think she went very long at all.

HON MISS M I MONTEGRIFFO:

It is a matter of judgement, Mr Speaker.

HON K AZOPARDI:

Absolutely, and our judgement is that she did not go a very long way.

HON MISS M I MONTEGRIFFO:

Will he answer the question, Mr Speaker?

HON K AZOPARDI:

Yes, if she will allow me I will. The position is that Government will consider the recommendations and then decide which is in the patients' interest that should be implemented and that is the position. We will consider the recommendations and the ramifications behind all of them and then we will do as we think is appropriate for all to safeguard the system of health care in Gibraltar.

HON MISS M I MONTEGRIFFO:

So the answer is no then?

HON CHIEF MINISTER:

No, the answer is not no. The answer is that the Government are considering the report. When the Government have considered the report, the Government will decide which of the recommendations we can support and implement and which we cannot and when we have done that we would be very happy to debate with her the reason why we accept some recommendations and not others. What the Government are not willing to say now, before we have considered the report, is whether or not we will accept or not accept some or all of the recommendations. In other words, if what the hon Member is seeking to do is to get the Government to say that we will not accept the recommendations of the report the answer is that we are not in a position to say that or the contrary because we are still considering it.

HON J L BALDACHINO:

Two questions in one. One of them is will the Minister be making the report public? Secondly, does it mean when he says that he will go the same way that we went on the report that he will therefore not consider it, or will he just go the same way as we did, will he go further or will he go less than we did with the last report?

HON K AZOPARDI:

Yes, the hon Member's question concedes that they did not implement the 1987 report. I have not said that. What I have said, as the Chief Minister has pointed out, we are going to consider it, then we will decide which of the recommendations can be implemented and we are not in a position, at the moment, to decide to what extent the report will be implemented. That is the position. In relation to the publication, when we have considered it then of course the report will be published in due course, yes.

NO. 130 OF 1996THE HON MISS M I MONTEGRIFFO**GIBRALTAR HEALTH AUTHORITY**

Has the Minister for the Environment and Health now had an opportunity to study the budget of the Gibraltar Health Authority and give a policy decision as to whether there have been or will be any changes within certain areas, as he stated during the budget session of the House of Assembly?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Minister did not state what the questioner suggests during the 1996 budget session.

SUPPLEMENTARY TO QUESTION NO. 130 OF 1996

HON MISS M I MONTEGRIFFO:

For the benefit of the House I will read what the Minister for the Environment and Health read during the budget session. He said, "Indeed a lot of money is spent on the Health Authority and perhaps the resources need to be better administered and that is the question once the Government have had an opportunity to examine the budget together with the management to give a statement of policy in certain areas and then the management will indeed implement the decisions of the policy as I indicated".

HON K AZOPARDI:

I do know the passage to which the hon Member is referring me. I think that the difficulty was in the framing of the question by the hon Member. The hon Member's question seemed to relate to changes in the budget and that necessarily is not the case nor indeed was it that what I was referring to when I made the speech in the House. The actual sentence reads, "One of the final concerns which I want to highlight which is always expressed by the consumer is the fact of the administration resources. That is a matter that we intend to look at". The matter that we intend to look at is the administration resources. Indeed a lot of money spent on the Health Authority and perhaps the resources need to be better administered. What I was talking about there is the administration of the resources not changes in the budget. What the hon Member asked me was, "Has the Minister now had an opportunity to study the budget and give a policy decision as to whether there will be changes within certain areas?" I took her question to mean changes within areas of the budget and that is not what I was talking about in the budget speech, I was talking about administration of resources. But I can go on to talk about matters that give rise to consequences stemming from what I was referring to which was the administration of the resources and not changes to the budget itself. Since I made that speech in the budget session of the House back in July, I have been working quite closely with the managerial staff at the Health Authority on the administration of public funds and I think the position will become clearer as to whether the

administration of the resources is being conducted on a more appropriate level in due course and perhaps at the end of the financial year. What I have also done is that the Management Board which met infrequently during the previous administration, the Management Board is now meeting on a more frequent basis and has been given certain latitude because I think the professionals should have some latitude and input into the 1997/98 draft budget that is being prepared for the Health Authority. But, of course, the effect that that has had in the management and administration of the resources will only become clear at the end of 1997/98 because this is an opportunity that they are now getting in shaping the 1997/98 budget. So the conclusion on whether that exercise has worked or not will not be clear until then. The other aspect I want to mention at this stage is that no doubt the review, if it has some structural suggestions to make, will have an impact on the administration of resources and so those three areas are areas that I am currently looking at. No doubt we should await for the implementation of certain recommendations of the Review Report because it will not be clear until then and until perhaps the end of this or the next financial year whether the steps that are being taken to administer resources in a better way have indeed been successful.

HON J J BOSSANO:

Is it not the case that in answer to Question No. 35 the Minister said that he was in the process of examining the estimates of expenditure for 1996/97 with a view to their approval or amendment and if he is considering amending the estimates for 1996/97 then obviously we assumed that that answer was consistent with the statement read by my colleague at the budget session that they might wish, within the overall budget, to give a greater emphasis to some area of expenditure and less to others and that consequently they would be looking at the possibility of spending money in a different way. Is that something that has happened or is it in fact that the expenditure for the current year is as estimated at the beginning of April without amendment?

HON K AZOPARDI:

The Leader of the Opposition is correct in saying that I did say what he said that I said in relation to the answer to the question. When I was answering the question I referred myself to the budget. What I was talking in the budget I was referring to the administration of resources but not the budget heads themselves. I think it is clear from the extract that I have just read and so I have answered the question that the hon Member puts to me today which is in relation to the administration of resources and I have answered the fact that I did not say what she alleges that I said in the budget session. That is the answer.

HON J J BOSSANO:

Surely we are talking about the budget of the Gibraltar Health Authority and any changes with it and the Minister admits that in answer to Question No. 35 which followed his previous statement he said, "The Government is in the process of examining these estimates with a view to their approval or amendment". It is not an unreasonable thing to ask him has he examined these estimates and have they amended anything? If he does not want to tell us it cannot be that he does not know whether he has done it, it is that he refuses to provide the information.

HON K AZOPARDI:

No, I am not refusing to provide the information. I am answering the question that was put to me in the terms that what was put to me and I have answered, I think, the question as it was framed so it is not a question of refusing to provide the information but rather providing the information that was requested. In relation to that latter point, yes I have had an opportunity to look at the budget. There have been some amendments, but in relation to the approximate funding aspect it is in line with the general approximate percentage increases over the last few years. I do not have the details of the exact budget heads with me.

HON J J BOSSANO:

We are not asking whether there has been any increase. The impression we had from his answer to Question No. 35 which we took to be a reflection of what he had previously said at the estimates but which he has now explained was not the case, he was talking about two different things, was that they would not necessarily be sticking to the use of the resources of the Health Authority in the pattern of expenditure that had been spelt out which really, as he has I think implicitly recognised in his answer, has been little more frankly than every valuation every year, there has not been any dramatic changes in the Health Authority since it started, it is just a question of things costing more money to do. As a result of his reviewing these estimates, has anything really been changed or is it basically the same shape as it was when he answered Question No. 35?

HON K AZOPARDI:

It is basically the same shape in the sense that there are the same head names, there has been a slight amendment I think in relation to certain totals but referring back to the expenditure of 1995/96, I think the proportion of increase for 1996/97 has been left in the general *[Interruption]*there has been for the last few years, there has not been a structural alteration of the budget itself in a dramatic way because the heads remain called as they have been for the last few years, there may be changes, in future, when the review report is considered. At the moment that is the framing of the tinkering that has happened with the budget.

HON J J BOSSANO:

The Minister is of course conscious of the fact that the estimates that are made every year for the Health Authority particularly in an area like medical services where the expenditure is determined more by the demand and by the incidence of illnesses and therefore one cannot really predict what is going to be required at the beginning of the year other than by assuming that more or less the same numbers are going to have the same ailments in 1996/97 as they had in 1995/96. Can the Minister confirm, in that context, that there is no constraint being put on expenditure having to be increased beyond the estimates which has happened every year? Every year we have finished up with a final outturn which has been an increase on what it was hoped to be able to contain expenditure to at the beginning. Can he confirm that this is still the case?

HON K AZOPARDI:

That scenario may indeed be the case again this year. While I think it is a balancing of two philosophies, one that a budget should not be like a suggestion, a budget should be a requirement, it should not be like a red light is in Italy, a suggestion. Balancing that with the philosophy also that in medical services and matters of health there should be greater flexibility in allowing the resources to be available when there is a need for the patient to be treated and so yes, I agree with the analysis that it may be that we reach that kind of scenario at the end of the financial year and while I have instructed the managerial heads to adhere to the budget in general terms they have also a degree of flexibility with which to work so that no patient suffers at the hands of that degree of control, that there must always be to publicly administer the resources in a good way. The analysis of the hon Member is correct. There will be flexibility in relation to the health service budget, yes.

NO. 131 OF 1996

THE HON MISS M I MONTEGRIFFO

GHA - LEWIS STAGNETTO WARD

Has the Minister for the Environment and Health now taken a decision as to the allocation of Lewis Stagnetto Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The current situation in relation to the use of Lewis Stagnetto Ward remains as expressed in answer to Question No. 77 of 1996.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1996

HON MISS M I MONTEGRIFFO:

Which is what, Mr Speaker?

HON K AZOPARDI:

I think where we left it last time, it is a bit like episode two of the Lewis Stagnetto issue, where we left it was, the hon Member had asked me a question on what we were using the private corridor for and I explained that we were using it to temporarily decant Lewis Stagnetto and she suggested that Lewis Stagnetto should remain permanently in what was private corridor and what was Lewis Stagnetto should be reformed into a new private corridor. I think that suggestion is valid and it is something that we are considering but no decision has been made as yet. So the situation is as expressed, in other words, at the moment the current policy is to once the temporary kitchen moves out of what was Lewis Stagnetto to move Lewis Stagnetto back and to have private corridor then for decanting purposes but we are at the same time considering the suggestion made by the hon Member.

HON MISS M I MONTEGRIFFO:

So what the Minister is saying is that he is taking into consideration the reasons that I gave him in the last session of the House why it should be more prudent for the Lewis Stagnetto Ward to remain in private corridor and for private corridor then to be reallocated to what is now presently Lewis Stagnetto Ward, is that correct?

HON K AZOPARDI:

Yes, I think it was a valid suggestion and we are considering it but the reality is on the ground that there are more priority issues than taking a decision on the future of Lewis Stagnetto or the private corridor because it is being used for decanting at present and indeed because of the heavy rains I think a couple of weeks ago, we now have a problem with the Children's Ward and we are directing our resources to

tackle the repair of that particular ward first and so while the analysis is correct that we are considering the suggestion made by the hon Member, at the moment there are more priority repair and refurbishment issues that require urgent attention at the Health Authority.

HON MISS M I MONTEGRIFFO:

Seeing that I asked the question on the 4th September, will the Minister give me an indication when he will be prepared to say when he has taken a decision as to whether Lewis Stagnetto remains where it is or not?

HON K AZOPARDI:

The hon Member will know that private corridor has been used, I think, for several years now for decanting wards to allow refurbishment of St Bernard's Hospital. Indeed the nature of the building is such that while we have a final objective that there should be a spare ward, it may be that because of the on-going repair problems it may be more of a long-term aspiration than a short-term one so it is difficult to envisage when a decision can be taken or indeed once a decision is taken, even if it is taken to accept that suggestion, when it can be implemented because if situations such as that of Children's Ward arise then of course we will not be in a position to do so.

HON MISS M I MONTEGRIFFO:

Can the Minister explain what does the Children's Ward has to do with Lewis Stagnetto Ward?

HON K AZOPARDI:

It had something to do with it in the sense that there were resources allocated to deal with specific refurbishment. In any event the managerial staff now are of the view that this year Lewis Stagnetto Ward or indeed the temporary kitchen that is going to be set up and the repair resources, both financial and in the sense of manpower of JBS, are now being directed at pursuing the repair of Children's Ward, that is what I am talking about. On the ground the men instead of working on one side are going to be working on the other and that is what I am talking about.

HON MISS M I MONTEGRIFFO:

What the Minister is saying really is that because there are problems within Children's Ward that the refurbishment of Lewis Stagnetto Ward will be affected because money will have to be diverted towards Children's Ward, is that what the Minister is saying?

HON K AZOPARDI:

No, the money is available to refurbish Lewis Stagnetto Ward in the long-term way that I suggested which would be that the kitchen on a temporary basis would first be located there. The refurbishment of Lewis Stagnetto as a ward was always going to be subsequent to the refurbishment of the kitchen so it was always going to be more a long-term than immediate in the sense that first something else had to be

done. But what I am saying is that because there is more urgency to deal with the Children's Ward issue then the men may be redirected there, that is understandable, I am sure the hon Member will appreciate that.

HON MISS M I MONTEGRIFFO:

No, I do not appreciate it because he said previously in answer to the previous question that there would be no restrictions on the Health Authority if it affected the patients and therefore if this is a matter that was already in place when we were in Government and the refurbishment was being carried out in order for Lewis Stagnetto to return to its previous location, what I told the Minister, months after I put the original question is whether they are prepared because of the fact that the private corridor is larger than Lewis Stagnetto. It is not a matter of whether I am asking them now to put more money into the kitty, what I am asking is whether he is prepared to consider that Lewis Stagnetto Ward at the moment is better located where it is because it is a larger area? That is what I am asking the Minister.

HON K AZOPARDI:

Yes, there is no question of restriction of the financial resources, it is a question of manpower. There may not be men to do the work. The men are going to do the work at Children's Ward because at the moment Children's Ward is closed and therefore it is my priority. It is not a question of resources. The suggestion that the hon Member makes, as I said earlier, I think five minutes ago, is a valid suggestion and it will be considered but a decision will not be taken immediately because there are other priority repair refurbishment issues to be tackled but certainly it is a suggestion that we will take into account. I personally have no trouble with it but it is something that we will have to in-build into the general tackling of repair and refurbishment issues at the hospital.

HON MISS M I MONTEGRIFFO:

It is just that I asked this question about three months ago and I would have expected the Minister to have taken a decision by now.

HON K AZOPARDI:

Was that a question or a statement?

HON MISS M I MONTEGRIFFO:

Both, Mr Speaker.

HON K AZOPARDI:

I have answered it, Mr Speaker.

NO. 132 OF 1996THE HON MISS M I MONTEGRIFFO**GIBRALTAR HEALTH AUTHORITY**

Can the Government state whether the Gibraltar Health Authority currently has outstanding bills for payment direct to the La Linea Clinic that provides dialysis for Gibraltar patients?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Dialysis treatment is given to Gibraltarian patients in Spain in accordance with the relevant EU forms. Settlement for such treatment falls as a Community obligation, upon the Member States concerned, namely Britain and Spain to discuss directly. Accordingly, Gibraltar has no outstanding bills for payment direct to the La Linea clinic concerned.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1996

HON MISS M I MONTEGRIFFO:

I understand that but can the Minister confirm whether the matter has now been settled and that the private La Linea clinic is receiving or will receive the financial remuneration?

HON K AZOPARDI:

The matter has been settled to the extent that the dialysis treatment has been assured and this was confirmed to me by the Teniente Alcalde of the Ayuntamiento of La Linea. In relation to payment itself, I understand that the situation has as yet not been settled. I have passed on Britain's commitment to honour all obligations stemming from treatments being given in accordance with the EU forms to the Ayuntamiento of La Linea, indeed, the Department of Health has passed on that commitment to their counterparts in the Spanish Instituto Nacional De Seguridad Social. At the moment, I understand that the situation is that the payment has not been effected or indeed that payments have been settled. The reason for that, I am told, is that while Britain intends to honour its commitment in relation to the treatment being given by the forms and indeed Britain has made a substantial part payment in relation to treatment being given generally in accordance with EU forms by Spain, Spain has as yet not formulated a claim via Madrid to London in relation to treatment being given since I think 1986 and so because this is akin to a banking clearing system, in other words, the Member States meet together, they set-off the amounts and then they decide who owes who how much, then that exercise has as yet not taken place. So the situation is that London awaits a claim from Madrid, when it comes and the set-off exercise is complete, London has committed itself to pay in accordance with the Community obligations. That is the situation and that assertion and commitment has been passed on to the relevant authorities concerned that provides the medical treatment.

HON MISS M I MONTEGRIFFO:

Perhaps the Minister has not got the answer but does he have an idea when they will be meeting to discuss the matter, both the United Kingdom and Spain?

HON K AZOPARDI:

I really have no idea what the answer is. I passed on the commitment to the regional authorities, also the assertion by Britain that they were willing to look at making further part payments in relation to dialysis treatment but the timing of the meeting, I have no specific information on.

HON J C PEREZ:

I take it therefore from the answer that the Minister has given that the Ayuntamiento in La Linea has stopped billing the Health Authority for this treatment which they used to do previously?

HON K AZOPARDI:

The Ayuntamiento nor the clinic have never billed this administration. I understand that certain bills were sent to the previous administration and I think that gave rise to the whole issue coming out publicly as indeed was elicited in the Opposition Member's press release. Yes, bills were sent to the previous administration, I understand. They have not been sent to us. I am not aware of the internal arrangements between the clinic and the Ayuntamiento itself. I understand that they have some form of contractual arrangement, I do not know whether they bill each other. They are certainly not billing the Gibraltar Health Authority except for treatment being given to a non-EU national which is paid up-to-date.

NO. 133 OF 1996

THE HON MISS M I MONTEGRIFFO

STREET MARKET

Can the Government explain their policy in relation to the relocation of the Street Market?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government policy is that the traders that form what is known as the Street Market should be located at the public market.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1996

HON MISS M I MONTEGRIFFO:

Does the Minister not accept that the Street Market Association wish to remain in Bishop Rapallo Ramp?

HON K AZOPARDI:

Yes, the Minister accepts that that is their wish but that is not Government policy. Government policy is as was indicated in my answer.

HON MISS M I MONTEGRIFFO:

Do the Government not accept that the Chamber of Commerce was asked in a questionnaire, prepared by the Street Market, and that they have no objection in that the Street Market remained in Bishop Rapallo Ramp and that therefore the Government should consider this point?

HON K AZOPARDI:

We assess Government policy in the way that we think is best for the whole of the community not in relation to specific sectors like the Chamber of Commerce or indeed the Street Market. We have evaluated the situation and have come to the conclusion the previous administration reached, that negotiations should be commenced so that the Street Market should move to the public market. That is what I understand the previous administration were doing. That is what we are doing. That is the situation.

HON MISS M I MONTEGRIFFO:

The Minister perhaps is not aware that the previous Chief Minister gave a commitment to the Street Market Association that they could remain in Bishop Rapallo Ramp. Is the present Government prepared to honour this commitment?

HON CHIEF MINISTER:

This must be one of the many commitments that were given verbally in the run-up to the general election and as polling day drew closer and closer. The answer is that we are not aware that the Chief Minister gave that verbal commitment but if it was given it is not a commitment of the sort that the Government feel bound by and it is not consistent with the present Government policy and it will not be abided by.

HON J C PEREZ:

The commitment was given in public. It was given on television and there were so many strong arguments in favour of the Street Market at the time including a list of signatures that was presented to the Government of the day which included the names of the Chief Minister and the Hon Mr Montegriffo and I can bring him a copy of that list and show it to the Government Members, supporting that the Street Market should stay where it was. Both Government Members, before coming into Government, supported that the Street Market should stay in Bishop Rapallo Ramp and certainly if the Chief Minister says that it is Government policy it is certainly not GSD policy going by the signatures of the Government Members prior to the general election when they supported the Street Market Association. I am asking the Chief Minister since when is it Government policy given that prior to the election the GSD had a different policy over the Street Market?

HON CHIEF MINISTER:

None of that is true except perhaps he would like to speak for himself, it may be that my colleague, Mr Montegriffo, may have a different view personally. I certainly have no recollection signing the petition that the hon Member says but my recollection may be deficient so perhaps the hon Member should produce it to me. Certainly, the position is that the policy of the Government is and always has been, even in Opposition, that the Street Market was not a service to Gibraltar located where it was either aesthetically or the unfair competition that it represented to businesses so close by in Main Street that were labouring under high rent and rates and other business overheads. That, to my knowledge, has always been the position of the GSD in Opposition and it is the position that is reflected by the GSD now in Government. Of course, this being a democratic party, it may well be that certain Members may have privately different views. But different views are tolerated in this party. The Government policy is that we meet collectively and we decide what collectively we wish to adopt as Government policy and that is what we have done and the collective view of the Government is that the location of the Street Market either, in Bishop Rapallo Ramp or on the Piazza here, is not in the best interests of Gibraltar in respect not just of commerce but of tourism and indeed what the Government plans are for the refurbishment and beautification of this whole area of Gibraltar and that is Government policy.

