

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

**4TH SEPTEMBER, 1996**

**NO. 77 TO NO. 122**



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**QUESTIONS & ANSWERS**

**4<sup>th</sup> September 1996**

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ORAL

NO. 77 OF 1996

THE HON MISS M I MONTEGRIFFO

**LEWIS STAGNETTO WARD**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

SUPPLEMENTARY TO QUESTION NO. 77 OF 1996

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

Yes, pending refurbishment works.

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON J L BALDACHINO:

Am I right, in the answer that the Minister has given and when he said that the previous administration had considered that Lewis Stagnetto Ward should remain in the Private Corridor, is he saying that those suggestions have been coming from the hospital management seeing that the previous administration, which was us, already had given consideration to that possibility?

HON K AZOPARDI:

The hon Member misunderstood me. My understanding, and I can say it is my understanding because I have to rely on the advice that I receive, is that it was the previous administration's intention to complete the refurbishment works and move Lewis Stagnetto Ward back. I have said that I am willing to consider it. I will discuss the matter with management and if a better use of space can be made it will be made but that is the current plan.

NO. 78 OF 1996

THE HON MISS M I MONTEGRIFFO

RELOCATION OF THE HEALTH CENTRE

Can the Government confirm whether there are now any proposals for the reallocation of the Health Centre from its present location?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

As indicated in Question No. 34 of 1996, Government are considering the relocation of the Health Centre but no firm proposals exist as yet. If a firm decision is taken Government will make a statement accordingly.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1996

HON MISS M I MONTEGRIFFO:

Will the Minister confirm that he will give a statement publicly when that happens?

HON K AZOPARDI:

Yes.

NO. 79 OF 1996

THE HON MISS M I MONTEGRIFFO

ST BERNARD'S HOSPITAL

Do the Government propose to proceed with the plans to provide St Bernard's Hospital with a second theatre?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

As far as Government are aware the previous administration had no plans, that were implemented, to provide a permanent second daily fully functioning operating theatre. Nevertheless, this administration are currently reviewing surgical requirements to evaluate the need for a second operating theatre, functioning as the main theatre is at present.

Such a review is also tied in with the conclusions that the Review Team reach on waiting lists. These are awaited and therefore no decision can as yet be announced.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1996

HON MISS M I MONTEGRIFFO:

Just to clarify one point, we did have plans and in fact the plans were drawn by a private company and we did receive them and we were considering them, so that the Minister is aware.

HON K AZOPARDI:

On that point, just a few months ago in answer to a question put by this side of the House which was then the Opposition, to the hon Member who was then the Minister, in answer to the question, "Do Government intend to establish another operating theatre at St Bernard's Hospital?" she answered, "No". That is Question No. 90 of 1995, that is what I go on.

HON MISS M I MONTEGRIFFO:

But I can confirm to the House that since then we did have proposals and we were considering them otherwise I would have not told the Minister.

HON K AZOPARDI:

That is a remarkable .....

HON MISS M I MONTEGRIFFO:

We worked pretty fast when we were in office.

NO. 80 OF 1996

THE HON J C PEREZ

**VARYL BEGG ESTATE**

Can Government state why the car park at Varyl Begg Estate has not yet been completed?

ANSWER

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

The reasons why Government have not yet completed the car park at Varyl Begg Estate are that Government are considering certain aspects of policy including:

- (1) The need to continue or change the previous Government's policy to execute such transactions through Gibraltar Land Holdings Ltd or do the exchange directly with the Treasury Department,
- (2) The parking capacity available throughout the Estate.

Once Government have undertaken a process of consultation with the Estate Tenants Association and residents, a decision will be taken whether or not to proceed with Phase II.

SUPPLEMENTARY TO QUESTION NO. 80 OF 1996

HON J C PEREZ:

Is the Minister saying that they might not proceed in finishing the car park as envisaged and does that mean that there will be half the car park complete and the other half will remain in the rubble state that it is at the moment?

HON J J NETTO:

I think the Opposition Member needs to clarify whether we are talking about the garages or whether we are talking about the car park which needs tarmacking.

HON J C PEREZ:

The question is quite clear, we are talking about the car park and not about the garages. The car park is the one that faces Europort Avenue which commenced works in April last year and is still incomplete and half the car park is still in a state of rubble and the cars continue to park on top of it because the works that were started by the support services section in April when I was in office are not yet complete.

