

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

25TH NOVEMBER, 1996

NO. 123 TO NO. 191

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QUESTIONS & ANSWERS

25th November 1996

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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 Gibraltar 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 1996

THE 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?

ANSWER

THE 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 1996

THE HON J J BOSSANO

MOD - REDUNDANCIES

Can Government now state how many Gibraltarians will be made redundant by MOD in 1997/98?

ANSWER

THE 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 1996THE 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?

ANSWERTHE 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.