HON J C PEREZ:

Is the Chief Minister aware that at the time that the Street Market Association approached the former Chief Minister to get the then Government to change their mind about sending them to the public market which we gave a commitment that we would do, that the Chamber of Commerce was approached and that the present President of the Chamber, not the former one of course, said he had no objections

that the Street Market should go to Bishop Rapallo Ramp, indeed adjacent to his own business premises?

HON CHIEF MINISTER:

As the Minister for the Environment has already said, Government policy is made neither by the Street Market Association nor by the Chamber of Commerce. It is made by the Government and he should not assume that what is acceptable to the Chamber of Commerce is necessarily going to be reflected in Government policy.

HON J C PEREZ:

So the position is that we should not assume that what is accepted by the business community or accepted individually by Government Members, when they sign petitions, is going to be reflected in anything that the Government do. The Government and the people who compose it are two separate things, one has nothing to do with the other?

HON CHIEF MINISTER:

No, the minority of the people who compose the Government, in this case one of the persons who composes the Government, does not impose his views if indeed he still has those views, on Government policy. The hon Member must know that, perhaps he does not, perhaps Opposition Members did not establish policy in this way but this is a question of the consensus amongst eight people and that that may well and often does, let me tell him, result in one, two or up to three members having a slightly different view to the one that eventually becomes policy. I would have thought that he would recognise that as the ordinary way in which political parties in a democracy conduct their business. I cannot understand why he is so surprised by it.

HON J C PEREZ:

We are aware of the divisions that there are in the party in Government, Mr Speaker, the Hon Mr Caruana has not got to give excuses for it. Can the Chief Minister state whether he personally at least would have a change of mind if I brought him a copy of his signature in that petition and whether that would possibly tilt the balance of the decision that decided Government policy was different to the one of the ideas promulgated by the Street Market Association prior to the election when members of the Government both saw it fit, for political reasons perhaps, to sign that petition?

HON CHIEF MINISTER:

The answer to that question is no. Even in the event that the hon Member can satisfy me that I signed that petition, which I seriously doubt, but even if he could the answer is that it would not now be Government policy.

HON J L BALDACHINO:

Am I to understand that the reason and the argument given by the Chief Minister was that the Street Market if it was placed at Bishop Rapallo Ramp could be unfair competition to the street market traders who pay high rents and high rates.

Therefore how can he put that argument when the Chamber of Commerce actually who are the representatives of the traders in Main Street, signed the petition, for the Street Market to remain at Bishop Rapallo Ramp?

HON CHIEF MINISTER:

The hon Member is mistaken if he thinks that that is the only reason. Certainly he is right in thinking... [Interruption] No, I said it was one of them, there are other reasons of our plans for the area and what it does aesthetically for Gibraltar and the image that it gives to tourism. We are quite happy to defend our policy which is that we do not think that the Gibraltar that we want to create touristically is enhanced by having a Street Market in this area apart from the commercial questions that his supplementary contains. I am extremely surprised at the sudden interest of the Opposition Members in preserving the Street Market either in Bishop Rapallo Ramp or in the Piazza or anywhere else given that they have spent the last eight years trying to twist their arms into going down to the public market and it is only in the run-up to the general election that the Chief Minister agrees otherwise. What was driving the Opposition Members during the last eight years in themselves wishing to relocate the Street Market. They may have changed their minds, we have not.

HON J J BOSSANO:

Assuming the questions are not rhetorical I will try and give them an answer and phrase it as a question. Is he not aware that the attempt to persuade the Street Market rather than coerce them at moving was being made based on representations from the Chamber that at the location that they had in the centre of the town it was adversely affecting the businesses that existed there and when the crunch came the Street Market was able to bring the signatures of most of the shops in Main Street saying they did not mind them being there and that their businesses were not being affected and since that was the principle, if not the only reason, there were no reasons of aesthetics involved, the position of the Government was to say, "If the people who are allegedly being hurt by your presence sign saying they do not mind you staying here, the Government have got no desire to move you, the Government have tried to persuade you to move in response to those representations". Is the Chief Minister not aware of that and he has to speculate as to the reasons?

HON CHIEF MINISTER:

I do not accept that the Leader of the Opposition, then in Government, did not apply coercion. I think he applied coercion or why did they stop issuing licences to any new applicant for street vendors in the hope, successful that they would whittle down in numbers to two or three so that they would be less numerous. Why if their policy was that the Street Market there was fine, why did they stop issuing street peddlers licences to people? So I do not accept for a moment that the Opposition Members did not apply coercion as opposed to persuasion. Certainly I think the Opposition Members would not be surprised that the Chamber of Commerce does not believe that the Street Market is well located where it is proposed to be located, that may be the view of individual traders, it is not the view of the Chamber of Commerce as a body and it is certainly not the view of the Government because our policy is driven not just by the commercial considerations but by other considerations which have nothing to do with the Chamber of Commerce about Government's proposals for the areas in relation to tourism.

HON J J BOSSANO:

Does the Chief Minister not agree that there is a difference in seeking to apply rules to people who have not yet started trading and respecting acquired rights of those who have already established their business. The question of not extending the numbers affected by issuing new licences is not a coercion of those who are already trading since their rights were preserved. Are the Government not willing to accept that there is a distinction between laying conditions for those who enter into such a trade for the first time and those who have already been doing it for many years?

HON CHIEF MINISTER:

In answer to Question No. 81 of 1992, to the then Minister for Trade and Industry, I asked in supplementary, "Does the hon Member share the view held by many that the present site of the Street Market is not ideal from the point of view of the aesthetics of the town centre as a whole? Obviously from the point of view of the street marketeers themselves it is ideal but does the hon Member agree that it is not ideal from the point of view of town planning and amenities and of things of that kind?" To which the Hon M A Feetham, then Minister for Trade and Industry, answered, "Yes, Sir, I entirely agree with the hon Member. It is a matter of time to resolve a problem that somebody else has created and trying to find a different site. I could not agree more with the hon Member".

HON J J BOSSANO:

Is it not the case that there is a fundamental difference between something not being ideal and people being kicked out of the place simply because it is not ideal? Can the Chief Minister confirm that the site to which he was referring in that question was not in fact the site in Bishop Rapallo Ramp, it was the site next to the Piazza where they have put them back?

HON CHIEF MINISTER:

I do not accept that.

NO. 134 OF 1996

THE HON J L BALDACHINO

Question withdrawn.

ORAL

NO. 135 OF 1996

THE HON J L BALDACHINO

Question withdrawn.

ORAL

NO. 136 OF 1996

THE HON J L BALDACHINO

Question withdrawn.

ORAL

NO. 137 OF 1996

THE HON J L BALDACHINO

ETB - STATISTICS

Can Government state how many UK nationals were registered with ETB as being in employment who did not require work permits as at the end of August?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING AND
BUILDINGS AND WORKS

Answered together with Question No. 138 of 1996.

NO. 138 OF 1996THE HON J L BALDACHINO**ETB - STATISTICS**

Can Government state how many UK nationals were registered with ETB as being in employment having been issued with a work permit as at the end of August?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND TRAINING AND
BUILDINGS AND WORKS

As at the end of August 1996 the total number of UK nationals registered with ETB as being in employment were:

- (1) 308 having been issued with a work permit
- (2) 3313 who did not require work permits.

As the hon Member knows the above figures are not an accurate statement of the people who were actually in Gibraltar working because employers fail to notify the ETB of terminations of employment. The figures therefore reflect "open contracts". Two of the persons included in the above figures were able to get employment without a permit as a result of the abolition of the 1st July law.

SUPPLEMENTARY TO QUESTION NOS. 137 AND 138 OF 1996

HON J J BOSSANO:

Would it be a reasonable assessment of the figure that notwithstanding the fact that they include people who are no longer working and may have left Gibraltar, the ratio of those still in employment in August as between those with work permits and those without, would be of the order of 10:1?

HON J J NETTO:

Quite frankly, I do not know whether it is a ratio of 10:1 or not.

HON J J BOSSANO:

The point I am making is the ratio that he has given is the ratio of 10:1 and given the fact that in both, those with work permits and those without there is, as the Minister has said and as we of course are all aware, a percentage of people who have ceased employment and the employer has not notified the ETB of the fact, would he agree that of those who are still working the ratio of 10:1 reflected by this figure is likely still to be the case? That is to say that it is likely that as many have left as a percentage of the 308 as there are as a percentage of the 3300?

HON CHIEF MINISTER:

It may well be, it is pure conjecture. Neither of the two figures can be demonstrated to be accurate. We know that they are not accurate but we do not know whether either is accurate or whether they are accurate to the same extent. If what the hon Member is suggesting is that in his view it is probable that the degree of inaccuracy is likely to affect both figures in the same measure and that therefore the proportionate relationship between the two as a percentage one of the other is likely to be right, but he cannot ask us whether we agree with him when what he is saying is conjecture. He may well be right.

HON J J BOSSANO:

Is there any reason to believe that the numbers that are not notified are greater or lesser in respect of one figure than it is of the other?

HON J J NETTO:

The one thing that I could tell the Leader of the Opposition is that the figure of 308 is the figure of work permits of UK nationals being issued as from the 1st July 1993 to the repeal of the 1st July law which I believe, if I remember, is the 27th August 1996.

HON J L BALDACHINO:

Can the Minister clarify the position when he says I understand that these figures he has given are for open contracts, but is it not also correct and can he clarify the position, that work permits do have expiry dates and is it that the 308 persons who have work permits still have a valid work permit issued or is it that some of them have expired? Which is the position?

HON J J NETTO:

It seems that the hon Member is making a statement rather than a question.

HON J L BALDACHINO:

I think I have not made a statement. I have explained what my question is.

MR SPEAKER:

What is your question?

HON J L BALDACHINO:

My question is very simple. Of the 308 which has got nothing to do with open contracts, work permits have an expiry date which the maximum is a year, some people may have it for six months, the 308 are all persons who the date has not expired? That is my question.

HON J J NETTO:

As the hon Member knows from his days in Government and as Minister for Employment, yes there is a period for which the work permits are given. I should imagine that there are people who have not run the 12 months period he has just stated but, quite frankly, with the repeal of the 1st July law I do not think we will both either.

MR SPEAKER:

I think we have had enough of this question. In questions, a supplementary, two supplementaries No, I am not prepared to. Another Member yes.

HON J J BOSSANO:

There is a legal requirement that a permit has to be renewed and therefore what we are asking is, have all the 308 permits been renewed, to put it another way, within the 12 months period ending on the 27th August, because by law a permit cannot run for more than 12 months. A contract may be open for somebody who does not have a permit but there is not the same legal requirement for open contracts without a permit as there is for those with a work permit because a work permit, by law, cannot go on for more than 12 months. So if somebody got a permit in 1993 it would have to be renewed in 1994, 1995 and 1996. So the question is, were all the 308 work permits issued within 12 months of the 27th August?

HON CHIEF MINISTER:

The answer to that question is that we do not know. I suppose with notice that question can be answered but the hon Member must know that I cannot and that the Minister cannot personally vouch for that but certainly I think he is entitled to assume that having asked how many people are registered with the ETB as being in employment as at the end of August the answer that the civil servants or in this case not the civil servants, in this case the officials from the ETB have produced is the answer for people lawfully in employment and the people to be lawfully in employment must have a current work permit. In other words, I think he is entitled to assume, subject to error on the part of the officials, is that there are 308 UK nationals in employment as at the end of August 1996 with current, that is non-expired work permits. I think he would be entitled, as indeed I assume, that that is the import of the answer but we cannot guarantee it. If he wants to know whether that is the answer we certainly undertake to test that issue by putting it to the officials whether that is the basis on which the answer has been prepared.

HON J J BOSSANO:

We would be grateful if we could be given the answer if it is not correct. If it is correct or if we do not hear from the Government we take it that it is correct.

NO. 139 OF 1996

THE HON A ISOLA

"BRUNITO" INCIDENT

Have the Government carried out an inquiry into the "Brunito" incident at the Port of Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

A Coroner's investigation is presently being carried out. This involves input from the Royal Gibraltar Police and the City Fire Brigade.

SUPPLEMENTARY TO QUESTION NO. 139 OF 1996

HON A ISOLA:

Will the Government, perhaps after the conclusion of the Coroner's inquest, carry out an inquiry into the functions in order to ensure that this thing may not happen again? There may be some, under the guidance of the Captain of the Port, a change in the system could be implemented, be it legislative or otherwise, which would make it safer to at least ensure that it does not happen again, it was a fatal accident.

HON J J HOLLIDAY:

Obviously we will have to wait for the judicial judgement to be able to decide what course of action, if any, needs to be taken by the Government. But if I can expand on the point that he has just made, obviously one area which we will be looking at is, looking at the current potential disaster in the Port area and see how these can be addressed and also the risk to life of the general public within the Port area is something that we are concerned and will be looked at once we receive the Coroner's inquest.

HON A ISOLA:

Will Government, in any event, at the conclusion of the Coroner's inquest, carry out an inquiry under the guidance of the Captain of the Port, not necessarily a public one but certainly an internal inquiry to establish what the reasons for the incident were and in order to put something in place to make sure it does not happen again, if possible?

HON J J HOLLIDAY:

If the Captain of the Port actually feels that there is a need for this obviously this will be carried out.

NO. 140 OF 1996

THE HON A ISOLA

FERRY SERVICE TO ALGECIRAS

Have Government received any proposals for the commencement of a ferry service to Algeciras?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

Yes, there was one party who expressed an interest for the commencement of a ferry service to Algeciras who visited Gibraltar on 31st October 1996, but nothing has materialised to date.

SUPPLEMENTARY TO QUESTION NO. 140 OF 1996

HON A ISOLA:

Was that a local company?

HON J J HOLLIDAY:

No, it was not. It was mariners from the Port of Algeciras.

NO. 141 OF 1996

THE HON A ISOLA

CRUISE LINERS - 1997

Can Government state how many cruise liners are booked to call at Gibraltar in 1997?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

As at 19th November 1996, the total number of cruise liners booked to call at Gibraltar in 1997 is 68.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1997

HON A ISOLA:

Have Government considered how that compares with the last two or three years?

HON J J HOLLIDAY:

Obviously, comparing to what we expect by the end of 1996, there is obviously a significant drop in cruise liner calls during 1997. In fact, comparing the figures of expected 1997 over the figures to be concluded by 1996, represents a decrease of about 50 per cent.

HON A ISOLA:

Does the Minister have any thinking or reasons as to why that drop has occurred?

HON CHIEF MINISTER:

The hon Member must know that cruise liner companies book their schedules for foreign port visits at least two years, certainly 18 months in advance, and that the proposed calls for 1997 were being made during 1995 and early 1996. We know what the reason is for this possible, at this stage, but now looking increasingly more probable, a very poor year next year and that is the experience that some of the cruising companies have had in Gibraltar in relation to the land based travel part of cruises in Gibraltar, namely, the transportation arrangements within Gibraltar during the last year or two. That is why the Government attach maximum importance to resolving the dispute that exists between public vehicle licensees and taxi drivers to establish a service for visiting cruise ships in Gibraltar that will encourage them to visit rather than discourage them from visiting. At the moment, the figures for 1997 suggest that the cruising companies are voting with their feet and leaving Gibraltar precisely because of the problems that there have been in relation to the transportation arrangements for tourists once they disembark from the ship. That is the Government's assessment and that is why the Government are dedicating so

much importance to trying to broker an agreement between the bus operators and the Taxi Association.

HON J C PEREZ:

Have Government any evidence that the availability of water in Spanish ports to shipping has had an impact on the figure of those not registering in Gibraltar? That is to say, that in the last two years, with no water for shipping in Spanish ports, they came into the port rather than go to other alternative ports in Spain?

HON CHIEF MINISTER:

This is a value judgement on our part. The Government does not consider that watering calls, in other words, calls for water replenishment is a factor when a cruise company puts together a schedule of interesting ports to cruise to. In other words, the suggestion that P & O sends the Oriana to Gibraltar or to Algeciras or to Ceuta, depending on where it can pick up cheaper supply of water, it may be, but I think that they come to Gibraltar because it is an interesting port of call. Have I misunderstood the question?

HON J C PEREZ:

Yes. It is not the question of the price of water. It is the availability, because last year and the year before that there was no water from the port of Lisbon to the port of Barcelona, there was no port selling water to shipping, the only port selling water to shipping was Gibraltar and therefore if there is no availability of water and they carry passengers that need to drink and wash, etc it is something that might leave them to stop in Gibraltar rather than in Tangier, for example.

HON CHIEF MINISTER:

That may be so. We have no suggestion that that is the case. Clearly what Gibraltar is wanting to do at the moment is to put together a package of measures for the cruise ships to make them come to Gibraltar because Gibraltar is an interesting place to visit and certainly of much greater touristic appeal than any other port in this vicinity, perhaps with the exception of Tangier because of its historical interest. But certainly it would be a complete surprise to the Government if people chose between Algeciras or even Cadiz and Gibraltar on the basis of whether water was available in one or two or three of them. We believe that Gibraltar is one of the most attractive ports of call for tourism and cruises in this part of the Mediterranean and that is the basis upon which we will put together our cruising policy.

NO. 142 OF 1996

THE HON J L BALDACHINO

HOUSING - HOMELESS

Can Government state how many persons are categorised as homeless, and if any, what are their housing needs in rooms requirement as at the end of October?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are seven persons who are classified as homeless. Of these, seven require 1RKB flats.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1996

HON J L BALDACHINO:

Can the Minister, seeing that there are three less persons classified as homeless and one of them is a 3RKB, could he clarify if they are being allocated post-war or pre-war dwellings?

HON H CORBY:

The hon Member is quite correct in what he says. The person who wanted a 3RKB has moved with her family insofar as that is concerned and the Housing Allocation is in the process of offering that person a flat at the moment.

HON J L BALDACHINO:

So actually the family who requires a 3RKB must still be classified as homeless or is that not correct?

HON H CORBY:

No, because she left for her family's home and technically she is not now homeless. But because she was in the homeless list, she is going to be offered a flat.

HON J L BALDACHINO:

If she is going to be allocated a flat even though she has moved in with her family, obviously she must be categorised under some sort of category under the Housing Allocation Scheme as otherwise she would not be able to qualify for allocation. Would I be correct in assuming that even though she has moved in she would still be classified as a social case? Otherwise I do not see how she could be allocated a flat.

HON H CORBY:

Yes, she will be allocated under the social list at the moment.

HON J L BALDACHINO:

So therefore instead of having been three allocations there have only been two allocations under the social grounds and one is waiting for an allocation under the explanation that the Minister has given. Is that correct?

HON H CORBY:

The other two persons have been allocated a flat already.

NO. 143 OF 1996

THE HON J L BALDACHINO

HOUSING - DECANTING

Can Government state how many housing units have been allocated for decanting purposes for the months of June to the end of August broken down in the categories of post-war and pre-war housing?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

During the period of June to the end of August nine flats have been allocated on decanting. These consist of eight post-war and one pre-war.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1996

HON J L BALDACHINO:

I always understood that for decanting purposes people were given post-war dwelling. Why in this case a pre-war has been given to this family?

HON H CORBY:

Because the gentleman offered the pre-war wanted specifically that pre-war dwelling. He was shown it and he wanted the pre-war to be allocated to him.

HON J L BALDACHINO:

Has the Minister got the information available, of the nine families who have been allocated for decanting purposes, what areas do they come from?

HON H CORBY:

The areas from which they were decanted were: one from White Rock Camp and one from the pre-fabs; two were decanted because of the fire at Town Range; three were decanted as per SPTO reports; one from Calpe Barracks and one from Prince George's Block.

HON J L BALDACHINO:

Can the Minister state out of the one who was decanted from the pre-fabs, if the other tenants are still there were still given an offer within this and they have refused and how many did refuse?

HON H CORBY:

Yes, I am afraid that this is an ongoing thing. I know that his Government made quite a number of offers and they refused because they wanted Humphries and I can see the hon Member laughing. We have made various offers to them but they come back saying that it is too far away from school. We have actually made two offers. It is the premise of this Government to pull down the pre-fabs when they are empty. But it is very difficult. We have offered them everything under the sun but at times some of them, I think at the moment of the offers we have made, there are three families who are going off. I think one of the blocks is going to be empty and we will pull that down as soon as that person moves from his dwelling.

ORAL

NO. 144 OF 1996

THE HON J L BALDACHINO

HOUSING - ALLOCATIONS

Can Government state how many housing units have been allocated in the months of September and October broken down into post and pre-war categories?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question No. 146 of 1996.

NO. 145 OF 1996

THE HON J L BALDACHINO

HOUSING - APPLICATIONS

Can Government state how many housing applicants are categorised as:

- (1) Medical cases by the Medical Housing Advisory Board in each category
- (2) Social cases by the Housing Advisory Committee as at the end of October?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The number of housing applicants who are categorised as medical and social cases is as follows:

Medical - 8 have a medical 'A' category; 2 are on the medical 'B' category; 5 are medically categorised 'C'.