HON J J NETTO:

I thought the Opposition Member was talking about the garages and obviously in relation to that I was given an answer. Therefore what he means is that in terms of the car park which he is referring now, what I can say is that in the normal programme of works of the road section it will have to be considered.

HON J C PEREZ:

One might be able to consider new things in a road programme of works. I am talking about works which commenced in April and I am sorry if the Minister has confused himself but the question clearly talks about the car park at Varyl Begg and not garages. What I am talking about is works that were already scheduled, that commenced and that had not been completed. It is not something that needs to be reviewed again.

HON J J NETTO:

Therefore if the works were scheduled I should imagine that the work will be done.

HON J C PEREZ:

Since they started in April and we are now in September can someone in the Government tell me when they intend to complete the works?

HON J J NETTO:

I will get the answer once I have it available from the relevant department.

NO. 81 OF 1996

THE HON J L BALDACHINO

**UNEMPLOYED GIBRALTARIANS**

Can the Government state how many Gibraltarians were registered unemployed at the ETB at the end of June 1996, broken down in female and male categories and in the age groups of over 25 and under 25?

ANSWER

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

The figures are as follows:

	June 1996			July 1996		
	Under 25	Over 25	Total	Under 25	Over 25	Total
Males	55	117	172	68	119	187
Females	83	105	188	93	106	199
Total	138	222	360	161	225	386

SUPPLEMENTARY TO QUESTION NO. 81 OF 1996

HON J L BALDACHINO:

Can the Minister confirm, in the first answer that he gave when he said that there were, under males over 25, 112?

HON J J NETTO:

If he is referring to males over 25, it is 117.

HON J L BALDACHINO:

In the total.

HON J J NETTO:

The total is 172.

ORAL

NO. 82 OF 1996

THE HON J L BALDACHINO

**VACANCIES AT THE ETB**

Can Government state how many vacancies were opened at the ETB in the month of June, with a breakdown by trade and how many vacancies were filled showing the trade and nationality of the persons employed?

ANSWER

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

Answered together with Question Nos. 83 and 84 of 1996.

ORAL

NO. 83 OF 1996

THE HON J L BALDACHINO

**VACANCIES AT THE ETB**

Can Government state how many vacancies were opened at the ETB in the month of July, with a breakdown by trade and how many vacancies were filled showing the trade and nationality of the persons employed?

ANSWER

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

Answered together with Question Nos. 82 and 84 of 1996.

NO. 84 OF 1996THE HON J L BALDACHINO**VACANCIES AT THE ETB**

Can Government state how many vacancies were opened at the ETB in the month of August, with a breakdown by trade and how many vacancies were filled showing the trade and nationality of the persons employed?

ANSWER

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

Vacancies opened at the ETB were: June 331; July 337 and August up to the 29th were 198.

	June	July	August
Legislators, Senior Officials and Managers	- 15	13	9
Professionals	- 21	13	13
Technicians & Associate Professionals	- 32	48	31
Clerks	- 53	60	34
Service Workers & Shop & Market Sales Workers	- 90	65	35
Skilled Agricultural & Fishery Workers	- 6	3	1
Craft & Related Trades Workers	- 27	40	29
Plant & Machine Operators & Assemblers	- 10	7	5
Elementary Occupations	- 77	88	41

Vacancies filled by nationality were;

**JUNE**

Legislators, Senior Officials and Manager	- 4 Gibraltarians, 4 British, 3 Spaniards, 1 non-EU Total - 12
Professionals	- 1 Gibraltarian, 1 British, 3 Spaniards, 2 non-EU, Total - 7, Vacancies cancelled - 2
Technicians & Associate Professional	- 22 Gibraltarians, 1 British, 1 non-EU Total - 24
Clerks	- 35 Gibraltarians, 1 British, 1 Portuguese, 1 Moroccan Total - 38, Cancelled - 2

Service Workers & Ship & Market Sales Workers	- 33 Gibraltarians, 13 British, 7 Spaniards, 1 other EU, 1 non-EU Total - 55
Skilled Agricultural & Fishery Workers	- 1 Gibraltarian, 3 Spaniards Total - 4
Craft & Related Trades Workers	- 4 Gibraltarians, 3 British, 9 Spaniards, 2 other EU Total - 18, Cancelled 1
Plant & Machine Operators & Assemblers	- 7 Gibraltarians, 1 Spaniard Total - 8
Elementary Occupations	- 40 Gibraltarians, 8 British, 3 Spaniards, 3 other EU Total - 54, Cancelled 2