Social - 11 are categorised 'A'; 8 are categorised 'B'; 6 are categorised 'C'.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1996

HON J L BALDACHINO:

Of the medical cases, are they all people who are on the waiting list or are some of the people awaiting exchanges?

HON H CORBY:

No, those are people who are applicants. The hon Member stresses here the number of housing applicants. On medical cases there can be people who are well housed and yet are medically categorised but the hon Member was asking me how many applicants.

HON J L BALDACHINO:

Am I correct in assuming then that the answer I have been given is as per my question?

HON H CORBY:

Yes.

NO. 146 OF 1996

THE HON J L BALDACHINO

HOUSING - ALLOCATIONS

Can Government state how many housing units have been allocated in the months of September, October, broken down in post-war and pre-war category?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

During the period from September to October a total of eight post-war and two pre-war flats have been allocated.

This can be broken down as follows:-

In the month of September three post-war; in the month of October five post-war and two pre-war.

SUPPLEMENTARY TO QUESTION NOS. 144 AND 146 OF 1996

HON J L BALDACHINO:

Have these allocations been purely to people in the housing waiting list apart from those that have been allocated under decanting purposes? Am I correct?

HON H CORBY:

I can break up that figure for the hon Member if he wants the figure to be broken down. On the medical three and decanting four, one social and one additional accommodation.

NO. 147 OF 1996

THE HON J L BALDACHINO

HOUSING - PRIVATE LANDLORDS

Can Government state if they have reached any agreement or understanding with private landlords for the allocation of their flats to Government housing applicants?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The answer is no.

SUPPLEMENTARY TO QUESTION NO. 147 OF 1996

HON J L BALDACHINO:

Is the Minister aware that some of the applicants who go to enquire to his department, have been sent to private landlords to see if there are any private flats available?

HON H CORBY:

No, I think that what the hon Member is saying is that the Government have studied the agreement that was arrived at by the previous administration. I think that in respect of private landlords when people moved into Westside development the onus was that the private landlords would take in Gibraltarians. We have been monitoring this and the people are not willing to move into private accommodation because of the high rents that have to be paid.

HON J L BALDACHINO:

That was not my question. My question was that some of the persons who have enquired at the Housing Department have been sent to private landlords to see if there are any flats available which they can rent. That is my question.

HON H CORBY:

No, I have no knowledge of that at all.

HON J L BALDACHINO:

So it is not Government policy, I take it?

HON CHIEF MINISTER:

No, and it is certainly a very worrying development if it is happening and one which the Government will certainly investigate carefully.

NO. 148 OF 1996

THE HON J GABAY

PRISON

Is it the intention of Government to consider finding an alternative site to the Prison?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

At the moment there are no plans to do so although it is something that the Government would like to do, in due course, in order to fully realise the heritage value of the Moorish Castle site.

SUPPLEMENTARY TO QUESTION NO. 148 OF 1996

HON J GABAY:

I welcome that answer. I feel that the development in a way of the potential of the Moorish Castle as a major heritage site would be most welcome. Is the Minister however also aware that despite the awesome fortification associated in the mind with castles, that the prison, its local site at the moment, is not perhaps the most suitable and might it not be of interest to consider the possibility of using the stone block at Buena Vista Barracks as a possible alternative site?

HON H CORBY:

As I have said before, this is something that Government would look into. There are other sites in addition to stone block which could be suitable. I know of the heritage that falls within the walls of the Castle. I have been to the old prison cells that are down below in the patio where the hanging used to take place. I have walked the ramparts as well and the heritage and the touristic potential of that site is well-known to Government Members. We will certainly look at other areas including Stone Block.

NO. 149 OF 1996THE HON R MOR**PRISON - INMATES**

What is the current number of Gibraltarian and other different nationalities held in prison?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

At present the current number of inmates held at the prison is 36 and this is broken down by nationality as follows, and when I reach the last one I will make an amendment because this was written when the question was asked:

Gibraltarian	15
British UK	5
Spanish	3
Moroccan	9
French	1
Russian	2
Palestinian	1

On the question of the Palestinian, after making enquiries - because it did not sound right to me, that a Palestinian would come into Gibraltar - I have now been told he came with the Moroccan contingent and he has now stated that he is Moroccan.

SUPPLEMENTARY TO QUESTION NO. 149 OF 1996

HON R MOR:

Amongst the numbers given under the Moroccan nationality, are these still some of those who came here illegally?

HON H CORBY:

No, there are new ones and they are in the process of being repatriated once the full documentation is available. We are in constant contact with the Moroccan Consulate in Algeciras where the papers have to come from.

NO. 150 OF 1996THE HON R MOR**SOCIAL INSURANCE - SPANISH WORKERS**

How many pre-1969 Spanish workers were exempted from contributing to the old Social Insurance Pensions Scheme as a result of their being classified as non-industrials and earning over £500 per annum?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

Figures are not available at this point in time. An exhaustive exercise would need to be carried out to determine how many pre-1969 Spanish workers were exempted from contributing to the former Social Insurance Fund. It is envisaged that there will be few ex-Spanish workers in this category.

SUPPLEMENTARY TO QUESTION NO. 150 OF 1996

HON R MOR:

The Government issued a press release in which they said that because the opportunity would have to be given to these pre-1969 Spanish workers that under the Closed Long-Term Benefits Ordinance one could not make provision to give the opportunity for exempted local persons to catch up on their arrears. If they are not sure if there are any at all, why does the Government still maintain that that is?

HON H CORBY:

I think that the Government said, if I am not mistaken, that they would look into it. Insofar as that is concerned, it is planned to carry out an exercise to establish how many insured persons were actually exempted from the payment of social insurance because of the £500 limit. In fact, quite a number of people who were self-employed were not insurable prior to 1975. Each individual's record must be checked file by file. We intend to do it but it is an exhaustive exercise and we are still considering what is the most cost effective way of undertaking this task.

NO. 151 OF 1996THE HON R MOR**SOCIAL INSURANCE - CARDS**

How many new self-employed social insurance cards have been issued since 16 May 1996, broken down as follows:

- (a) Gibraltarians
- (b) UK Nationals
- (c) Other EEC
- (d) Non-EEC?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The following new self-employed insurance cards have been issued since 16 May 1996:

- (a) Gibraltarians 33
- (b) UK Nationals 13
- (c) Other EEC 3
- (d) Non-EEC 3

SUPPLEMENTARY TO QUESTION NO. 151 OF 1996

HON R MOR:

What criteria are the Government using to allow self-employed?

HON H CORBY:

The criteria at the moment is that used by the previous administration.

NO. 152 OF 1996THE HON R MOR**SOCIAL INSURANCE**

What was the total of the balance held in the Transitional Interim Payments Fund, the Pre-Occupational Pensions Payments Fund and the Social Insurance (Short-term Benefits) Fund on the 31 March 1996?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The balance held in the Transitional Interim Payments Fund, the Pre-Occupational Pensions Payments Fund and the Social Insurance (Short-Term Benefits) Fund as at 31 March were as follows:

Transitional Interim Payments Fund	-	£17,359,234.00
Pre-Occupational Pensions Payments Fund	-	113,588.61
Short-Term Benefits Fund	-	6,658,317.37

SUPPLEMENTARY TO QUESTION NO. 152 OF 1996

HON R MOR:

There is also another fund which I am afraid I left out of the question. It comes under the Development Corporation Ordinance and receives the present contribution from contributors. Do the Government have that figure available?

HON H CORBY:

The balance on the Gibraltar Development Corporation Pre-Occupational Pension Levy Fund is £9,902,110.82 as at 31 March.

NO. 153 OF 1996THE HON R MOR**SOCIAL INSURANCE - PAYMENT SPANISH PENSIONERS**

Can Government state how many payments were made at the Key and Anchor Office to Spanish pensioners in October and the total amount paid out?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

Mr Speaker, 4968 payments were made to Spanish pensioners at the Key and Anchor Offices in October 1996. The payments made were in respect of the period July 1996 to October 1996. The total amount paid out on behalf of the UK Government was £1,993,944,05.

SUPPLEMENTARY TO QUESTION NO. 153 OF 1996

HON J J BOSSANO:

Is this an indication that many of the people who were expected to come in October did not turn up or does the Minister have any idea of what percentage of the expected recipients of the reviewed pension payments this constitutes?

HON H CORBY:

Those were not all the people who were paid. The number of which I have for each month of Spanish people getting their pension at the Key and Anchor is 5455 out of the 4968 who came. Again, for further information for the Opposition Members, I must say that there are another 2031 who are living outside the Campo Area and who will be paid by bankers draft.

HON R MOR:

Do the Government have the amount paid out of the 2031 outside the Campo Area?

HON H CORBY:

It has not been paid yet but I will tell him that Spanish pensioners who are living outside the Campo Area will therefore be paid by bankers draft. The first payment in respect of the period July 1996 to December 1996 amounting to £1,004,787 will be made shortly.

NO. 154 OF 1996THE HON J GABAY**EDUCATION: BISHOP FITZGERALD SCHOOL**

Can Government give the House an assurance that no classes in Bishop Fitzgerald School exceed 25 pupils per class?

ANSWERTHE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

I am sure the hon Member will wish me to answer his question in its proper, wider and professional context.

The Gibraltar Teachers' Association agreed with the previous administration to aim at not more than 25 pupils per class as a "norm" and not as a "ceiling" since there would be instances when a particular class for a particular lesson might exceed this by one or two pupils. As I have pointed out in this House on a previous occasion this agreement by the GSLP Government at the time was not matched by a concomitant increase in the staff complement with the result that schools gradually lost their in-built "floating" supply of teachers normally deployed to support children with special needs. We have partially remedied this situation this year by increasing the overall staff complement by five teachers.

Coming closer to the specific question asked by the hon Member, I can give the following statistics concerning teacher-pupil ratios in Bishop Fitzgerald School.

There are 376 pupils in the school and there are 22 teachers, (ie 15 class teachers, two special unit teachers and five support teachers). This gives an overall teacher-pupil ratio of one teacher:17.09 pupils.

In year 7 (ie the first year of Key Stage 4 leading to entry into the Comprehensives) there are four classes of 23, 23, 22, 23 - but these are classes for registration purposes only - when it comes to actual tuition some of the pupils are withdrawn for remediation either in the class with a support teacher or in the special unit reducing the class numbers even further.

The same applies in Year 6 where there are four classes of 23, 23, 24, 23.

In Year 5 there are three registration classes of 28, 26, 28 but here again children are withdrawn for individualised remediation in the special unit and when they are integrated in the registration class they are attended by a support teacher or an aide.

The same is true of Year 4 where there are four classes of 28, 28, 27, 27.

It has to be pointed out that these arrangements have been discussed with the GTA and they are perfectly satisfied that they are well within the spirit of their agreement with Government.

SUPPLEMENTARY TO QUESTION NO. 154 OF 1996

HON J GABAY:

I feel that the Minister would be wrong in assuming that I would be happy with an answer giving details in a general context. The fact remains that I asked this specific question under Question No. 95 previously and the answer given was, "This is certainly not the case". Well, with all due respect, this is most certainly the case. There are classes being taught that have 28 pupils and even if some are withdrawn for remedial teaching, others are brought in as extras as well so I feel that really the *[Interruption]*

MR SPEAKER:

I have to interrupt, this is not a question. You have got to put it in the form of a question.

HON J GABAY:

No, but it is in reply to the question.

MR SPEAKER:

You cannot reply to answer, you have got to put another question, a supplementary.

HON J GABAY:

I see, in other words.....

MR SPEAKER:

Would you agree with me that you have misled me, something like that.

HON J GABAY:

It seems a redundant question but there we are. The point is this, I feel that we were not given the right answer then, we have not been given the right answer now. Does he not feel that he has misled the House irrespective of the general picture that he has drawn?

HON DR B A LINARES:

Absolutely not. I have given full explanations. I have drawn a technical, professional distinction which I had hoped the hon Member would understand between a registration class and a tuition class. In terms of tuition which is what I am sure he is interested in and I am, in terms of the relationship for the teaching learning process, classes in Bishop Fitzgerald are well within the norm - and I repeat it was the norm and which the GTA is perfectly happy with and I would have thought there is absolutely no controversy in this one. I am disappointed.

HON J GABAY:

I am equally disappointed because I believe that there are classes being taught well above 28. This is wrong, it is a departure from the norm and in the same way as I understand the Minister's general comments, I felt that he would understand the specific nature of this question particularly since there are colleagues of his whose children are in the school and being subjected to classes with over 25 pupils. But coming to another pertinent question, Mr Speaker, relating to the previous question of the fire escape and even if we do not feel like extending the session unduly it is a matter of great consequence. The reply given by the Minister for Education was that the fire escape was..... *[Interruption]*

MR SPEAKER:

I think I have got to stop you. This is not part of the question or part of a normal supplementary, you are talking about fire now.

HON J GABAY:

I will try to put it in the form of a question.

MR SPEAKER:

No, it is not in the form of a question, it is really another subject, fire.

HON J GABAY:

Personally, I feel that this is the same pertinent subject.

MR SPEAKER:

No, I will not allow it.

HON J GABAY:

May I continue to raise what I consider to be.....

MR SPEAKER:

Part of a supplementary arising from the original question, yes.

HON J GABAY:

Is he therefore happy at the moment with the conditions of the fire escape?

MR SPEAKER:

I am sorry, I rule there is no need for you to answer. That does not arise out of a supplementary from the original question. You can put it next time.

HON J GABAY:

Are we entitled and I seek this in terms of guidance, to raise matters which remain unanswered to a supplementary on a previous occasion?

MR SPEAKER:

No, certainly not.

HON J GABAY:

Perhaps if you consider this, Mr Speaker, pertinent since we are talking about classes.....

MR SPEAKER:

The supplementaries are arising out of the answer he has given you, not of the answer now, those are supplementaries.

HON J GABAY:

Mr Speaker, relating to the size of classrooms, I think it is relevant to link up with other considerations that affect the children in the school. If that is acceptable then I would also query the description of the school after its transfer being described by the Minister as virtually sound. Is it not true that a great deal of problems have arisen as the result of water penetration in the school..... *[Interruption]*

MR SPEAKER:

I am sorry, I have got to stop you. It does not arise out of the original answer.

HON J GABAY:

Mr Speaker, I agree with you, I thank you for your tolerance, I have had a try anyway.

HON J L BALDACHINO:

Can the Minister then confirm that on the traditional site no class in Bishop Fitzgerald has gone beyond 25 pupils per class?

HON DR B A LINARES:

That is a rather pharisaical question. I have given the spirit of what is happening in the living day-to-day practice of the school. There will be instances when a class, for a variety of reasons, needs to go up by one or two. The Teachers Union is perfectly happy about this and so is the professional judgement of the headteachers. Perhaps it is pertinent to point out as a general background that in the UK it is not uncommon in the primary sector to have classes of 40 children and that the unions in England are now pressing Government to place a ceiling of 30 as the norm in UK. Here we have set a norm, not a ceiling because the GTA accepted knowing exactly

how schools operate, to set as a norm and not as a ceiling classes of 25 as a sort of medium, as a sort of criterion, as a sort of worthy objective to have but I cannot say that at no instance in no moment of time a class may go up by one or two. Normally it will be a registration class and the children will be either withdrawn for the special unit or supported by an extra teacher or an aide.

HON J J BOSSANO:

Does the Minister think there should be a ceiling at all and, if so, at what figure?

HON DR B A LINARES:

Yes, I think there is a ceiling, I prefer to call it a norm because ceilings are a very artificial mark for the living reality of a school operation but the norm that is the spirit within which the school should operate, I think 25 is a very good figure to aim at.

HON J J BOSSANO:

I have not asked him about spirits, I know the Minister likes to use biblical language but what I am asking him is since he has chosen to draw a distinction between the norm and the ceiling, I want to know if apart from the norm he thinks there should be a ceiling. It is a simple question, yes or no?

HON DR B A LINARES:

The answer is that I do not think there should be a ceiling at all, I think there should be a norm.

NO. 155 OF 1996

THE HON J GABAY

EDUCATION - COMPREHENSIVE SCHOOLS

Is the Government aware that an increasing number of pupils at the Comprehensive Schools are unable to go home for lunch and is the Minister for Education ready to make adequate provision?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

The Government have no objective evidence that an increasing number of pupils at the Comprehensive Schools are unable to go home for lunch during the 1¾ hours school break from 12.30 pm to 2.15 pm. Certainly, neither of the two headteachers nor the Department of Education have had representations from parents individually or through the Parents Association in this respect. There are some indications that the traffic problems recently have intensified; one often hears that an increasing number of parents, particularly working mothers, are unable to attend to their children at lunchtime. There is also the survey carried out by GTA which although I understand is not fully analysed as yet, appears to show that most parents want a change of school hours.

The Government are closely watching these trends and will be ready to make provision as the situation may require in due course and within given constraints.

SUPPLEMENTARY TO QUESTION NO. 155 OF 1996

HON J GABAY:

I find the reply most interesting for the following reason. I would like to read to the House, in the form of a question, of course, what will be the Minister's response to the following extract which I will read, "I will be writing to the Minister for Education to make him aware that the school is coming under undue pressure as a result of an increasing number of students who are unable to go home for lunch and stay within or around the school premises waiting for the afternoon session. Since present social and economic factors appear to make the situation more prevalent and acute, we feel it is important to make adequate provision to ensure the safety of the children and their adequate accommodation. At present, however, the school is neither equipped nor staffed to cope with this situation and it may be necessary to employ ancillary supervisory staff for this purpose". I have no doubt that the Minister will recognise the source of this proposal.

HON DR B A LINARES:

Indeed I recognise myself in that... *[Interruption]* Indeed, and I have not in my answer discarded whatsoever due attention to that socio-economic development which may require, as I said, watching the trends and meeting the situation. But can I expand on this. If the idea is to provide the type of facilities that are needed for a

shorter lunch break whilst not discarding, as I say, the possibility, it is important that we all realise the logistical implications of this: (1) both schools are not equipped with dining areas to accommodate over 900 pupils in each school, I am echoing now very much what I said then; (2) if anyone suggests that we use classrooms as dining areas then there would be a need to clean, at least sweep and dispel the smells before the start of the afternoon session and we then need to extend cleaners hours; (3) the pupils would have to be supervised during their lunch hour and since supervision of lunch is not included in the teachers' conditions of employment, the responsibility would fall on the headteacher who would obviously need dinner ladies to help him out and this is what I was saying at that time as a headteacher. Once again this requires considerable extra expense. There is another interesting point raised by one of the present headteachers concerned, one unforeseen consequence could be the disappearance of school clubs which are now held in the many schools over lunch and this would impoverish the whole school curriculum and the experience of school. Teachers would also want to go home early especially if they had not had a proper lunch.

HON J GABAY:

I will not enter into a detailed counter argument either in statement or query. I feel that the double nature of this present position that formally speaks for itself.

HON CHIEF MINISTER:

In any event, if I might just add, as the hon Member obviously has no reason to know, the formulation of Government policy is not just a matter of what is desirable but indeed what is affordable in terms of resources. My hon Colleague here, whilst he was a headmaster and as headmaster and indeed the present headmaster may think that it would be a fairly good idea to have meals at school at taxpayers' expense for all the children, the question of the cost would then be a matter for the Government as a whole to consider and the answer may then be different. So certainly he should not think that there is any inconsistency between the fact that as headmaster the now Minister for Education had a view which may or may not turn out to be Government policy in due course.

HON J GABAY:

If I may just add in the light of the statement made, bring into the field of politics, I am starting to learn the pragmatic nature of the activity. Nevertheless, particularly in the field of education, is it not a fair expectation that there should be some consistency in serious matters affecting the children?

HON CHIEF MINISTER:

There is complete consistency. The fact is that there have never been meals at school in Gibraltar - I know the hon Member does not like looking back for quite understandable reasons - but there have not been meals at school for the last eight years, the traffic position has not got that much worse since the 16th May and certainly his sudden concern for the fact that this Government have not yet introduced school meals certainly is not evidence of inconsistency on our part, although it may well be evidence of inconsistency on the party of which he is a member.

HON J GABAY:

Is it not surprising or perhaps even amusing, to listen to the Chief Minister talking on the subject of inconsistency?

HON DR B A LINARES:

May I make a point since I have been accused of duplicity and double standards from across the table. I would like to point out that as headmaster I was then recognising trends and socio-economic situations which I felt it was my duty to alert the Government at the time and the administration at the time. I am not ashamed of that and now in my position now as Minister I will also receive similar representations. I have said so clearly in my answer, the Government are watching these trends and will meet and make provision as the situation arises and within given constraints. I take objection, Mr Speaker, of having been accused in this House of duplicity and double standards.