#### JULY

Legislators, Senior Officials and Managers	- 4 Gibraltarians, 2 British, 1 Spaniard, 1 other non-EU Total - 8
Professionals	- 2 Gibraltarians, 2 British, 1 Moroccan, 2 non-EU Total - 7
Technicians & Associate Professionals	- 27 Gibraltarians, 3 British, 1 Spaniard Total - 31
Clerks	- 36 Gibraltarians, 6 British, 1 Spaniard Total - 43
Service Workers & Shop & Market Sales Workers	- 31 Gibraltarians, 9 British, 5 Spaniards Total - 45, Cancelled 2
Skilled Agricultural & Fishery Workers, non filled Craft & Related Trades Workers	- 11 Gibraltarians, 1 British, 4 Spaniards, 3 other EU, 1 Moroccan Total - 20, Cancelled 3
Plant & Machine Operators & Assemblers	- 4 Gibraltarians, 1 British Total - 5, Cancelled 1
Elementary Occupations	- 54 Gibraltarians, 8 British, 4 Spaniards Total - 66, Cancelled 5

#### AUGUST

Legislators, Senior Officials and Managers	- 1 Gibraltarian, 3 British Total - 4
Professionals	- 2 Gibraltarians, 3 British, 2 Spaniards, 1 non-EU Total - 8
Technicians & Associate Professionals	- 11 Gibraltarians, 5 British Total - 16, Cancelled 3
Clerks	- 20 Gibraltarians, 2 British Total - 22, Cancelled 1
Service Workers & Shop & Market Sales Workers	- 10 Gibraltarians, 2 British, 2 Spaniards, 1 non-EU Total - 15, Cancelled 1
Skilled Agricultural & Fishery Workers Craft & Related Trades Workers	- None filled - 6 Gibraltarians, 5 British, 4 Spaniards, 1 other EU Total - 16, Cancelled 1
Plant & Machine Operators & Assemblers	- 2 Gibraltarians, 1 British Total - 3
Elementary Occupations	- 14 Gibraltarians, 2 British, 1 Spaniard, 1 other EU, 1 Moroccan Total - 19, Cancelled 4

SUPPLEMENTARY TO QUESTION NOS. 82, 83 AND 84 OF 1996

HON J L BALDACHINO:

Can the Minister then clarify that in the figures that he has given none of the vacancies that he has given, for example, in August were a carry-over from July, is that correct? He has only limited himself to giving me the figures as per my question, is that correct?

HON J J NETTO:

The truth of the matter is that the actual question is very deficient because as the Opposition Member knows from the system that he introduced in the ETB, vacancies filled does not necessarily mean filled from the very same month, a vacancy can be filled from the previous month. So the actual question itself is not a true reflection of the movement in vacancies filled in that particular month.

HON J L BALDACHINO:

The Minister must be aware that in the system that the GSLP Government introduced, he gets a daily report and from the daily report he can give me the answer. My question is very simple, I have asked and it is clear that I have asked by month are the vacancies that have been filled in that month from that month. Is he telling me that from the figure that he has given me some of them are the vacancies that have been carried over from other months, is that correct or not?

HON J J NETTO:

Yes, of course it is correct.

HON J L BALDACHINO:

Therefore, my question is, how many vacancies in total have in each month been cancelled, can he tell me that?

HON J J NETTO:

If the hon Member wants further details, by all means he can write to me or next time in a future question in the House I shall bring the full printout which I will have to lay on the whole table of the Government and spend six hours of the House of Assembly's time for which most people both in the Chamber and in the public gallery will fall asleep. So if he wants particular questions to particular things by all means he can write. We are not paranoid in Government as they were in hiding information, we are willing and able to give information freely available.

HON J L BALDACHINO:

We were not hiding information, the only thing is that the Opposition at the time did not know what questions to ask. If they had known the questions to ask they would have got the same answer he is trying to give me now. Seeing that the Minister is so

generous will he then provide me with the figures without asking him on a monthly basis? Will he then pass on the figures that I am asking in this House so that I do not have to ask him the question and so that people will not have to be bored in the gallery, will he do that?

HON J J NETTO:

I will go even beyond that, not only am I prepared to give him the figures, I am prepared to allow him to go to the ETB where my staff can actually give him a course on how the figures are arrived at as well.

HON J L BALDACHINO:

The hon Member does not need a course on how the figures are arrived at, the Minister does. He does not understand them. The question is I know how the figures are.....

MR SPEAKER:

Order. That is not a question.

HON J L BALDACHINO:

I am responding to the answer that the Minister has given me.

MR SPEAKER:

A supplementary must be.....

HON J L BALDACHINO:

I am grateful to the Minister for inviting me to the ETB, I will take it up. I have another supplementary on the answer that he has given, non-EECs, does that mean that those persons have been given a work permit?

HON J J NETTO:

Of course, if they are non-EEC they need a work permit, he ought to know that.

HON J L BALDACHINO:

I accept that. Will he then be prepared to give me the nationalities of the persons because he has given me non-EEC, I would like to know the nationality which is more than my question asks?

HON J J NETTO:

Yes, there is no problem, all he has got to do is write to me and I will give him the information.

HON J L BALDACHINO:

No, why should I write to him when I am asking a question in this House. Will he be prepared to pass on to me the nationalities of the persons who have been employed who are non-EEC which he has given me in his answer but he has not given the nationalities, will he be prepared to pass it over to me without writing?

HON J J NETTO:

Of course, but in the first instance he has got to tell me in the question that he wants specifically the breakdown of nationalities. I have got no problem in giving him that information.

HON J L BALDACHINO:

The question actually says that, "showing the trade and nationality of the persons employed".

HON J J NETTO:

But I am actually giving the hon Member the total. If in future he wants a breakdown of the total I shall give it to him as well.

HON J L BALDACHINO:

I accept that, but my question absolutely asks for the nationality.

NO. 85 OF 1996

THE HON A ISOLA

**PROMOTING GIBRALTAR IN SPAIN**

Can Government state whether the 17 advertising signs promoting Gibraltar in Spain are in addition to the ones placed last year, and are they located at the same sites as they were in 1995?

ANSWER

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

Government confirm that the 17 advertising signs promoting Gibraltar in Spain during August and September 1996 is a new contract entered into in July 1996 and does not form part of the campaign undertaken last year by the previous administration.

There are six sites under the current contract which are the same as those used during 1995. The rest are new sites.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1996

HON A ISOLA:

Will the Minister indicate whether the intention of the Government is to pursue on a more long-term basis rather than the initial two months? I assume the two months at the moment is a trial period.

HON J J HOLLIDAY:

When we took office there was not a contract in place to promote Gibraltar in Spain and it was agreed that it was a feasible thing to do, so we took a short term period and contracted 17 sites for a period of two months. Obviously when we look at it from a long-term perspective we feel that it may be sort of a longer term and a far more aggressive campaign in Spain may be a possibility so this will be considered at the time.

HON A ISOLA:

May I ask the Minister if he has any indications as to whether he is satisfied with the success now that the two months are over?

HON J J HOLLIDAY:

It is still early days for us to conclude on this but I can assure the hon Member that the feedback that we have had is positive.

ORAL

NO. 86 OF 1996

THE HON A ISOLA

**TOURIST INDUSTRY**

Can Government state how many persons are estimated to be currently employed directly in the tourist industry?

ANSWER

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

The number of persons estimated to be currently employed in tourism and related industries is approximately 900.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1996

HON A ISOLA:

Although it is not in the question, could the Minister state, he has just told me directly and indirectly, what trades are included in that computation, is that possible?

HON J J HOLLIDAY:

Yes, the total figure that has been arrived at will include hotels, restaurants, coach operators, casino, travel agents, tourist sites and other facilities.

HON A ISOLA:

Could the Minister give the figures by breakdown by letter, obviously he may not have the information available now, if he does and he can give it now, well then fine?

HON J J HOLLIDAY:

Yes, I undertake to do so.

NO. 87 OF 1996

THE HON J L BALDACHINO

**ALLOCATION OF HOUSING**

Can Government state how many housing units have been allocated in the months of June, July and August?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government have allocated, during the months of June, July and August, a total of 20 flats.

This can be broken down by months as follows:

June - 8; July - 6; August - 6.