NO. 156 OF 1996

THE HON J GABAY

EDUCATION - DYSLEXIA

What procedure is followed in our schools to identify pupils affected by the problem of dyslexia?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

The Education Department looks upon the problem of dyslexia within the wider context of "specific learning difficulties", largely to avoid over-medicalising what some call a "syndrome", and what to a teacher is a specific difficulty that has to be fine tuned before it is tackled. So we prefer to speak of a specific difficulty in spelling or in sequencing, or in auditory memory, rather than the umbrella term "dyslexia".

The Department of Education is committed to ensure that our schools respond adequately to all learning difficulties, specific or global.

For this purpose, as well as the individual support some children in need get in mainstream, and the extra support from the special needs teachers in the individual schools, the Government provide the services of:- The Principal Educational Psychologist; two peripatetic qualified literacy tutors; one education adviser with special responsibility for special needs; practical support to a team of teachers with a special interest in dyslexia; resources (books, courses, etc) for all types of emphasis in the world of specific learning difficulties; in-service training for all teachers in special needs teaching, and reading assessments; and routine screening at 7+, 8+ and 12+ across the whole education service. With good reading results overall, and detailed indicators of the numbers who have reading difficulties.

SUPPLEMENTARY TO QUESTION NO. 156 OF 1996

HON J GABAY:

It is encouraging to see that much is being done in this field. Is the Minister aware that according to a national study commissioned by the British Dyslexia Association that less than half the teachers are confident they can identify dyslexia in pupils? It is this particularly which I had in mind when I asked the question.

HON DR B A LINARES:

If I am going to be honest, I was not aware but I am sure the experts in my department are fully aware and ready to respond to that type of situation.

HON J GABAY:

Does the Minister not feel that if we do not respond to this problem satisfactorily by alerting the majority of staff, at least to show an understanding of the problem, that when identified by experts then it may well be too late and therefore a child may well be condemned to a long cycle of disturbance which eventually ends in some sort of social problem?

HON DR B A LINARES:

In the context of the provision and the determination and concern that I have already explained in my previous answer, I am sure that the administrators in the education system are quite ready to move in that direction.

NO. 157 OF 1996

THE HON J GABAY

EDUCATION - UNIVERSITY OF SHEFFIELD

Have the Government now had final confirmation that the University of Sheffield project has been abandoned?

ANSWER

THE HON THE MINISTER FOR EDUCATION, THE DISABLED, YOUTH
AND CONSUMER AFFAIRS

In answer on a previous occasion to a question from the hon Member on the Sheffield project I explained that Sheffield University felt that the model recommended by Coopers and Lybrand in their feasibility study was not compatible with their own corporate plans and mission objectives. But to say that the Sheffield project has been abandoned would not exactly reflect the current state of our discussions and relationship with Sheffield University.

The Government are presently engaged in developing a wide-ranging provision of training schemes to meet the needs of our economic programme. In our efforts we have consulted with experts in Sheffield University who are willing to support our initiatives to develop a strong further education infrastructure in Gibraltar. The Vice-Chancellor, Dr Gareth Roberts, has expressed his "considerable enthusiasm for this approach which could include provision for some degree courses" and, as he puts it, "will enable us to regain the spirit of partnership which we enjoyed previously".

SUPPLEMENTARY TO QUESTION NO. 157 OF 1996

HON J GABAY:

I understand the explanation given by the Minister but given the intervention of the Chief Minister to the previous question on it, I would ask that given the fact that the GSD Government attempted to extract glory from the creation of a University College in their manifesto, is it not surprising that he should now dismiss the idea coldly as purely in the domain of private enterprise as he did so in his previous intervention?

HON CHIEF MINISTER:

Very little of the factual content of that supplementary is correct. The Government have dismissed nothing, indeed Government Ministers have personally intervened to see whether the project can be saved. The project is not in jeopardy for lack of enthusiasm for it from the Government, it is in jeopardy for lack of enthusiasm for it from Sheffield University and what the Chief Minister said in his intervention to the

question at the previous meeting of the House on this, it was not that we were pulling the plug on the project but I think I said in September or possibly December, I do not remember exactly what the cut-off month was, the project lost its first option on Lathbury Barracks so that from that moment on it would need to compete and, if some other project came up in the meantime, the Government would consider it. In fact, no such project has yet come up with an overwhelming case for being allocated Lathbury Barracks and therefore, theoretically, if Sheffield University project in some form or another could be rescued, certainly the Government would enthusiastically welcome that.

HON J C PEREZ:

It would seem that the reply given by the Minister for Education would indicate that the discussions with Sheffield University today are definitely of a different nature to what they were originally and that what we are talking now is an extension to adult education or an extension of training in Gibraltar for the provision of training for Gibraltarians rather than a University that would take pupils from outside Gibraltar as an industry. Can the Minister first confirm that that is the case? Can he confirm that even today as we speak there are people with another proposal for a project in Lathbury Barracks similar to the one initially proposed by Sheffield University? If what we are going for is the project to extend training and education in Gibraltar, will the Government now continue with their plans to move the College of Further Education to Lathbury Barracks which is what was originally envisaged by the last administration?

HON DR B A LINARES:

There are three questions in one, Mr Speaker. The first one concerning the discussions with Sheffield University being on a different plane from the original model, the answer is that that is correct. Can he remind me of the second question?

HON J C PEREZ:

Even today as we speak there is an alternative proposal being put to the Government?

HON DR B A LINARES:

Yes, some members of the University of Buckingham are present here in Gibraltar, they have been looking at Lathbury Barracks. That is another source of interest for the site, for the use of an academic institution, the teaching presence of a University, it is just an exploratory visit. That is the answer to the second question. And the third question as to the extension of the College of further Education into the site of Lathbury Barracks, well it is one of the options. As the Chief Minister has pointed out, the use and the allocation of Lathbury Barracks is now an open market, so to speak, and that is a possible option that will have to be considered and examined in detail.

HON J C PEREZ:

If the proposals that are being discussed with Sheffield were to go ahead, for example, are we not now talking of that being a cost to the Government of Gibraltar rather than what was the case before where it was an industry creating employment and creating economic activity? Are we now not talking about a semi-public service institution for the benefit of trading or adult education for Gibraltarians?

HON DR B A LINARES:

What is, of course, a cost to the Government of Gibraltar will be the expansion of our training provision, a commitment that we have to expand, as I say, the wide-ranging programme of training schemes to meet the needs of the economic growth. That is, of course, a cost to the Government of Gibraltar, so he is right.

HON J C PEREZ:

So what the Minister is saying is that quite apart from that the discussions entail a bigger operation which would take pupils from outside Gibraltar as well?

HON DR B A LINARES:

It is a possibility, of course.

HON J J BOSSANO:

Could I ask, in the discussions with Sheffield about the possible provision of degree courses or other tertiary education, are the Government considering providing in Gibraltar courses for which presently we have to send people to the UK or is it something that is currently not being done at all?

HON DR B A LINARES:

I am not sure that I understand what the hon Member was saying. Was he hinting that we might be substituting our present procedures of sending students to UK by creating local courses?

HON J J BOSSANO:

Obviously I am not suggesting that they would be substituting the present system because that would require that we should provide in Gibraltar for 500 students every range of education. What I am saying is, if we are looking at the possibility of running some degrees in Gibraltar, obviously with a very narrow range of things, or other further education, is it in areas which will be totally new and which currently we are not doing anything in or in areas where at present to do those things people have to go to the UK but if an agreement was reached with Sheffield they would not need to go to the UK because it would be available in Gibraltar?

HON DR B A LINARES:

Yes, that is correct. One of the concepts that we discussed with Sheffield is the concept of differentiation. In other words, courses run in a short range of degrees, for example, administration MBA's, would have to somehow focus on something unique and different from courses that were available in Sheffield. One of the factors would be perhaps what they call speeded up degrees, instead of the more relaxed three years for a Bachelors degree, it is also attractive to many students to make it a much shorter course, in two years, that would be a differentiating factor and also within the content of the degrees, focusing on some, for instance in law, on some aspects of international law which could be much more accessible and relevant in the context of the financial context of Gibraltar. That is one of the concepts that were discussed with Sheffield and they saw it as a possibility of differentiating on what would be normally available in any other UK higher education institution.

NO. 158 OF 1996

THE HON J C PEREZ

RESURFACING AND RELATED ROADWORKS

Can Government state how much of the £450,000 in Head 106, Subhead 19, has been spent to date, and how much of the balance is expected to be spent during this financial year?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Mr Speaker, £259,264 have been spent to date out of the £450,000 allocated in Head 106, Subhead 19 of the Estimates of Expenditure for the current financial year. It is expected that the balance of £190,736 will be spent by the 31st March, 1997.

SUPPLEMENTARY TO QUESTION NO. 158 OF 1996

HON J C PEREZ:

Is that expected to be spent on the works announced by the Minister in answer to Question No. 110 of 1996 in the last meeting of the House? That is to say, part of it spent on works already done and the other part on the balance of the works or there are some new projects included in the vote today?

HON LT-COL E M BRITTO:

In general terms the first figure I gave, £259,264 covers the list of works that I gave in my answer to Question No. 110 of 1996, in the first part of the answer as works having already been done or about to be done. In terms of the balance, the programme remains unchanged to what was given in answer to that question but of course this is an ongoing situation and even as we speak I am in discussion with the Highways Department about possible changes to the current programme. So although to try to answer the hon Member's question as accurately as possible, at this moment in time all the items that I gave as projected in my last answer are still on the list. I cannot guarantee that something may not slip or be substituted by something else and what is taken out put forward into the programme for next year.

HON J C PEREZ:

Can I ask the Minister whether supplementary estimates are to be made available for the hole that has appeared in what Panorama called "the tunnels that lead to John Mackintosh Hall" in the southern area of Main Street and whether that will not affect the schedule work programme? That is to say, that will knock into the balance of the vote as at present but it would be a separate vote because there has been a situation there that has arisen which was unexpected?

HON LT-COL E M BRITTO:

Yes, as things stand now, already there is a slight excess in expenditure, without taking into account the works that the hon Member is referring to. So there may already need to be a small amount of supplementary. In respect of the works that will be required because of the collapse of the old sewer system in front of John Mackintosh Hall, that will require supplementary funding, it will be extra to what is available now and should not affect the current works.

HON J C PEREZ:

Of the balance that the Minister said at the last meeting that needed to be done before the end of the financial year, can the Minister perhaps recall which of the projects, if any, have been started since then?

HON LT-COL E M BRITTO:

As far as I can see from my list, the only one that sticks out is the Green Lane project that was not included in the original costings of what has already been allocated as spent. I cannot identify anything else.

HON J C PEREZ:

Is the Minister aware that we come now to the rainy season and that there will only be a couple of months in order to complete the project as it is if we have a considerable number of rain. That is why I am asking the Minister whether the department is in a position to spend the balance of the £450,000 which the Minister has said yes because the end of the financial year on the 31st March there is, with the rainy season taken into account, very little time between one and the other unless perhaps can the Minister confirm whether some of that work is intended to go out to contract?

HON LT-COL E M BRITTO:

There are a number of hypothetical assumptions in that question. In answer to the original question I have said that it is the Government's intention to fulfil our road resurfacing programme and to spend the balance that is available. Factors like more or less rain, whether we will have enough manpower, whether we will need to contract out, those are items I cannot answer with any degree of confidence at this stage. The intention is to complete the works. I cannot predict how or what amendments will be needed at this stage.

HON J C PEREZ:

Is Green Lane being done by direct labour or partly on contract or totally on contract?

HON LT-COL E M BRITTO:

I need notice of that question.

NO. 159 OF 1996

THE HON J C PEREZ

REFUSE INCINERATOR - IMPORTS OF FUEL

Can Government state whether imports of fuel have been required in recent months to keep the refuse incinerator operating?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

As the hon Member is fully aware, the refuse incinerator/power desalination plant has consistently failed to meet the contractual obligations in respect of the production of potable water. The shortfall has had to be met by operating the MSF desalination plants at Waterport to their limit. In order to enable the MSF plants to receive the by then overdue maintenance normally required of such plants, whilst ensuring that water demands could be met, it was necessary to find a way of meeting the shortfall in production. This was done by importing olive derived waste pellets and using fuel oil to ensure the incinerator operated continuously over the period required. This solution was much less expensive than resorting to the importation of water. Needless to say, the penalties provided for under the agreement will be applied which will cover any costs incurred.

SUPPLEMENTARY TO QUESTION NO. 159 OF 1996

HON J C PEREZ:

Can the Minister say who incurred the costs, whether it was Lyonnaise des Eaux or the Government directly?

HON LT-COL E M BRITTO:

The costs, in the first place, have been incurred by Lyonnaise des Eaux and they will be recovered from the operators of the desalination plant by penalties.

HON J C PEREZ:

That is to say, Lyonnaise will retain money owed to the contractor for water produced to take the money from them?

HON LT-COL E M BRITTO:

Yes.

HON J J BOSSANO:

Can I just seek clarification. When the Minister says the cost was met by Lyonnaise des Eaux, does he mean that Lyonnaise des Eaux paid for the imports of the pellets?

HON LT-COL E M BRITTO:

Yes.

NO. 160 OF 1996

THE HON J C PEREZ

RADIO FREQUENCIES - BBC

Can Government state whether the British Broadcasting Corporation continue to be interested in leasing one of the radio frequencies presently allocated to Gibraltar?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The BBC World Service are still interested in using a radio frequency to broadcast from Gibraltar. Their interest is in using the medium wave frequency of 1296 kilo Hertz, with a power of 50 kilowatts, to broadcast into North Africa. However, this project has been caught up in the impending privatisation of BBC transmission, including the World Service transmission network, and consequently the BBC has advised Government that it is not at present in a position to provide a definite answer.

NO. 161 OF 1996

THE HON J C PEREZ

GIBTEL - CHARGES

Can Government confirm whether it continues to be the policy of Gibtel to introduce further cuts in international telecommunications charges?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes.

SUPPLEMENTARY TO QUESTION NO. 161 OF 1996

HON J C PEREZ:

Can the Minister state or confirm whether the next cuts will come into force in early January or when will they come into force?

HON LT-COL E M BRITTO:

The next set of cuts are scheduled to come into force with effect from the 1st December 1996.

NO. 162 OF 1996

THE HON J C PEREZ

BEACH CLEANERS

Have Government any plans to employ beach cleaners during the winter months?

ANSWER

THE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

Sights Trading Ltd, on contract with the Government of Gibraltar, employs three beach cleaners for the winter months.

The beaches are a tourist asset for Gibraltar, and need to be kept reasonably clean during the winter months for the benefit of visitors and residents alike.

SUPPLEMENTARY TO QUESTION NO. 162 OF 1996

HON J C PEREZ:

So the Minister thinks that with three beach cleaners he can keep the beaches in the same state as in the summer during the winter months?

HON J J HOLLIDAY:

During the summer months there are 10 people employed to clean the beaches. During the winter there are three. Last year there were two and this has been increased to three in order to increase the level of cleanliness.

HON J C PEREZ:

The Minister might recall that last year he made it an electoral thing that the beaches were clean with two beach cleaners, does he expect that the beaches will be clean with three beach cleaners this year because that is what he said he was going to achieve, clean beaches during the winter?

HON J J HOLLIDAY:

Obviously this matter will be monitored and if it is not sufficient then obviously we will increase the labour force if required.

NO. 163 OF 1996THE HON J C PEREZ**ELECTRICITY DEPARTMENT - MOVE OF ORANGE BASTION DEPOT**

Are Government now in a position to state whether the move of the Orange Bastion Depot of the Electricity Department is to take place, and if so, where and when?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government are satisfied that there is a need to relocate the existing Electricity Department facilities at the Orange Bastion Depot. The preferred relocation site is the old Government Stores at Rosia Road. Although in a supplementary to Question No. 60 of 1996, the hon Member said that the move had been approved prior to the general election, the previous Government in fact made no specific financial provision in this year's budget. The Government hope to phase in the relocation during this or the next financial year.

SUPPLEMENTARY TO QUESTION NO. 163 OF 1996

HON J C PEREZ:

The Minister might not be aware that part of the works programme included in the budget for the Government works programme this year included that project. There was no specific provision because it was part of the Buildings and Works project under the Improvement and Development Fund which is a block vote. Yes, Mr Netto, yes. He might nod his head but there is a vote there for the repair of schools and public buildings and the project was included in that vote. That was a commitment of the previous Government even if there was not a specific vote mentioning Orange Bastion. Can the Minister state whether there is a need to accelerate the process given that part of the Orange Bastion Depot is still inside the old King's Bastion Generating Station and that Government have plans for the King's Bastion Generating Station and certain deadlines need to be met? Should that not perhaps make the Minister accelerate the project and give it a bit of priority given the situation there?

HON LT-COL E M BRITTO:

There are two separate and distinct facets to that question that need to be dealt with. Firstly, this question of whether the previous Government committed or did not commit themselves to doing things. They seem to have developed a system which is very convenient in Opposition that they claim to have committed themselves to this, that and the other but all there is is a block vote of money and no detail of how that money is going to be spent and if one adds up all the commitments that I have heard and that my hon Colleagues have heard of promises made by the previous Government that this is what they are going to do and that is what they are going to do and, as the hon Member has said, it is going to come from this vote or other, it adds up to sums far in excess to what is provided for in the budget. *[Interruption]* The sums provided for in the budget do not cover for all the promises that are

claimed to have been made. The fact is that if there is a sum there that there is no specific allocation in writing to what that money is going to be spent. Having said that, as I said in my original answer, the Government are committed to the relocation of the Orange Bastion Depot, will do so at the earliest opportunity which in the opinion of the Government it is reasonable, advisable and urgent and prudent to do so. We are considering the matter in the same light, as I said in answer to the previous question, where I was asked this earlier on this year, Mr Speaker, in answer to Question No. 60 of 1996, I ended up by saying, and that is still the position, that the Government is aware of the severe flooding problems just as the previous Minister was aware during his term of office, that this is not something new, that the problems have been there for some time and the Government are giving it the same urgent consideration that the previous Government gave it during their eight years of office.

HON J C PEREZ:

I hope it does not take eight years to.....

HON LT-COL E M BRITTO:

It will not take us eight years.

HON J C PEREZ:

Can the Minister answer the latter part of my question? I asked the Minister whether he was aware that part of the Orange Bastion Depot is housed in the old King's Bastion Generating Station and whether the fact that that is the case would not perhaps give this project a bit of priority given that I understand that there is a deadline to be met in King's Bastion for other projects or that the Government may have in mind?

HON LT-COL E M BRITTO:

There are no expressed deadlines in the move out of Orange Bastion or King's Bastion. As I already indicated, the Government consider both as something that we will do and we will do so within each programme and in the light of other commitments both financial and accommodation wise.

HON J C PEREZ:

Has the Minister made a final decision yet which he had not the last time I asked, whether the Orange Bastion Depot will be effectively reallocated at the old stores or is this still only a possibility?

HON LT-COL E M BRITTO:

The decision to relocate has been made, the final destination has not been decided as something definite. This is still under consideration by Government.

HON J C PEREZ:

Could the Minister perhaps give that matter priority, at least if we know where the stores are going to be reallocated the planning work that needs to be done before a contract is done and the works that need to take place can be prepared prior to the Government being able to release funds for the project to take place. Could perhaps the Minister please not take the decision to move in that area so that plans can be proceeded with for the move?

HON LT-COL E M BRITTO:

If what the hon Member refers to is a decision by the Government not by this particular Minister. In any case, I cannot really understand what the thrust of the question is. I have already said that the decision to relocate has been made, it has been dealt with the degree of priority that the Government consider prudent and the decision will be made in the light of other Government commitments. He cannot expect me to be more specific than that.

HON J C PEREZ:

I am asking the Minister, since he has said that no decision has yet been taken, not when but where it is going to be relocated? Whether that decision can be taken so that regardless of when the funds are available, the planning can take place and people can prepare plans and everything to be able to come out to contract or to be able to do the repair works when the Minister or the Government decide to make money available?

HON CHIEF MINISTER:

I do not understand how the hon Member expects that we should commission plans for a move when we have not yet decided where the move will take place to.

HON J C PEREZ:

That is what I am asking.

HON CHIEF MINISTER:

It is not just plans, we have not decided. The answer is that we realise that we have to make a decision as to where and then there will be a process of planning and preparation and then the execution of works but the hon Member speaks as if there is a deadline for the move.

HON J C PEREZ:

No, the only thing I am asking the Government is if they could give priority to deciding where it is going to be moved so that plans can be prepared for the move to take place whenever they decide when the move takes place. The Minister is telling me no because they might use that site for something else, then really what he is telling me is that there are no plans to move Orange Bastion from there for the foreseeable future and that it might take more than a year or more than two years. He is not giving any urgency or any priority to the move at all, that is what he is telling me.

HON CHIEF MINISTER:

It is certainly not one of the most important matters before the Government for our consideration, that is absolutely true. It may take a month, it may take five months or it may take a year. Certainly I do not see why the hon Member thinks that these problems that have been with us, certainly for as long as I have been living next to the Irish Town depot which is 40 years and I am seeing it flood every winter that it has rained, I do not see why it is now such an urgent problem that requires the Government to drop everything else to make the decision when it has not been so during the last eight years.

HON J C PEREZ:

Perhaps the Minister is not aware that the situation became worse in 1995 and as a result and after a visit to the depot and after meetings with the chargemen there and after meetings with the union, the commitment was given that the Government would do something about it and indeed plans were started. There are plans in the Department started on it so it is not that we committed ourselves, as the Government Members are saying, and that there was nothing there. There are plans on the table already for the move to have taken place. If the Minister says that the Government have other priorities or other things that is fair enough, it was one of our priorities at the time because of the worsening situation in Orange Bastion. It is up to the Government what they think their priorities are. I am just asking questions.

HON CHIEF MINISTER:

Absolutely right and the Government are telling you that the Government have decided that a move will proceed as soon as possible but that the decision as to where it will go to has not yet been made and we do not think that that is a decision that needs to be taken in a matter of weeks, it can wait a bit longer than that and it will be taken in accordance with possible alternative users for that site and other sites that we are looking at which may be more suitable for the relocation of Orange Bastion Depot.

HON J J BOSSANO:

Can the Government confirm on the basis of the answer they have given, that there definitely will not be a move in the current financial year? It will certainly not happen between now and the 31st March, am I right in thinking that based on the state at which the decision making process is?

HON CHIEF MINISTER:

Not necessarily but certainly it is a very real possibility that it will not take place during the year given that the answer to the question says that it will be maybe that during this year or the next so we are certainly entertaining the possibility that it may not happen until the next year.

NO. 164 OF 1996THE HON J C PEREZ**POST OFFICE - REFURBISHMENT**

Will Government state whether refurbishment works to the offices of the Post Office building in main Street are programmed to take place during this financial year?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Although for the past five years the Post Office has submitted a bid for funds for refurbishment, the previous Government neither authorised nor carried out the works, except on the lobby and sorting office.

There is no provision for these works in the current budget which the previous Government laid in the House. However, the Government believe that major refurbishment of the building is necessary and this will be carried out either this or the next financial year.

In the meantime, temporary measures are being taken to mitigate the problems caused by water ingress which are the result of lack of maintenance to the building during recent years.

SUPPLEMENTARY TO QUESTION NO. 164 OF 1996

HON J C PEREZ:

Are Government perhaps considering moving that function of the Post Office from where it is to another building?

HON LT-COL E M BRITTO:

Not at this moment in time.

HON J C PEREZ:

Has the Minister got an order of cost of what the works would entail to repair the existing building?

HON LT-COL E M BRITTO:

Yes, in the order of £70,000.

HON J C PEREZ:

That is for the roof on its own only?

HON LT-COL E M BRITTO:

I am not certain but I think it is not just the roof, no.

HON J C PEREZ:

Is the Minister not aware that when we were in Government no bids from departments were entertained on their own, that the budget was passed once the vote was passed, the members of the department made their individual bids to the works programme? That is to say, that it was not as when the AACR was in Government that bids were put individually for the works, that there was a block vote for the works as I have explained to the Hon Mr Netto?

HON LT-COL E M BRITTO:

Whether I am aware or not aware of that is irrelevant. The short answer is I am not but it is irrelevant.

HON J J BOSSANO:

The Minister keeps on talking about the existence of a block vote which is not broken down by item. Is he not aware that that is how it has appeared every year in the estimates in all the time that he has been a member of this House or is it something that he has just discovered this year?

HON LT-COL E M BRITTO:

I indicated in my answer to supplementary in the previous question that I could well understand what has been explained by both Opposition Members. The point I was making and I make again, is that if one listens to all the promises that are supposed to have been made by Opposition Member for things that were going to be done if they were re-elected then the amounts provided for in the estimates do not cover all the promises made. That is the point at issue and I said it before and I will say it again, that it is a very convenient position to be in in Opposition to say, "Yes, because we were committed to doing it", without having any commitment at all because they are sitting on that side of the House and they have allocated a certain amount of money which would not cover all the commitments that they are now saying that they were committed to doing. That is the point I am making, Mr Speaker.

HON J J BOSSANO:

Of the amount in the estimate which is £500,000 this year as opposed to £200,000 in the year 1995/96, can the government say how much they have spent so far in the refurbishment of Government buildings?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The amount spent to date is more than 50 per cent but the amount committed goes beyond £500,000.

HON J J BOSSANO:

Can the Government confirm in fact that the nature of the works that we are talking about could equally be provided either from subhead 4, which is refurbishment of Government buildings or subhead 6, minor capital works which is another £500,000 and are they saying that they are fully committed to spending the whole of the £1 million this year without the Post Office and without Orange Bastion?

HON CHIEF MINISTER:

There are certainly projects either already commenced or in the process of design and commencement which certainly account for that expenditure. Whether we will actually consume the whole of the budget voted by the 31st March remains to be seen.

HON J J BOSSANO:

I accept that it is difficult to be sure how much will be spent four months before the end of the financial year but it is not the case that they are running out of money in the £1 million and that they are not able to undertake other things, that is not the case?

HON CHIEF MINISTER:

If that is a question, we have not run out yet.

NO. 165 OF 1996

THE HON J C PEREZ

GIBTEL - EC ARTICLE 86 COMPLAINT

Can Government state what has been the response from Spain to the European Commission in respect of the complaint lodged by Gibtel?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The complaint that is being progressed by Gibtel with the European Commission is an Article 86 Complaint, that is to say, between two commercial undertakings and without Government involvement. Government are not aware what, if anything, the Spanish Government may have said to the Commission.

SUPPLEMENTARY TO QUESTION NO. 165 OF 1996

HON J C PEREZ:

Are the Government perhaps aware, notwithstanding the fact that it is a purely commercial thing, whether Telefonica has responded to the complaint lodged and, if so, in what terms?

HON LT-COL E M BRITTO:

Yes, Telefonica has responded to the Commission in, what I would broadly call, negative terms. As a result of that answer the Commission has requested, what I think my legal friends call further inverted particulars, both from Telefonica and from Gibtel. Gibtel has now progressed that further information. I am not aware at this moment in time whether Telefonica has. I also understand that the Commission has asked for further information from Telefonica to be confirmed by the Spanish Government but, again, I am not aware whether the Spanish Government have confirmed that information.

HON J C PEREZ:

Could perhaps the Minister be more specific in saying what the position of Telefonica has been? I accept that the Government might not be fully involved given that it is a purely commercial issue but so that matters are in the public domain, as they should be, could perhaps the Government not give a more definitive description of what the response of Telefonica has been to the Commission?

HON CHIEF MINISTER:

The crux of the hon Member's question is that matters should be in the public domain as they should be. He knows, or perhaps he does not, but in any case I will tell him, that at this stage of European Court proceedings the documents submitted by the different parties are confidential, they are sub judice and the parties are not allowed to publish them. So it is precisely in the public domain as they should be, that creates the difficulty. Perhaps it might give the hon Member sufficient clue if I tell him that the response has more than a little political flavour to it.

HON J C PEREZ:

I take the point of the Chief Minister that matters are on a confidential basis and are not able to be divulged publicly. I am informed by his hon Colleague how matters are standing. The real issue of putting the question was that anything that could be in the public domain should be in the public domain but I take the point of the Chief Minister that at the moment the correspondence between the Commission and the two parties are of a confidential basis.

HON CHIEF MINISTER:

Certainly, if I could add to that, Mr Speaker, that in any case when information can be put into the public domain it would have to be put in the public domain by Gibtel and Nynex respectively and not by the Government given that it is very important for the future of the case that it should not be seen to be one being driven politically by the Government which is not in any case the case. But certainly the Government will put no impediment on Gibtel or Nynex to publish such information as they are advised by their lawyers, they are free to put in the public domain in the light of the rules that apply to European Community litigation.

HON J J BOSSANO:

Is it the case that, in fact, Telefonica's response has been to say that they are acting in a context where they are carrying out the political directive of the Spanish Government or have they argued on commercial grounds? Can we know whether, notwithstanding the fact that on the Gibraltar side it is not politically driven, is it the case that on the Spanish side it is politically driven?

HON LT-COL E M BRITTO:

I feel I ought to reiterate what the Chief Minister indicated a few moments ago. As Chairman of the company I am aware of the information and I am also aware that it is not in the interests of the company for this sort of discussion to be progressed because it might give the impression, wrongly, that the matter is political as seen by the Gibraltar Government. The Gibraltar Government are keeping completely out of the picture. The matter is being driven by Gibtel and, indeed, by Nynex on a similar complaint and the Gibraltar Government are not involved in any way in these complaints because if the Gibraltar Government were to be involved, indeed if the Spanish Government were to get involved then the possibility is that it would stop being an Article 86 Complaint and it becomes an Article 90 Complaint and then it is

a different problem altogether, it comes into the realms of the problems of the airport issue. It is a much longer time-scale and much more difficult to solve. It is not in the interests of either of the telecommunications companies that that should happen and I would respectfully submit to Opposition Members that it is not in anybody's interest to continue to ventilate the matter.

HON CHIEF MINISTER:

Could I just add to that, Mr Speaker, that certainly it seems clear to me, and I think I can say this without divulging anything that I should not, that on the Spanish side of this complaint, an attempt will be made to argue that this is a political dispute and therefore kick the dispute into ground in which Gibtel and Nynex are much less likely to succeed than if the Commission can be persuaded that it is purely a commercial dispute and therefore it really is not in the interests of either company and therefore, ultimately in the interests of Gibraltar, that we should say or do anything here which may be capable of lending support to any attack that might come from the Spanish side to suggest that this is a political dispute.

HON J J BOSSANO:

I made clear in my question that my question was not, in fact, in any way a recognition that this is politically driven here. I said, notwithstanding the fact that here it is purely a commercial decision taken by two companies in which we happen to have a shareholding, is it the case - that is the only question I want to know - that on the Spanish side they are trying to push it into the political arena?

HON LT-COL E M BRITTO:

That is the possibility and that have been the indications of what could happen. All I can say, Mr Speaker, is that as at this moment in time, I am not aware that it has happened and we do not think that it has happened and we would like to avoid doing anything that will help it to happen.

NO. 166 OF 1996THE HON MISS M I MONTEGRIFFO**GFA - PREMISES AND SCHOOL OF EXCELLENCE**

Is the Minister for Government Services and Sport now in a position to confirm whether the Gibraltar Football Association will be handed over the building to be used as their premises and for the School of Excellence as promised to them by the GSLP administration?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The allocation of premises to the Gibraltar Football Association for use as the GFA Headquarters and for the proposed School of Excellence is still under consideration.

As part of the process of consultation, the Chief Minister and myself, as Minister for Sport, met recently with the GFA President and other council members to discuss the issue. As a result of this meeting, GFA has submitted a detailed study paper and this is currently under consideration by Government.

It is also my intention, as publicly announced recently, to seek the advice of the new Gibraltar Sports Advisory Council on the matter. The first meeting of the Council will be held on 4 December 1996.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1996

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether it is correct or not correct for the GFA President to have stated in public that the Minister did promise that the building would be handed over to them at their centenary dinner this year?

HON LT-COL E M BRITTO:

I can confirm that it is not correct that this Minister did that and if the hon Member would like to contact the President of the GFA she will learn from him that subsequent to that allegation being made in the press and subsequent to my contacting him to clarify it, he issued a press release to the media saying that was not what he had said and certainly not what I had said and he concurred with the statements that I had made that at the time I spoke at that dinner I was not aware what building was being talked about. In fact, he confirmed that at the time of the dinner when I was supposed to have made that statement, that Opposition Members then in Government, had not yet identified that building as what they were going to allocate it for, the School of Excellence. No doubt the hon Member would like to confirm this with Mr Perera of the GFA.

HON MISS M I MONTEGRIFFO:

The GSLP, when in Government, did confirm that the building would be handed over to the GFA and the Minister was there present when the GFA was informed by the GSLP administration. Does he not consider it that it is honourable that in view of the commitment that was given by the previous administration that they should honour it?

HON LT-COL E M BRITTO:

We are getting into a confusion here. At the time to which the incident which the hon Member is referring to, there were two dinners involved, I have not got all the details here with me, but the dinner to which the hon Member is referring to at which the media is said to have quoted the GFA in which I committed myself to respecting that building, and this has been confirmed by GFA, at that dinner to which they are referring to the building had not yet been identified and those are the words of GFA and not mine at the time of the dinner. The hon Member is referring to a subsequent dinner in which - there were two dinners, the Anniversary Dinner and the Annual Games Dinner. Maybe she is referring to the subsequent dinner which were subsequent to the Island Games but the press release referred to the original dinner. At that time the building had not been identified.

HON MISS M I MONTEGRIFFO:

I am not really concerned how many dinners the Minister was present at, I am only concerned that the building, if he checks back with the civil servants and the committee that was there previous to the GSD coming into Government, will he not agree that he should consult the civil servants that were in that committee who will be able to confirm to the Minister that that building was earmarked and was promised to the GFA?

HON LT-COL E M BRITTO:

There is no doubt in my mind that the previous Government had intended to allocate that building to GFA, that has never come into question. This Government, on coming into office, has questioned the whole concept of the School of Excellence and that particular building for its use. That is what is under consideration. It has nothing to do with what the previous Government has done.

NO. 167 OF 1996

THE HON MISS M I MONTEGRIFFO

VICTORIA STADIUM - FLOODLIGHTING SYSTEM

Are the Government now in a position to proceed with the installation of an adequate floodlighting system at the No. 2 outdoor pitch of the Victoria Stadium?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The electrical section of the Support Services Department have been instructed by Government to proceed with the installation of a floodlighting system adequate for training purposes at the Victoria Stadium's No. 2 pitch. Work is expected to commence shortly.

However, I must reiterate, as I did previously in my reply to Question No. 101 of 1996, that the lighting system to be installed in the Stadium's No. 2 pitch is only considered suitable for training sessions, since it is impossible to provide a full floodlighting system, due to the proximity of this pitch to the airfield.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1996

HON MISS M I MONTEGRIFFO:

I understand that, Mr Speaker, because when we were in Government we were told exactly the same as the Minister has been told. As a matter of just curiosity, Mr Speaker, can the Minister give an indication of the costs involved so that I can compare with what we were told when we were in Government?

HON LT-COL E M BRITTO:

I do not have the exact cost with me but it is of the order of between £3,000 and £5,000.

NO. 168 OF 1996THE HON MISS M I MONTEGRIFFO**GIBRALTAR RIFLE ASSOCIATION - INDOOR RIFLE RANGE**

Can the Government confirm whether they have now considered providing assistance to the Gibraltar Rifle Association for the construction of an indoor rifle range, as agreed by the GSLP administration?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Gibraltar Rifle Association have submitted revised proposals to Government. These proposals have been costed by the Department of Trade and Industry.

The revised project and costings are now under consideration by Government.

SUPPLEMENTARY TO QUESTION NO. 168 OF 1996

HON MISS M I MONTEGRIFFO:

Will the Minister give an indication of how long he expects the Government to take a decision on this seeing that we first raised the matter in June of this year?

HON LT-COL E M BRITTO:

No, Mr Speaker, I am not able to answer the question.

HON J L BALDACHINO:

The Minister said that the Rifle Association has submitted a revised proposal. Can he say what is the difference between when we were in Government and what is the revised one?

HON LT-COL E M BRITTO:

No, I cannot, essentially it is the same concept, it is just the nitty gritty of a little bit extra here and little bit less on the other side, but the concept is the same, the moving of the indoor range from its present location to the outer location and in essence it is the same project but slightly refined.

NO. 169 OF 1996

THE HON J C PEREZ

TRAFFIC - GREEN LANE

Can Government state whether it has any plans to access traffic through Green Lane?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

There are no plans at present to access traffic through Green Lane.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1996

HON J C PEREZ:

Can the Minister explain then why he is spending money in resurfacing the road when very little, if any, public passes through it unless he is granted permission by the leaseholder to do so?

HON LT-COL E M BRITTO:

Presumably for the same reason as the hon Member put the project into his own programme in the first place because this is part of the programme that came over from the previous Government.

HON J C PEREZ:

I reject the suggestion, Mr Speaker, that that was a project that I had anything to do with or the Traffic Commission had anything to do with it. Can the Minister then explain what is the explanation that the department is giving the Minister for the resurfacing of Green Lane given that there is a lease to it which runs until the year 2008 and that in the experience of this side of the House when we were in Government, the leaseholder has never agreed to re-negotiate it or to allow access through it for the good circulation of traffic in Gibraltar?

HON LT-COL E M BRITTO:

The condition of the road was in very poor condition and presented a hazard both to tourists and to locals using it as a lane for pedestrian access to and from the Upper Rock, as well as residents of the upper Gardiner's Road end. The road had very large holes in it, it was considered advisable by the department to carry out some sort of repair on it.

HON J C PEREZ:

Can the Minister state whether the extent that the resurfacing reaches up to the area where pedestrians are allowed or does it go the full length behind the Rock Hotel which forms part of the lease of the present leaseholder who is the owner of the Rock Hotel?

HON LT-COL E M BRITTO:

I am not aware exactly what holes have been filled in and where. My advice is that that part of the Lane that was considered dangerous for pedestrians has been repaired.

MR SPEAKER:

It has got to be a supplementary on the answer and the answer is, "there are no plans at present to access of traffic."

HON J C PEREZ:

Yes. But there could be supplementaries on another aspect of the....

MR SPEAKER:

Supplementaries only on the answer.

HON J J BOSSANO:

If in answer to a supplementary the Minister gives information can we not ask a question about the information we have been provided with?

MR SPEAKER:

Not really, that is a different question altogether.

HON J J BOSSANO:

But surely it is a question that is introduced by the reply we get.

MR SPEAKER:

Yes, you have got the reply but if the hon Speaker is not happy about the reply he cannot carry on because he is not happy but certainly one more question.

HON J C PEREZ:

Mr Speaker, I am sorry that I have shown my unhappiness in the matter, it did not show that much. I wonder whether the Minister can state whether he was involved at all in listing the priorities that there are for resurfacing because, frankly, there are more serious roads to be resurfaced than Green Lane for the reason that he has suggested in his supplementary and I wonder whether he has been involved at all in

looking at the priority of the programme? I think that, for example, Prince Edward's Road or Old Naval Hospital Road or other roads of that nature are in a worse danger and could have had a higher priority given the explanation that the Minister has given on why Green Lane has been resurfaced.

MR SPEAKER:

I am sorry, that is not a proper supplementary, but you can answer it.

HON LT-COL E M BRITTO:

I have nothing to say more to what I said at the beginning, that Green Lane was on the list of projects that the Government inherited from the previous Government.

HON J C PEREZ:

I am sorry, Mr Speaker, if you felt that they were not supplementaries.

MR SPEAKER:

Not a proper supplementary. These are supplementaries because you have asked.

HON J C PEREZ:

But I referred the questions to two answers that the Minister had already given, given your ruling previously.

MR SPEAKER:

It is on the original answer.

NO. 170 OF 1996

THE HON J C PEREZ

ENGINEER HOUSE CAR PARK

Are Government now in a position to respond to proposals from residents for the Engineer House car park to be developed to provide garages and car parking spaces for sale?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The situation remains as outlined in answer to Question No. 63 of 1996.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1996

HON J C PEREZ:

Since in answer to Question No. 63 the Minister said that it was part of the study that was being made, is the Minister now in a position to tell me when the study of traffic is going to be completed so that he is able to take a decision on whether to go ahead with this proposal or not?

HON LT-COL E M BRITTO:

No, Mr Speaker.

NO. 171 OF 1996THE HON J C PEREZ**SATELLITE CONTROL STATION AND ANTENNA - WINDMILL HILL**

Are Government now in a position to complete the agreement with G E Americom or a subsidiary, for the construction and operation of a satellite control station and antenna park at Windmill Hill?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are close to completing an agreement with G E Capital Satellites (Gibraltar) Ltd, a subsidiary of G E Americom which intends to provide broadcasting and fixed satellite services from Gibraltar. A form of definitive agreement which is acceptable to the Government is being drafted. Additionally, licences to operate the radio frequencies requested by G E would be granted under the Wireless Telegraphy Ordinance, which will require amendment, and the real estate issues are being finalised by a form of lease and building licence. The Government expect to have the definitive agreement signed in the near future.

SUPPLEMENTARY TO QUESTION NO. 171 OF 1996

HON J C PEREZ:

Can the Minister define "near future" because that is what he told me three months ago?

HON P C MONTEGRIFFO:

Well, I would be loathe actually to put a date on it. The Government are keen to finalise an arrangement. The previous definitive agreement was not in a form which we felt was in the Gibraltar's best interests and we are working actively to prepare a new agreement which we hope to finalise shortly. I do not think it would be prudent to actually set a specific time limit on it but it is certainly a matter which has my priority and which we are keen to finalise as soon as possible.

HON J C PEREZ:

Given the fact that it was on the verge of being signed prior to 16th May and given the fact that one of the obstacles of doing so, as stated by the Minister the last time I raised it in the House, was the implementation of the Outer Space Act which has already been enacted, I would have thought that the position would be that the agreement would have been ready to be signed. Can the Minister perhaps define some of the difficulties that are stopping the contract from being signed or is there any indication that the developer is perhaps not wanting to comply with the terms that are being insisted upon by the new administration?

HON P C MONTEGRIFFO:

There are issues of both a commercial and legal nature which this Government felt were not adequately catered for in the proposed arrangements as they existed on the 16th May. The Government accordingly are seeking to improve the arrangements as they affect Gibraltar. Some of the issues that arise are issues that frankly were badly done before, there were provisions in the previous agreement that suggested that the Government had certain powers which they do not have, there are certain discretions vested in third parties which are not the Government's so that requires amendment; there are certain aspects of a commercial arrangement which we believe require improvement and I am happy to record that I believe a better package than that previously on the table on the 16th May is going to be available to Gibraltar. The delay does not represent any cold feet by the developers, this is a project which is still on course and which we are keen to bring to a speedy conclusion in what we hope will be better terms than those existing on the 16th May. I can say more but I think that leaves a clear enough impression of what we are trying to achieve.

NO. 172 OF 1996

THE HON J C PEREZ

AFRO-ASIAN SATELLITE TRACKING STATION

Do Government now know whether the developers of the Afro-Asian Satellite Tracking Station are to proceed with the project, and if so, how much of the operation will be run from a Gibraltar base?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Afro-Asian Satellite Communications Ltd (ASC) continue their negotiations with the Government for the establishment in Gibraltar of a gateway to provide mobile satellite services. These negotiations are on-going and include commercial matters, training requirements and employment possibilities. To date, ASC are still not back in contract with their satellite manufacturer, Hughes, but there are indications that this may be achieved in the near future. ASC have indicated to the Government that they expect to have in Gibraltar a Satellite Operations Centre, another technical centre controlling the actual system for billing and management of the network and a gateway to route telephone traffic.

SUPPLEMENTARY TO QUESTION NO. 172 OF 1996

HON J C PEREZ:

Given the initial projections of the company where timing was an essential ingredient and the fact that the Minister has confirmed that they have still not got an agreement with the manufacturer for the manufacture of the satellite that needs to be propelled into space, does the Minister not think that the chances of the project getting off are much thinner now than they were previously?

HON P C MONTEGRIFFO:

Until something is put to bed there is always a chance that it will not come to fruition but, no I reject that suggestion completely. As the hon Member will know, the delay in this project rises primarily from the difficulty that ASC have in finalising its arrangements with the satellite manufacturer Hughes. My understanding is that they are still discussing the level of equity, the level of investment, that Hughes is to put into the project. Tangible signs of ASC's commitment to Gibraltar remain. Only 10 days ago ASC representatives in Gibraltar sat round a table with myself and my colleagues from the Environment and Education to discuss training requirements in what would be a fairly extensive and numerous amount of courses. So that commitment is palpable but, like in all these matters, we proceed with cautious optimism and we are keen, as in the case of the previous project, to make this one that will bring benefits to Gibraltar and that will create the employment and activity that we believe it is capable of doing.

NO. 173 OF 1996THE HON J L BALDACHINO**EDINBURGH HOUSE AND CHILTON COURT - SURVEY**

Can Government state if the survey for Edinburgh House and Chilton court has now been completed?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The survey of the blocks at Edinburgh House and Chilton Court has not yet been completed. Six blocks at Edinburgh House have so far been surveyed and the Government are planning to complete the survey in the near future.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1996

HON J L BALDACHINO:

Has the Minister got any indication when the survey will be completed?

HON P C MONTEGRIFFO:

Not at present but Edinburgh House is expected to be handed over in April 1997 so clearly there is some urgency with regard to that, that is Edinburgh House save two blocks, all of Edinburgh House save two blocks will be handed over by April 1997. With regard to Chilton Court, the hand-over is unlikely until the end of 1998 so clearly we will give priority to Edinburgh House. Hopefully, frankly in the course of the next few weeks we would like to see that survey completed so that the discussions on the hand-over can be on the basis of the complete survey.

HON J L BALDACHINO:

I understand that the survey is being conducted by the MOD, is that correct?

HON P C MONTEGRIFFO:

No, the survey is being conducted, in fact, by a previous member of the DTI, Mr Da Costa, who as a result of his move now would require Government to engage somebody else from within the service to complete the survey. The MOD may have its own survey but the survey I am referring to is the survey undertaken by the Government, partially completed and which we hope to finalise shortly.

HON J L BALDACHINO:

Can the Minister, in the previous question to this one, the answer I got...

MR SPEAKER:

That is not a supplementary.

HON J L BALDACHINO:

What is it then?

MR SPEAKER:

Referring to a previous question.

HON J L BALDACHINO:

But I am referring to an answer that I got which gave rise to this question.

MR SPEAKER:

All right, carry on.

HON J L BALDACHINO:

Is it not correct that in the answer I got previously from the Minister for Social Services he stated that the MOD was carrying out a survey?

HON P C MONTEGRIFFO:

The MOD is carrying out a survey as far as I am aware, indeed will carry out surveys with regard to all the property they hand over. It is prudent in the Government's view that there should be an independent Government survey of what property is being transferred to Government and this is the survey which DTI is undertaking and which is the one that I believed the hon Member's question related to. Certainly irrespective of any MOD survey, the Government will complete its survey of Edinburgh House to make sure that we have our own independent assessment of the state in which those buildings are.

NO. 174 OF 1996

THE HON J C PEREZ

OLD NAVAL HOSPITAL ROAD

Can Government state whether more garages are to be built in the area of Old Naval Hospital Road, and if so, who is to build them and on what conditions?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Further garages are in fact due to be constructed in the area of the Old Naval Hospital, more specifically at the rear of Merlot House, as the second phase to those garages previously built opposite Penney House. The developer will be the same developer that constructed the Phase I garages, namely, Tricon Ltd.

The project will consist of the construction of six garages for which a building lease will be issued to construct the garages over a 12 month period. The land will be made available by the Government on payment of an £11,400 premium and a 150 year lease will be issued on completion of the works; the lease to be granted will be on a self-insuring and self-repair basis. A nominal ground rent of £100 per annum would be payable for the first year of the lease to increase to £150 per annum thereafter.

NO. 175 OF 1996

THE HON A ISOLA

PRIVATE SECTOR PROJECTS - LATHBURY BARRACKS

Will Government list which are the alternative private sector projects they are considering for Lathbury Barracks?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Interest has been expressed to develop Lathbury Barracks as:-

- (1) a University,
- (2) a Touristic complex.

To date no firm proposals have been received. If and when detailed proposals are received these will be considered by Government.

NO. 176 OF 1996

THE HON J GABAY

WELLINGTON FRONT - REFURBISHMENT AND BEAUTIFICATION

Have the Government now studied the detailed plans for the refurbishment and beautification of Wellington Front?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

We presume that the detailed plans being referred to are those prepared by the DTI back in March 1992. If this is the case, I can tell the hon Member that the Government are considering the project.

NO. 177 OF 1996THE HON J J BOSSANO**INDOSUEZ BANK - REDUNDANCIES**

Can Government confirm whether Indosuez Bank intends to reduce its presence in Gibraltar by giving up its domestic business and making some employees redundant?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Banque Indosuez has confirmed to the Government that it is moving out of retail banking in Gibraltar. It will, however, continue in commercial banking and intends to further develop its private banking business.

The changes will unfortunately involve a few redundancies, the exact number of which has not been determined. We understand the unions have been informed and are in negotiation with the bank on the proposed redundancy package.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1996

HON J J BOSSANO:

Does the change in the type of business that Banque Indosuez wants to bring about involve a change in the type of banking licence they have?

HON P C MONTEGRIFFO:

As far as I am aware, there is no different kinds of banking licences in Gibraltar. Historically there was indeed, as the hon Member may be recalling, a Bank 'A' and a Bank 'B' class licence but he may recall that that distinction was done away with, I think a couple of years ago and now there is a single banking licence. It does, of course, mean a change in the focus of the business and the indications given to the Government are that the focus of the business will be primarily private banking rather than the retail banking which Indosuez has been well-known for providing in Gibraltar. Let me say that this is not an isolated case affecting Gibraltar. I am assured that Banque Indosuez policy is to get out of the retail banking generally on a world-wide basis and Gibraltar was one of the few locations left where retail banking was still being undertaken.

HON J J BOSSANO:

Quite apart from the fact that of course we are concerned with what happens in Gibraltar and not in the rest of the world where Indosuez may be, is it not a fact that when banks have moved from retail banking to what one might call 'offshore operations' even though the 'A' and 'B' licence distinction no longer exists, they must have a condition that they do not do business with Gibraltar residents otherwise it is

a matter of a tax liability? What I am trying to establish is whether the changes mean in fact that Indosuez will become an offshore bank paying a reduced rate of taxation or would continue as a domestic bank able to have customers that are Gibraltar residents?

HON P C MONTEGRIFFO:

I have no firm indication of that one way or the other. Although it would seem to be the case that Banque Indosuez intends to remain an offshore bank even in fiscal terms, I say that because as my answer indicates, they do intend to remain in commercial banking and by commercial banking they mean, and it has been confirmed to me, commercial local banking. Whether they reorganise themselves as other banks have done to better maximise the tax efficiency of their arrangements, is something which I am not privy to and which, of course, they are entitled to do subject to the required consent being obtained but there is no indication of that at all at present.

NO. 178 OF 1996THE HON J J BOSSANO**MR R WELLS**

Can Government explain what negotiations have taken place with Mr Richard Wells in connection with an offer of employment in the Civil Service?

ANSWERTHE HON THE CHIEF MINISTER

No negotiations have taken place with Mr Richard Wells, Mr Wells' services became available and were offered to the Government. Given the excellent work done by Mr Wells in obtaining EU funding for Gibraltar, Government gave serious consideration to engaging Mr Wells directly. However, the terms upon which Mr Wells could make himself available were not acceptable to the Government and the matter did not proceed. The possibility remains that Mr Wells may do EU funding work for the Government on a consulting basis.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1996

HON J J BOSSANO:

I am somewhat mystified with the answer because if the original answer is that there have been no negotiations then who has been talking to Mr Wells to find out what would be his terms for taking up employment in the Government?

HON CHIEF MINISTER:

As far as the Government are concerned, the term negotiation, and perhaps it is just as well to clarify this given the debate that rages about dialogue generally involving Spain, as far as the Government are concerned the word 'negotiation' means that one side makes a claim, the other side considers it, rejects it but puts a counter offer and there is toing and froing of positions until a common position is reached. That is what the word 'negotiation' means in its ordinary English language, meaning, has not taken place. The Government were informed that Mr Wells' services were available, he stated his price and the Government said that we were not willing to engage him on those terms and there was no bartering and there was no negotiation of his terms.

HON J J BOSSANO:

I am grateful to the Chief Minister for that answer. We will ask about what dialogue he is having with people in future instead of what negotiations, Mr Speaker. Is it a fact then that the initiative came from Mr Wells and not from the Government side?

HON P C MONTEGRIFFO:

Mr Wells is, as I think Opposition Members will know, is well acquainted with Gibraltar and as the Chief Minister's answer indicates, has done good work for Gibraltar in the context of the EU. If memory serves, I think the initiative probably did come from Mr Wells inasmuch as Mr Wells was coming to a career change in London and therefore the possibility of doing further work for Gibraltar recommended itself to him. The rest of the history of the discussions is as outlined by the Chief Minister.

HON J J BOSSANO:

So then what we are being told is that Mr Wells turned up at a Government office and said, "I offer my services for £x" and the Government turned it down because £x was too much, is that correct?

HON P C MONTEGRIFFO:

That is essentially correct, yes. When something takes place over a series of weeks to telescope it into one sentence is always a simplistic analysis but essentially that is correct, yes.

HON J J BOSSANO:

And we will not therefore be talking about the nature of the position that Mr Wells was seeking being one within the complement of the DTI?

HON CHIEF MINISTER:

There were several aspects of Mr Wells' aspirations that were not acceptable to the Government and the level of financial remuneration is just one of them.

NO. 179 OF 1996THE HON J J BOSSANO**MOD - REDUNDANCIES**

Can Government now state how many Gibraltarians will be made redundant by MOD in 1997/98?

ANSWERTHE HON THE CHIEF MINISTER

The Government have no detailed information relating to the exact number, identity and timing of Gibraltarian redundancies by the Ministry of Defence. Indeed, the Government are pressing the MOD to provide that information so that suitable training and alternative employment measures can be designed.

According to the information provided by the MOD so far, as reflected at pages 15 and 16 of the Deloitte Touche Report, the reduction in direct civilian employment during 1997 to 1998 is expected to be 356. On the assumption that the percentage reduction in civilian employment will impact evenly across all location and nationality groups, then 291 out of the 356 would be now UK based British subjects, although all may not be Gibraltarians. This analysis is set out at page 14 of the Deloitte Touche Report and is all the information that we have at the moment.

SUPPLEMENTARY TO QUESTION NO. 179 OF 1996

HON J J BOSSANO:

Have the Government gone back to the MOD to seek an explanation for the discrepancy between these figures which presumably Deloitte Touche got from the MOD and the figure quoted in the interview given by the Chronicle to CBF where the Commander British Forces predicted that in the next year there would be around 60 redundancies as opposed to 360?

HON CHIEF MINISTER:

Yes, the Government have noted that discrepancy in the interview but have not challenged the Commander British Forces on it except to emphasise that it is precisely this uncertainty of information and different information coming out from different sources that indicates the importance to the Government and, indeed, the obligation incumbent on the MOD to maximise our ability, as a community, to prepare ourselves for the impact of these cuts by training and other methods for which we need specific and detailed information and projections are no longer so near to the date because we are no longer talking three years forward, this is next year, are no longer adequate. The MOD have now, in our opinion, belatedly accepted that it is incumbent on them to be much more focused with the information that they provide. They are presently, they tell us, working precisely on the detailed information that both the question and the answer allude to, and as soon as it is available we will of course put it in the public domain for the Opposition Members to analyse as well.

HON J J BOSSANO:

Would the Government not agree that it is reasonable to require the MOD not to start implementing cuts without having provided with a certain amount of time the information otherwise the Government of Gibraltar cannot possibly handle the situation if they do not even know how many people are affected?

HON CHIEF MINISTER:

I have no difficulty in agreeing with the hon Member that the position that he outlines would be entirely reasonable and that the contrary by the MOD would be unreasonable. In other words, we would regard as unreasonable for the first that we hear of where the axe is going to fall if when the heads have rolled and are now in the basket underneath the block, absolutely right.

NO. 180 OF 1996THE HON R MOR**OLD AGE PENSIONS - CONTRIBUTIONS**

When will Government make provisions to allow Gibraltarian contributors, excluded pre-1975 from contributing to the old pensions scheme, a further opportunity to catch up on the period of exemption?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government are considering the feasibility and cost implication of giving contributors to the old age pensions scheme with incomplete contribution records a further opportunity to catch up on contributions in respect of periods during which they worked in Gibraltar. The hon Member must know that it would not be possible to do this only for Gibraltarian contributors as the question suggests, thereby discriminating against other EU nationals, hence the need for caution and careful research. This, of course, is something that the previous Government did not do during their eight years in office between 1988 and 1996. Finally, Government are not aware that anybody was "excluded pre-1975" as the question suggests.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1996

HON J J BOSSANO:

Is it that the Minister does not understand, something which the contributors do, which is that as a result of the 1988 agreement under which the United Kingdom contributed to the fund, nothing could be done for five years and that in 1993 had we restored the Social Insurance Fund it would have been impossible to move that. The reason why it is being raised now is because this is the first time since 1988 that it is possible to allow contributions to be made to the Fund? Does he not understand that?

HON CHIEF MINISTER:

And the answer is that the Government are considering ways of doing it but it cannot be done only for Gibraltarians. The hon Member knows that what the Government have been asked is not just to open a window, which is how this has been known traditionally, open a window of arrears of contributions to those who have shortfalls because of the original £500 rule as the question suggests. But what the affected pensioners are asking the Government is to allow all pensioners, they mean all Gibraltarian pensioners of course, who are not in receipt of the full rate of pension the opportunity to bring up their contributions records to the point where they would be entitled to a full pension. In other words, to make up all periods of non-contribution, whilst they were working and not just the arrears of contributions

due to the fact that when the scheme originally started or when they first started working they did not qualify to take part in the scheme because of the £500 rule. So the answer is that we are looking at it. I think I have already told the hon Questioner that the Government are engaged in an analysis of the profile especially of non-Gibraltarian pensioners to see how many, although we do not suspect that it should be many, would be let in who are not resident in Gibraltar meaning physically resident and not resident as defined by the European Union Regulation which of course means resident in the whole of the European Union. The Government are sticking to the criteria that it has to be contributions not paid in respect of the period during which a person worked in Gibraltar and it is not just a question of voluntary contributions unconnected to periods of employment. Because it is limited to periods of actual employment, we think that it is unlikely that there should be many non-Gibraltarians involved. We think that we cannot give the commitment to go ahead until we have a properly costed and analysed exercise of exactly what that entails in terms of additional Government expenditure. That exercise is being done. The hon Member knows that the records are bundled in the department and we are working on it. The Government have a manifesto commitment, as the hon Member knows, to find a way to deal with this but the answer is that it has not been done yet but we are looking at it.

HON J J BOSSANO:

I am not sure whether I understood correctly what the Chief Minister said in his reply. Was he saying in fact that what is being looked at and what is being sought by the pensioners that have made representation is more than giving the opportunity to those who were not able to pay because of the £500 a year rule, giving those people the opportunity to pay now? Is that not all that is being asked?

HON CHIEF MINISTER:

That is all that some are asking. Others appear to be asking for the opportunity to catch up with contributions that they did not pay for different reasons. In other words, it is just a general opening of the window to everybody. The £500 applicants, so to speak if one could call them that, are much easier to deal with. There are some Gibraltarian pensioners who have years of service of work in Gibraltar in respect to which for one reason or another contributions have not been paid and it does not relate to the fact that they were not entitled to contribute. So it is a little bit a distinction between compulsory and voluntary. In other words, there are some people who are not excluded from the fund but who simply chose not to participate in it at a time when they could have and they now seek that opportunity.

HON J J BOSSANO:

Are the Government conscious of the fact that the question is in fact directed to the smaller of the two groups and would the Government not agree that it raises different issues if in one case, those who wanted to could not and for some reason did not come in later, whereas if what we are talking about is the timescale for people to pay arrears, that would be something that would have to be returned into the scheme surely as a matter of course?

HON CHIEF MINISTER:

Yes, I acknowledge that and the Government wish to form a view on all the requests being put to us. There are also cases of widows who may be given an opportunity, who sought an opportunity to bring up arrears but I accept that if the category is limited to people who were mandatorily excluded at the outset of the scheme, in other words, who did not omit voluntarily to contribute, then that is a much smaller category and it is certainly much more manageable and it is certainly the case that that category is much more likely to see their aspirations satisfied than any other category. I acknowledge the distinction the hon Member now makes. I acknowledge also that the distinction is made in the original question, yes.

NO. 181 OF 1996

THE HON R MOR

SPANISH PENSION CASE - COURT RULING

Can Government confirm whether security for costs has now been provided in the Spanish pensions case following the ruling by the Appeal Judges?

ANSWER

THE HON THE CHIEF MINISTER

Security for costs has not yet been provided following the ruling by the Appeal Judges.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1996

HON R MOR:

Does that mean that the case is therefore not proceeding?

HON CHIEF MINISTER:

Well, that remains to be seen but I regrettably much doubt that what the hon Member said is true. I think what has happened is that most unhelpfully as to timing the European Court of Justice has determined a case from Sweden in which the European Court of Justice has decided that it is unlawful, under European Union Rules, to require non-resident plaintiffs to give security for costs in circumstances where resident plaintiffs would not be required to give it. Sweden had the same Supreme Court rule in effect as Gibraltar which required non-resident plaintiffs to put down security for costs so that in case they lost they could be made to pay their costs and indeed it was a case that involved an English company wanting to litigate in Sweden. The European Court of Justice has ruled that that creates an unlevel playing field between litigants from one part of the European Union and another and has directed that such procedural rules in court is not compatible with European Union regulations. So the matter is, in a sense, in limbo. The Court of Appeal in Gibraltar had made its ruling already and so the applicants in our pensions case are now subject to an order requiring them to give security for costs. Before the order had been complied with the European Court of Justice, as I say, unhelpfully as to timing gave this ruling. The applicants have therefore said to the Government, "In the light of this ruling in the European Court of Justice will you now waive your requirement for security for costs?" The Government have so far declined to do so and I do not want them to read anything into the words so far, we have not received any legal advice suggesting that we should and therefore we will not and it may well be that the applicants now appeal to a higher tribunal, the Privy Council, relying on the ruling of the European Court of Justice. So the thing is now a little bit up in the air. That is really as much as I can say which would be helpful to the hon Member.

HON J J BOSSANO:

Are we correct in thinking that on the basis of that explanation until either of those two possibilities happen, nothing else can proceed with the case?

HON CHIEF MINISTER:

Yes, I think that inevitably follows. The Court of Appeal has ruled that they cannot proceed without giving security of costs. The European Court of Justice meanwhile or immediately during or certainly the ruling had not come to the ears of any of the lawyers involved on either side or of the Court of Appeal, I think this was happening simultaneously as bad luck would have it, and certainly they are not free to proceed without altering the ruling of the Court of Appeal which is the one that is extant at present. That seems to be the case. As I say, they have asked the Government to waive the effect of the ruling and the Government have not given favourable consideration to that suggestion.

HON J J BOSSANO:

The position then is that until either they put up security for costs or the requirement is removed, nothing else can happen? Am I right in that?

HON CHIEF MINISTER:

Unless and until the Government receive legal advice to the contrary that is the Government's understanding of the position. Of course, the Government could receive legal advice from our lawyers on this matter saying that the requirement should be waived given that it is bound to fail on appeal but that would be something on which we would need to receive advice which we have not yet sought nor has it been tendered by the solicitors representing the Government which are the same ones as used to represent them before.

NO. 182 OF 1996THE HON A ISOLA**MONARCH AIRLINES - SCHEDULED OPERATIONS**

Will Government give details of financial assistance, if any, that has been given to Monarch to commence scheduled operations to Gibraltar?

ANSWERTHE HON THE MINISTER FOR TOURISM, COMMERCIAL AFFAIRS
AND THE PORT

Government have not yet given financial assistance to Monarch. However, Government have agreed to contribute £450,000 to the cost of the development and promotion of the Luton/Gibraltar route, over a period of three years. Part of the £450,000 is in fact met by the Ministry of Defence in the form of new route landing fee discounts. Government's financial contribution will take the form of landing fees subsidies or passenger tax rebates. Government will additionally pay £25,000 on a joint advertising campaign to promote overnight stay tourists to Gibraltar, provided that Monarch matches this pound for pound. Government will also pay the cost of the application to the Civil Aviation Authority from these £25,000, although this is expected to be minimal.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1996

HON J J BOSSANO:

The Minister said there would be a new route discount which is what is already there, presumably because the flights are from Luton and in addition they will be providing a subsidy to landing fees. Would that subsidy affect all aircraft landing or just Monarch?

HON J J HOLLIDAY:

The agreement that has been reached with Monarch just covers their landing fees and through the Ministry of Defence and obviously the passenger tax rebate. The total figure adds up to £450,000. We have broken that down and it can be broken down through three years. In the first year the contribution would be a total of £210,000 out of which £75,000 will be met by MOD landing discount and £135,000 from passenger tax rebate. In the second year the total would be £180,000, again £75,000 will approximately come from MOD landing fees discount and £105,000 from Gibraltar Government passenger tax rebate. In the third year the total would be £60,000 and that would come totally from the passenger tax rebate as the MOD discounts only applies during the first two years.

HON CHIEF MINISTER:

If I could just add to that, I think the answer to the hon Member's question is that the element of landing fee discount is unique to Monarch because, of course, the MOD only makes it available for the first two years of the operation of a new route. So an

existing operator who started a new route, for example, from Manchester some time ago, enjoyed the landing fee discount and has already enjoyed it. But the other aspect of this package will also be made available to the other operator on the route. In other words, the Government of Gibraltar are not willing to support a new operator at the expense of unfairly undermining the commercial viability of the established and committed carrier on the route to the United Kingdom which the Government recognise has through thick and thin been GB Airways. Therefore the Government, as an integral part of our tourism strategy which is based on bringing increased numbers of people to Gibraltar, have agreed to make part of the same financial package as is being made available to Monarch also available to GB Airways.

HON J J BOSSANO:

I do not know whether under the Standing Orders the question of relevance simply applies to questions and not to answers.

MR SPEAKER:

They do. In point of fact, as you know on a previous Speaker's ruling, there is no need for a Minister to answer a question so they can answer as they like if they want to.

HON J J BOSSANO:

I accept they may refuse to provide information but presumably if the answer we now get is an eulogy of the present carrier we are not able to ask questions about the eulogy because that was not in the original question.

MR SPEAKER:

No, you can ask on the answer.

HON CHIEF MINISTER:

The hon Member's complaint, Mr Speaker, is that the Government give the Opposition too much information. That can be remedied as well.

HON J J BOSSANO:

No, we are not complaining about information, Mr Speaker. All I am saying is if we ask whether it is going to apply we are not saying whether the Government admire or do not admire Mr Gaggero, they may well do. I have good reasons for understanding why they should admire him. The question simply is, is the subsidy to landing fees related to Monarch? And the answer is no, it is not related to Monarch, is that right?

HON CHIEF MINISTER:

First of all, in giving information the Government will put it in whatever language the Government please and the hon Member will consume the information offered to him by the Government in whatever words and qualification the Government choose but if this is going to become a contest of who is more enamoured of Mr Gaggero,

let me remind the hon Member that it was not this Government that gave GB Airways an exclusive operating agreement for 18 months to Gibraltar, it was him. It was not this Government that prevented competition from being established on the route UK-London thereby making the consumer pay higher prices that he needed to have paid. It was his Government who gave GB Airways an exclusivity agreement on the route UK/Gibraltar and therefore on the basis of facts if anybody is enamoured of Mr Gaggero the facts suggest that it is the Opposition Member and nobody sitting in the Government benches now.

HON J J BOSSANO:

Presumably I am allowed to ask supplementaries on all of that?

MR SPEAKER:

Yes.

HON J J BOSSANO:

Mr Speaker, do the Government not understand that the permission to fly to Gibraltar is not given by the Government of Gibraltar but by the Civil Aviation Authority in London and that the Government did not give any exclusivity to Mr Gaggero because the Government have not opposed any other carrier coming on the route? So it is complete political nonsense what he is saying.

HON CHIEF MINISTER:

Mr Speaker, I am sorry, that answer is a premeditated deception of the House because I refer the hon Member to the replies given by the then Minister for Tourism, Mr Pilcher, which are in Hansard, in answers to questions from us when we were in Opposition about the so-called agreement in which he gave details of it. So the hon Member may now wish to, in his inimitable style and fashion as is his political custom, seek to deceive by confusion of the juxtaposition of words but there can be no doubt that the Minister for Tourism in his Government acknowledged the fact that the Government had extended an exclusivity arrangement with GB Airways. If he wants we can recess the House and later on we can produce the Hansard.

HON J J BOSSANO:

No, I do not want him to recess the House to produce anything. All I am saying is I am putting questions to seek information and it is the Government Member who has chosen to introduce a justification for giving a subsidy to the existing carrier. Can the Government tell me whether the existing carrier will be required to pass on the subsidy to the users of the plane, the passengers?

HON CHIEF MINISTER:

As the hon Member will presumably have picked up from the answer, as the subsidy is going to be given in the form of landing fee subsidy or passenger tax rebates, passenger tax rebates can only be earned if a passenger is carried and the Government have therefore been careful to leave ourselves the possibility of delivering the financial assistance in return for actual performance. This is not a

question of just sending them a cheque in the post. They will get a discount on passenger taxes and that can only be earned by actually bringing the passenger. Of course the Government, and if this is too much information, more information than the hon Member wants he should indicate it to me and I will not carry on, but the Government of course recognise that there is a danger that we will give passenger tax rebates in respect of passengers that use the Gibraltar airport to access Spain. We recognise that that is a real danger but we have concluded that we cannot overcome that. In other words, we have got to risk that happening as an inevitable evil of trying to encourage more people to come to stay in our hotels in Gibraltar and, of course, the situation will be kept under careful review.

HON J J BOSSANO:

Given that the passenger tax goes to the operation and management of the terminal, are the Government expecting to make up the shortfall that may happen as a result, initially presumably if there is traffic growth in the numbers coming this could be compensated, but initially if there is a shortfall is that going to be then paid to the terminal company that manages the Air Terminal?

HON CHIEF MINISTER:

The hon Member must surely recall that the passenger taxes do not go to the terminal management, the passenger taxes are shared between the terminal management and Gibraltar Information Bureau Ltd which is a wholly owned Government company and that the revenue that the Government used to get from passenger taxes through the company of which the managing director was the then Minister for Tourism, Mr Pilcher, is revenue that is available to the Government to spend on whatever we wish and we are able to surrender it in the form of rebates. It is not envisaged that any part of the rebate will be funded from revenue that does not belong to the Government, in other words, revenue that the Government are contractually bound to share with the contracting parties, in this case Terminal Management Ltd. So any rebate would come from our share of the passenger taxes not from theirs.

MR SPEAKER:

One more question.

HON J J BOSSANO:

Is the rebate then the whole of the share of the Government or less than the whole? Is there a figure?

HON CHIEF MINISTER:

Yes, Mr Speaker, there is a figure. I do not have it to hand at the moment but it is not the whole.

NO. 183 OF 1996

THE HON A ISOLA

CAMPO AREA - CONTAINER FACILITY

Can Government state categorically that no proposal for a container or related facility has been offered by the Government for development within the Campo Area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No proposal for a container or related facility has been offered by the Government for development within the Campo Area.

SUPPLEMENTARY TO QUESTION NO. 183 OF 1996

HON A ISOLA:

My hon Friend may recall some reports in the press discussing the proposed facility that was apparently offered at a meeting between certain Ministers on both sides. Would Government confirm that those reports are totally inaccurate, that there is no truth in those reports? It has not been considered?

HON P C MONTEGRIFFO:

The reports in the press were answered by a letter that my hon Colleague, the Minister for Tourism sent to the press. We can confirm that there are no proposals which have been put to the Campo in respect of a container or related facility. Therefore those press reports were inaccurate.

HON J C PEREZ:

Could the Minister state whether in the discussions that the Government have been holding with different Mayors of the Mancomunidad de Municipios that there has ever been a discussion about a possible joint project of developing a container facility where perhaps apart from Gibraltar there would be a contribution from any other municipality of the Campo Area?

HON CHIEF MINISTER:

I can confirm as was confirmed in the letter to the press written by the Minister for the Port to which the Minister for Trade and Industry has referred, what was stated publicly in that letter, that no such offer has been made in relation to any specific project but that there was in one of the conversations to which the supplementary question now relates, there was a statement and it was discussed that in relation to container projects it may be possible, provided that they were activities that Gibraltar could not handle and therefore the project might be lost altogether, because Gibraltar did not have the capability in terms of land area or whatever, it might be possible under those circumstances to save the project for Gibraltar by talking to La

Linea and not to any other municipality, this was a conversation with the Mayor of La Linea, to consider having in La Linea whatever, if any, aspects of a particular project the proposer of the project felt could not be put in Gibraltar. But it was not in the context of any particular project, it was a conceptual conversation. It requires there to be a project in respect of which the operator is not happy to site everything in Gibraltar which is not presently the case, and the Government would have to be convinced that the activity cannot reasonably be located within Gibraltar. So that is the nature of the conversation that took place.

HON J C PEREZ:

The Chief Minister is perhaps aware that in those circumstances the developer could always go on its own to La Linea without reference to him or the Government of Gibraltar and propose it to the Mayor of La Linea regardless of what Algeciras might or might not say about it.

HON CHIEF MINISTER:

Absolutely, there is nothing the Government can do about that but it remains a fact that a lot of these projects require Government consent at many stages and at many levels. Invariably most of them require full participation by Government in the sense of land allocation and things of that nature, this is not something that somebody could pull a fast one on the Government, they would have to disclose their hand. If the hon Member is saying whether the whole project could be sited in La Linea to the exclusion of Gibraltar, that is unlikely because the new port that they have built there in La Linea does not have the necessary depth to enable container ships to use it, so La Linea is not able to facilitate a container port without using the port facilities of the Port of Gibraltar. Of course, they could do a deal with Algeciras but my understanding of the relationship between Algeciras and La Linea is that they are much more likely to come to an agreement with Gibraltar than with Algeciras.

NO. 184 OF 1996

THE HON A ISOLA

GIBRALTAR AIRPORT - EXPANSION

Can Government confirm that they are currently working on proposals that they intend to put forward for the expansion of the Gibraltar airport?

ANSWER

THE HON THE CHIEF MINISTER

The Government are formulating proposals for the expanded use on the airport on purely commercial lines and with no sovereignty implications whatsoever.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1996

HON J J BOSSANO:

Who do the Government intend to put those proposals to?

HON CHIEF MINISTER:

The Leader of the Opposition asks an excellent supplementary question the answer to which is under consideration by the Government is precisely one of the things that we have not yet made up our minds. There are a number of options. The proposals could be put out via London but they are essentially commercial in character and not political in character. On the other hand, politicians in the Mancomunidad who have a great interest in the exploitation of the airport on commercial grounds and do not seek political capital as a price to progress have indicated that they might be a better route to - if I can just mix my metaphors - throw this ball and let them run with it internally within Spain so that it does not meet any immediate no from those who are not really concerned in Spain with commercial views but rather with political advance. So the hon Member puts his finger on a tactical question which the Government have given a degree of thought to but we have not yet come to a conclusion as to which is the best course to follow. Nor should the original questioner assume from the original answer that these proposals are imminent. We hope to address them, we hope to put out such proposals certainly during the first half of next year but he should not think that they are a week or two or three or even a month or two away. They are being given detailed careful consideration, they are on commercial lines, there is a fair amount of research to be done and it will be an airport agreement - not an airport agreement because we do not envisage an agreement as such, it will be a memorandum setting out what would be acceptable to the Government of Gibraltar in terms of allowing expanded use of Gibraltar airport. Really it then remains to be seen whether Madrid, because I suspect that the proposals would be acceptable to the Campo who are not thinking of this politically, it remains to be seen whether Madrid has changed its thinking in relation to this problem. In other words, it will either succeed in bringing in expanded use of the airport or it will succeed in once and for all smoking out the political posture amongst the hard-liners in the Ministry of Foreign Affairs.

HON J J BOSSANO:

Am I right in thinking from that answer that in fact the proposals would not therefore require the prior implementation of the 1987 Airport Agreement which has been the Spanish position so far?

HON CHIEF MINISTER:

Certainly they do not and they must not because the hon Member knows that the 1987 Airport Agreement and the implementation thereof is not acceptable to the Government indeed it is not acceptable to any part of this House given that we adopted a unanimous resolution on this subject shortly before the last election, so certainly it could not involve the implementation of the 1987 Airport Agreement in its present terms, absolutely not.

HON A ISOLA:

Could the Chief Minister give details of any commercial entities with whom these proposals have been looked at locally or in Spain?

HON CHIEF MINISTER:

Well, I am just making sure that I give all the information that I have on that, the Government have been approached by one predominantly American company which I think was in conversation with the previous administration called Strategic Partners and in addition to that a local group of businessmen have made a very tentative approach to the Government seeking to put together a commercial consortium that would involve Spanish participation in an exclusive commercial arrangement in relation to the airport but that is very tentative. There have been no firm proposals put to the Government and as far as the Government are aware, those are the only two groups of businessmen who have shown an interest in the matter. What I have said in my original answer, the Government are working on it, is not being done in conjunction with any particular commercial operator. This is really a political statement by the Government of what sort of commercial arrangements would be politically acceptable to the Government. Who and how those arrangements are then brought to fruition by is a quite different matter which is not part of the Government's original formulation.

NO. 185 OF 1996

THE HON J J BOSSANO

POST OF PRIVATE SECRETARY TO CHIEF MINISTER

When was the public office of Private Secretary to the Chief Minister constituted?

ANSWER

THE HON THE CHIEF MINISTER

The Private Secretary to the Chief Minister is a title given to a post already constituted at Senior Officer grade and is therefore not a public office.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1996

HON J J BOSSANO:

And that is the interpretation of the Government of the requirements of General Order, Chapter 3, Section (a) which clearly states that all public officers are constituted by the Governor and the reading of the section clearly shows that it is not a question of the grade of the office but on the post itself.

HON CHIEF MINISTER:

I think that there is a degree of confusion and misunderstanding here. The holder of the position of Private Secretary to the Chief Minister had already been promoted to the grade of Senior Officer but not deployed. I think the Public Service Commission, prior to the general election I think I am right in saying, had promoted Mr Figueras from the grade of SEO to the grade of Senior Officer and he was at that grade and at that grade he was still sitting as Clerk to this House. From then on what the new Government did is simply deploy him by internal transfer from the job that he was then doing which was Clerk to the House to another position within the Civil Service within the office of the Chief Minister. It is true that the title, Private Secretary to the Chief Minister, is new. It is not true, this is not an appointment like the appointment, for example, of Mr Francis Cantos as Media and Public Relations Director, this was the transfer of a civil servant who was already a Senior Officer from the job that he was then doing to a new job within the service and certainly the Government, I was advised by my senior officials and indeed I think the advice was confirmed by the Principal Auditor - yes it has been confirmed to me that the advice was confirmed by the Principal Auditor, that the Government within Financial Regulations and General Orders was at liberty to make this internal transfer and did so.

HON J J BOSSANO:

Is it not the case that General Orders says that the provision of funds for personal emoluments of a public office rests with the House of Assembly and that the public office in question must appear in the approved establishment in the Estimates and there is no such public office in the Estimates? Is it not the case that the post for which the occupant of this public office was interviewed was advertised as the job of Postmaster and that is what he applied for and got selected?

HON CHIEF MINISTER:

I think the hon Member is being disingenuous because he is failing to disclose that whereas Mr Figueras was promoted ostensibly to take over the Senior Officer post of Director of Postal Services, he should if he wishes to be forthcoming with this House have added that it was his intention not to do so and that Mr Figueras was actually promoted with the intention by the previous administration that he should become Finance Officer instead of the recruitment of a new Financial and Development Secretary. The hon Member may wish to sit there grimacing but he knows that what I am saying is entirely correct and the hon Member must also know that he himself has in the past transferred civil servants from one department of Government to another department of Government, for example, the two Assistant Managers of Personnel were suddenly one day in midstream between one budget and the next, they were transferred from one department and put in Personnel. Certainly the post must exist but it can be transferred from one Head of Expenditure to the other by the usual reallocation warrants of the Financial and Development Secretary. This is not an additional post, this was a man that was already a Senior Officer, already paid for by the Crown as a civil servant and he was simply transferred from one department to the other which is something which the hon Member must recognise happens frequently and has always happened frequently.

HON J J BOSSANO:

I do not accept that the Chief Minister is right. Is it not the case that as a result of the creation of the post which did not exist previously, the number of Senior Officers is greater than the number provided for in the Estimates of Expenditure?

HON CHIEF MINISTER:

It was not during the tenure in office of this administration that this Senior Officer was promoted to his post and it is not true, even if this were not the case, that the number of Senior Officer posts is now greater because as the hon Member knows there is still not a Senior Officer in charge of the Post Office. That job is still being done by I think it is an HEO Acting. So there has not been an expansion by one of the number of established Senior Officer grades. He is wrong in suggesting that that is the case.

HON J J BOSSANO:

How can the Chief Minister argue that somebody is getting paid the money provided by the House for the Postmaster who is a Senior Officer grade and is getting paid by acting in that capacity and that the person selected for the post is still getting paid, we do not know from what Head of Expenditure because the money has not been transferred presumably from the Post Office to the Secretariat vote, so the money to pay the Private Secretary must have been voted for in this House in the other place.

HON CHIEF MINISTER:

The hon Member surely knows that there is a sum of money voted under reallocations and subventions which enable the Government to claw in to any Head of Expenditure, including the emoluments part, revenue on a reallocation warrant

from the Financial and Development Secretary. Indeed, this is a device which the hon Member himself very helpfully introduced during his term of office. Why does the hon Member feel that if money can be transferred for the purposes of physical expenditure, it cannot be transferred on a reallocation warrant basis for the purposes of personal emoluments?

HON J J BOSSANO:

Does the Chief Minister not understand that I am not suggesting that there is not enough money? What I am saying to him is that under General Orders the post created of Private Secretary is not a post which is recorded in the approved establishment list and for which the House has provided money in the personal emoluments. There may be money unspent there and if the Chief Minister runs out of money in one Head he is correct in saying that can be topped up, that is not the issue that I am questioning. What I am questioning is whether they have followed the procedure laid down in General Orders which is something, of course, in which they believe in doing?

HON CHIEF MINISTER:

Yes, the advice that the Government have had from our senior officials is that it has fully complied with the requirements not just of General Orders but of Financial Regulations in relation to the deployment of a senior civil servant from one Government department to another, a practice which was rampant during the term of office of the hon Member's Government. I have just given him one example, the example of the two Assistant Personnel Managers which he created, two posts, and of course when the establishment is next described in next year's budget then of course the change will be reflected in that. But it does not follow from that, as I suspect what the hon Member is trying to insinuate, that the Government cannot between one budget and another transfer a civil servant from one department to another. Every transfer of a civil servant from one department to another necessarily involves the establishment of the transferring department becoming one light in midstream and the establishment of the host department when it is an increase in numbers. When it is an increase in numbers being one over the published establishment in the previous budget. There is nothing in Financial Regulations that suggests that that cannot be done. I do not know why the hon Member confuses the appropriation mechanism of the money which can be saved through the reallocation warrant, why he confuses that with the question of the numbers of people from time to time employed in one department as opposed to another one.

MR SPEAKER:

I will take one further question on this matter.

HON J J BOSSANO:

I reject entirely his constant asides about what was done and what was not done before because a lot of what was not done before was something he might have believed was being done and is acting thinking that precedents have been created where none existed. Therefore does he not agree with me that if General Orders says that all public offices duly constituted by the Governor for which funds have been authorised by the House of Assembly will be recorded in the approved

establishment list, does he not agree that this has not yet happened in respect of the post of Private Secretary to the Chief Minister?

HON CHIEF MINISTER:

No, I do not because the hon Member has a clear confusion between the question of post and the question of grade. The fact of the matter is that Mr Dennis Figueras is and always has been a public office holder as a civil servant and I do not accept that the General Orders and neither does the Principal Auditor and neither do the senior civil servants that the Government have taken advice from accept that that extract from General Orders that the hon Member has read means that one cannot transfer a civil servant from one department to another in a way which increases the complement of the receiving department which would be the natural conclusion and result of the hon Member's insinuations being correct.

HON J J BOSSANO:

Mr Speaker,.....

MR SPEAKER:

No, I said one and no more. We have to get on with the questions.

HON J J BOSSANO:

There is a matter that I want to ask which I have not asked so far.

MR SPEAKER:

Yes, but I am not allowing it.

HON J J BOSSANO:

I am sorry that you take that line, Mr Speaker.

MR SPEAKER:

It cannot be helped.

NO. 186 OF 1996THE HON J J BOSSANO**POST OF DIRECTOR OF MEDIA AND PUBLIC RELATIONS**

When was Mr Francis Cantos issued with the letter of appointment to the new post of Director of Media and Public Relations?

ANSWERTHE HON THE CHIEF MINISTER

Mr Cantos was issued with a letter advising him of his appointment on the 9th September 1996.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1996

HON J J BOSSANO:

Did the letter of 9th September stipulate that as a civil servant Mr Cantos would be subject to General Orders, Colonial Regulations and the Official Secrets Act?

HON CHIEF MINISTER:

I cannot answer that question because of course I am not a party to the letter but I have sighted the terms of Mr Cantos' contract which the hon Member knows is the stage that follows the letter and I can tell him that the contract most certainly makes him subject to those three regimes.

HON J J BOSSANO:

So in fact the Chief Minister misled the House when he said, in relation to a previous meeting, that this would not be the case because Mr Cantos was not a civil servant?

HON CHIEF MINISTER:

No, I do not accept that I either said that or that I misled the House. The hon Member may be interested in knowing that the post, and now he is right, whereas before he was wrong, before he was confusing the question of post to the question of grade, now he is absolutely right. The post of Director of Media and Public Relations was constituted by His Excellency the Governor on the 5th September 1996 and funds for the salary of this post during the current financial year have been made available under the Secretariat Head from savings earned from the dispensing of the services of the previous law draftsman. Of course the post will be shown in the Secretariat establishment in the 1997/98 Estimates. In any case, even if the assertion that the hon Member had attributed to me, had in fact been said the fact that the Government make a contract officer subject to Colonial Regulations does not make that person a civil servant. It simply means that the terms of Colonial Regulations are incorporated by reference into his contract.

HON J J BOSSANO:

Do the Government not accept that this newly created public office is not one for which this House has authorised funds for the payment of this particular post as required by General Order 8.1.3?

HON CHIEF MINISTER:

I cannot believe that the questions that the hon Member puts reflects his level of knowledge and understanding of how Government work because after having been here for eight years he must know more than that, I can therefore only come to the conclusion that he is driven by a desire to confuse and to cloud the issue. Every civil servant that is recruited whether on contract or whether by induction into the permanent and pensionable civil service between one budget and another, is by definition being recruited even though at the time that the Government passed the budget, it was not envisaged by anybody that voted for the budget that this civil servant was going to be recruited. It happens monthly, every time Government recruit contract officers as they have done regularly over the last 40 years. The hon Member is right only to the extent that his confused question suggests that the Government cannot spend money without it being authorised. In other words, what the House has got to authorise is the expenditure of money, not the identity of the person employed or the numbers of the persons employed. Therefore if one civil servant leaves the service the Government are free to replace that civil servant or to replace that person by a contract officer with somebody else using the money that has been authorised by the House and which the Government are saving as a result of dispensing with one civil servant. That is why I told the hon Member that the salary for Mr Cantos is being met from the savings, money already authorised by the House, within the emoluments head of the Secretariat Head of Expenditure saved from the salary of the previous law draftsman. But even if that was not the case the Government have £1 million, a device introduced by the hon Member, available to us under the reallocations and subventions head approved by the House at budget time which enables the Government to pass that £1 million to the other Heads of Expenditure. So there would be nothing to stop the Government, if we needed to which we have not needed to in this case because we have used the money saved from Mrs Keohane's salary, but if that had not been available to the Government, we could have used the reallocation mechanism to transfer to the emoluments head of Secretariat for that purpose. But although I was advised that that mechanism was available to the Government, it was not necessary to have recourse to it.

HON J J BOSSANO:

I keep on repeating myself regrettably because he keeps on mentioning the availability of money and that has nothing to do with my question. I am not questioning that he has not got a problem of money, I know he has got a lot of money.

HON CHIEF MINISTER:

The only thing the House votes for at budget time.

HON J J BOSSANO:

Yes, Mr Speaker, but in voting for that money the vote that is taken is taken based on information provided as to why we are voting the money and the posts that exist. Of course if we had had to vote today for personal emoluments which included paying Mr Cantos £35,000 we might not vote. It is clear to me that this is not a question of one civil servant leaving and another one being promoted to take his place, this is the creation of a post which the House has not had a say in and where the person is being paid out of public funds and without the procedure for filling public offices has not been followed. Indeed, I imagine, without the level of emoluments having been established by an analogue based on parity as is the norm throughout the Gibraltar public service. It is not for the Chief Minister to negotiate with an individual, but what is established by parameters where people get paid according to their analogue in the UK and presumably that is also correct of the new post of Private Secretary that again the analogue there has not been established by the Personnel Department.

HON CHIEF MINISTER:

I am now drawn to the inevitable conclusion that the Leader of the Opposition either does not know what he is talking about or he is calculatingly setting out to deceive whoever may be listening to this debate. In the first place, it is simply not true for the hon Member to say that procedures have not been followed and let him know that there will be more such appointments, not less. Is the hon member suggesting, as the degree of ignorance implicit in his questions and in his statements suggest that he is, that the Government are not free to recruit civil servants between one budget and the other? Does the hon Member really think that the appropriation mechanisms of the House of Assembly are to select candidates for appointment to the public service? Does the hon Member think that when His Excellency the Governor created the post now filled by Mr Cantos that he was not following established procedure? Why, because we did not ask his permission? And if people listening to this broadcast must be thinking that this cannot be the same man speaking that has governed Gibraltar for the last eight years. It is incomprehensible that he should be asserting the nonsense that he is asserting and trying to hold it up as facts and accurate, neither of which is the case. I reject the insinuations of impropriety of the hon Member and let me tell him that if there were a minor departure from procedures which there has not been, it would then constitute only the tip of the iceberg compared to the things that the hon Member used to get on with through companies, employing who they liked, for whatever periods they liked, at whatever rates of pay they liked, without even telling the public, let alone consulting the House of Assembly at estimates time.

MR SPEAKER:

There will be two further questions on this and that is the end.

HON J J BOSSANO:

I am of course trying to seek information and each answer is converted by the Chief Minister into a debate in which he engages in a diatribe. The House of Assembly Rules clearly say that we should not be doing these kind of things. We should have sensible discussions on points on which we may or may not agree. *[Interruption]* Yes, Mr Speaker. The fact that the Chief Minister spent a lot of years before

inventing stories which he clearly believed himself and which he is now trying to imitate is not my problem, it is his problem. He is doing things that was not done by the previous Government and is it not the case that if Mr Cantos had been employed, for example, by the Gibraltar Information Bureau then the issue would not arise because he would not have been a civil servant subject to Civil Service Rules but if Mr Cantos has been made a civil servant he has to go by what the law provides civil servants must do? Is that not the case?

HON CHIEF MINISTER:

Perhaps the hon Member might like to place into the context of the assertions that he has made here this morning who analogued, who approved and who decided the level of remuneration of the gentleman that he appointed through a limited company to collect PAYE arrears in Gibraltar?

HON J J BOSSANO:

The answer is because I must give an answer.....

MR SPEAKER:

No, you do not give an answer, you ask.

HON J J BOSSANO:

OK then. Is it that the Chief Minister does not know that there is a distinction between employing somebody to do a particular job and employing a civil servant in a post that does not exist and for which no provision of funds has been made by the House? In fact, is the Chief Minister not aware that the remuneration of the person employed to collect tax is half of the money that he has paid Mr Cantos and is based on other people in other companies getting paid that rate of pay? Is he not aware of that?

HON CHIEF MINISTER:

Certainly I am aware of the distinction between employing civil servants and employing people through limited companies, that is why the new Government have stopped following their practice of employing people that they hand-pick through companies and have reverted to the much healthier, much more transparent and much more conventional process of employing civil servants on contract terms through the public service. The distinction is one of which we are well aware. We know which is right and which is wrong. We have stopped doing the one that we think is wrong and we are doing the one that everyone agrees is right.

NO. 187 OF 1996

THE HON J J BOSSANO

IMPORT DUTY COLLECTED

Can Government state what is the total amount collected in respect of import duty in the current financial year to the end of October and the estimated amount for the balance of the year?

ANSWER

THE HON THE CHIEF MINISTER

The total duty collected from April to October 1996 was £12,003,610.13. The estimated amount up to March 1997 is a further £8,574,010.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1996

HON J J BOSSANO:

Can the Chief Minister say whether in fact the composition of the source of the revenue has altered from the sources of the previous financial year or is it still the same pattern?

HON CHIEF MINISTER:

I am willing to try to attempt that answer but the hon Member must excuse any inaccuracies that might transpire to be contained because I am speaking from memory, I do not have the breakdown in front of me. From the statistics that I have seen it appears that there is a downturn in the collections from tobacco import duty. I hasten to add, that if the hon Member knows the statistics that the Chief Minister obtains, I have no difficulty in sharing those statistics with him and if he would like me to pass them on to him I am very happy to do so.

HON J J BOSSANO:

I am grateful for that and that will avoid the need to bring questions to the House.

NO. 188 OF 1996THE HON J J BOSSANO**INCOME TAX - CORPORATION TAX COLLECTED**

Can Government state what is the total amount of tax on company profits collected in the current financial year to the end of October and the estimated amount expected for the balance of the year?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, £7.3 million has been collected in corporation tax in the period 1 April 1996 to 31 October 1996. The revised estimate for the full financial year is £12 million.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1996

HON J J BOSSANO:

Do the Government not agree that this does not indicate that there is a downturn in the profitability of the companies that make these returns from the private sector?

HON CHIEF MINISTER:

No, the Government, and this is an issue that was debated at length during the general election campaign and therefore neither the Government nor the electorate agreed that that analysis is correct, for the principal reason that the corporation tax now being collected relates to a period of trading which is now historical and that the hon Member, given his qualifications in economics, must understand that the fact that people are paying tax today on the basis of their accounts in respect of trading periods perhaps of two or up to three or four years ago, because this figure includes arrears as well, does not mean that it reflects their present state of trading. The present state of trading, in other words, how businesses are doing during the financial year 1996/97, will only be reflected in income tax takings two or even up to three years from now in the future because we are talking corporation tax, at least if it was PAYE takings it would be an indication of the level of the buoyancy in employment but being corporation tax, in our opinion, it does not give the indication that the hon Member is suggesting.

HON J J BOSSANO:

So am I right in thinking that in fact the Chief Minister has no indication one way or the other? Has he got anything else to suggest to him that the amount payable in corporation tax will start declining after next year?

HON CHIEF MINISTER:

Well, of course I do not have a crystal ball but if the pleas for assistance being put to the Government by almost every sector of business in Gibraltar, except those engaged in retailing tobacco and petrol, is an indication, then the Government expect that there will be a dip in economic activity as reflected amongst other things by the level of tax that the Government will collect. Regrettably, and this is why the Government are willing to wait to see if it happens, another indicator of a downturn in economic trading activity, will be increased unemployment, increased redundancies in the private sector and that is why the Government wish to deal with the problem before it has actually been proved to be the case because by the time people lose their jobs it will be too late, certainly for them.

HON J J BOSSANO:

Are the Government not aware that in fact the previous peak in collection of company taxation was £15 million and that in fact that was a reflection of catching up of arrears and that consequently the figure of £12 million is seen as the level at which it has stabilised?

HON CHIEF MINISTER:

Well, it remains to be seen whether that is the case. The hon Member may be right. Of course, there is always new activity coming on stream to compensate for old activity but the people who lose their jobs when established activity fails or teeters on the brink of failure do not necessarily get jobs in the new activities which create new sources of income tax for the Government. For example, the hon Member knows that there are one or two large taxpayers arising from a particular operation that have been set up in Gibraltar, especially in the gaming sector, during the last two or three years. That does not provide employment for people who might lose their jobs in shops or in wholesale trade or in the hotel trade and therefore the level of Government revenue through taxation is not, as far as this Government are concerned, the most relevant indicator of whether the economy is buoyant or not. We are much more interested in looking at employment trends and the difficulty that people have given the skills that they possess in finding jobs in the market place. It is really of little consolation to say to people who have not been able to find a job in three years, "..... but do not worry guys, because the Government are still collecting £12 million a year in corporation tax and therefore everything is fine", That is not the real economy that people out there in the street measure the health of the economy.

HON J J BOSSANO:

Would the Chief Minister not agree that there is a fundamental difference between people losing their jobs because businesses go bust in which case they would not be paying company tax and people losing their jobs either because the business is changing its utilisation of labour or even because the jobs of the locals are being taken by people from across the border? It is not an indication necessarily that the business is doing less well because if it was doing less well it would be paying less tax.

HON CHIEF MINISTER:

No, the remarks that the hon Member is making may well be true in respect of some sectors of the economy but there are many sectors of the economy that are barely keeping their heads above water and they employ large numbers of people. Therefore the concern of the Government's policy is to deploy what resources the Government can at those sectors which are likely either to preserve employment for Gibraltarians or to create employment for Gibraltarians. I do not think it would be appreciated by the many people who are unemployed and indeed the many people whose unemployment is really being disguised by the fact that the Government keep them in subsidised employment, these people, of whom there are many, many, many hundreds will not understand the suggestion that the economy of Gibraltar is buoyant nor will the businessmen that come to the Government saying that unless rates and rents are fine-tuned downwards they are going to close down their businesses. Either everybody in Gibraltar is queuing up to tell lies to the Government in the hope of conning us out of money, in other words, either the whole of Gibraltar has gone dishonest or there must be a strain of truth in what they are saying to us.

MR SPEAKER:

One more question on this.

HON J J BOSSANO:

I am not going to go into the honesty of anybody. Would the Government not agree that in fact if there are specific areas facing problems then the Government are able to do something to keep people in Government-financed activity such as community projects or to give assistance precisely because the profits of the private sector today and the level of tax on company profits today is still six times what it was in 1987/88, is that not a fact?

HON CHIEF MINISTER:

The Government's level of revenue today is what facilitates the keeping of people in subsidised employment, absolutely. The question that remains to be answered is whether the level of Government revenue will be sustained during the next two or three years at the level at which it can continue to provide subsidised employment, can continue to provide an adequate social security safety net for people who lose their jobs in the MOD rundown and in other sectors and certainly it has been possible to do so up to now which does not mean that it will continue to be possible.

NO. 189 OF 1996THE HON J J BOSSANO

INCOME TAX - PAYE RETURNS

Can Government state how many employers had not yet made the 1995/96 PAYE return by the end of October and the estimated number of employees affected?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, 267 employers, under which approximately a total of 1,800 taxpayers are registered, had not returned the 1995/96 Employer's Declaration and Certificate as at 31 October 1996.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1996

HON J J BOSSANO:

Have the Government put on notice such employers that they have got a legal obligation to do this and that they can be prosecuted for failing to make such a return?

HON CHIEF MINISTER:

The Government have not done so specifically during recent months but, of course, the hon Member knows that the Income Tax Office, as a matter of course, sends out such notices to employers but the hon Member also, I think, knows that this Government have resolved and are resolved to dedicate much more resources than the Opposition Members used to do to the investigation and arrears-chasing side of this aspect of public revenue and indeed others and that the Government have every intention, once we have restructured the arrears-chasing function of the Government, to employ substantial resources in ensuring that employers do not regard PAYE as some sort of voluntary tax and that the Government have every intention of being strict and indeed draconian in the collection of PAYE which is, after all, tax that has been withheld by employers from the employees' pay packet and not forwarded to the employees' tax authority and that is the analysis of PAYE and the attitude of the Government to those who do not do so will take into account that analysis of PAYE, that this is not even a tax of the employer that the employer is not paying, this is money deducted from the employees' pay packet and not forwarded by the employer.

NO. 190 OF 1996THE HON J J BOSSANO

INCOME TAX - PAYE RETURNS

Can Government state how many employers had made PAYE returns for 1995/96 by the end of October and in respect of how many employees?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, 1,491 employers, reporting on approximately a total of 15,200 taxpayers, had at the close of business on the 31 October, lodged their 1995/96 Employer's Declaration and Certificate.

SUPPLEMENTARY TO QUESTION NO. 190 OF 1996

HON J J BOSSANO:

Can the Chief Minister say whether in fact this figure is better or about the same as the position at the equivalent period in respect of the preceding year's PAYE returns?

HON CHIEF MINISTER:

I cannot answer the question by specific reference to the position this time last year but I certainly can acknowledge that the current figures represent a substantial improvement over historical performances, certainly.

HON J J BOSSANO:

Am I right in thinking that in fact not all the PAYE returns are necessarily accompanied by the actual paying-in of the amount due?

HON CHIEF MINISTER:

I cannot answer that question with certainty from the knowledge that I have at my disposal at the moment but I suspect that the practice that the hon Member describes must be occurring but of course it should not be occurring because the rules do not provide for that to happen. If it is happening it should not be happening and it is one of the enforcement measures that the Government will certainly look at when we take a much stricter view of this aspect of public revenue collection.

NO. 191 OF 1996THE HON J J BOSSANO**INCOME TAX - SPANISH FRONTIER WORKERS**

Can Government state how many Spanish frontier workers paid PAYE in the month of June based on the 1995/96 PAYE returns made to date by employers?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, 595 Spanish frontier workers are included in the returns received as at 31 October 1996.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1996

HON J J BOSSANO:

Does the Chief Minister still believe, as he told the interviewer on Spanish television recently, that there are 2,500 Spaniards working in Gibraltar at any one time?

HON CHIEF MINISTER:

I thought I had said about 1,500. But certainly the point is that it is not with the regime that presently exists in relation to the monitoring and supervision and counteracting of illegal labour, especially illegal labour from Spain, meaning unregistered labour, with the existing system it is simply not possible to even hazard an intelligent guess at how many unregistered Spanish workers may actually be working in one form or another in Gibraltar. So certainly I do not pretend that any figure that I may from time to time quote in some interview or other, I do not for a moment pretend that it is scientific or capable of being defended in any strict sense but certainly it would not surprise me if this figure which is nearly 600 was certainly less than half of the real figure. If the hon Member is simply holding me to the figure that I might have quoted at any given time, I cannot defend it because by the nature of this problem we only know the ones that are registered but we do not know the ones that are not and certainly our suspicion is that there are many, many more than this.

HON J J BOSSANO:

Does the Chief Minister not agree that in fact the figure that he has given for June 1995 is not very different from the figure that appears regularly in the Employment Survey based on an analysis of those employed as at April and October every year?

HON CHIEF MINISTER:

Yes, I do but it follows that people whose employment is not registered are not going to feature in the Biannual Employment Surveys either. I do not think we can get any assistance by comparison to that because they will not feature in either this figure or in the Employment Survey. The question that the Government are determined to get to the bottom of is how many people cross that frontier every day to work in Gibraltar in one form or another, even as self-employed wholesalers as there appears to be a lot of. How many people cross this frontier every day to work in Gibraltar? We are determined to establish a mechanism at various levels which will enable us to put a figure on that but I can see that at the moment that information is not available to us in a way that I can defend in answer to questions from the hon Member.