SUPPLEMENTARY TO QUESTION NO. 87 OF 1996

HON J L BALDACHINO:

Has the Minister got available with him if they are all post-war or part post-war and part pre-war?

HON H CORBY:

I can tell the Opposition Member that I have got the list here with me which says how the allocations have been done. There are three allocations on a social (a) category; medical (a) there are two; decanting there are nine allocations; approved exchanges are four; 3RKB list is one; and a 4RKB list is one.

HON J L BALDACHINO:

On the exchange basis, I suppose they would not be classified as an allocation unless it is from a pre-war to a post-war flat, is that correct?

HON H CORBY:

That is correct.

HON J L BALDACHINO:

So therefore am I to understand that allocations on the exchanges have been from a pre-war to a post-war?

HON H CORBY:

I have not got that information with me but I can certainly have it for the hon Member if he wants it. I can tell him that this Government is following the same procedure as the previous administration and allocations are done by the Housing Allocation Committee as laid down in the Housing laws.

HON J L BALDACHINO:

Am I to understand from that last remark that the allocation of these flats in June, July and August were on the recommendation of the previous Housing Allocation Committee?

HON H CORBY:

Most of them, yes.

HON J L BALDACHINO:

Who recommended the others?

HON H CORBY:

The Housing Allocation Committee did the allocation. As the hon Member knows there is a private organisation, Residential Services, who are the people who deal with the allocation and there are committees that deal with the allocation of housing. My role as such, which I inherited from the previous administration, is that I see that the thing is above board, that nobody is given a flat, let us say, if there is somebody in the housing waiting list who is first and a person who is given the flat is fourth, then I ask why. If there is a social case and we have to decant somebody because the roof has fallen down, then I have a report and I act on that.

HON J L BALDACHINO:

That was not my question. My question was, under whose recommendation were the houses allocated for June, July and August? The answer I got from the Minister was that most have been recommended by the previous Housing Allocation Committee. If he says most, then it is not all and what I am asking is the remaining ones, who recommended that they should be allocated to those persons who they have been allocated to?

HON H CORBY:

I have already said to the Opposition Member that it is the Housing Allocation Committee. The new ones have been allocated by the Housing Allocation Committee.

HON J L BALDACHINO:

So therefore there is a new Housing Allocation Committee and if there is a new Housing Allocation Committee, can the Minister tell me in what Gazette was it gazetted that those persons were appointed as the new Housing Allocation Committee?

HON H CORBY:

The houses were allocated by the Housing Allocation Committee, whether it is the new one or the old one is immaterial.

HON J L BALDACHINO:

It is not immaterial because if it is a new one and it has not been gazetted then the allocations and the recommendations and the establishment of that committee is illegal under the Special Powers Ordinance. To give the Minister more information, under the Housing (Special Powers) Ordinance, I think it is Section 1.

HON CHIEF MINISTER:

It follows, I think, that the hon Member is saying, if there is not a new Housing Allocation Committee then the new Housing Allocation Committee cannot allow vacated houses and therefore if houses have only been allocated by the Housing Allocation Committee and there is not a new one, they must all have been allocated by the old one. One thing is for sure, the Minister for Housing is not personally allocating houses if that is what the hon Member is driving at.

HON J L BALDACHINO:

No, I am not implying that at all. I am only reacting to the answer that the Minister gave me, he said most, if he had said all, then I would have accepted that. Let me then bring it to the attention of the Minister that a Housing Allocation Committee must be gazetted and must be appointed and if that has not happened then that is what should have happened otherwise everything is illegal.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In one of my other capacities, I think I can confirm that the Committee was appointed. What I am not too sure about is whether it has actually been gazetted, that might be a matter of timing in the printers and so on. But I can tell the hon Member that the Committee was, in fact, appointed.

HON J L BALDACHINO:

I accept then that the new Housing Allocation Committee has been appointed and therefore we will see it reflected in the Gazette in the near future, is that correct?

HON J J BOSSANO:

Can I just say that the questions that we are asking are as the Standing Orders provide, to obtain information not to cast aspersions on anybody and therefore is it the case or is it not the case that all the allocations have been on recommendations by the Housing Allocation Committee and therefore what may have happened is that because the Minister said most of the allocations, he gave us to understand that some had not been done on recommendation. Can I have confirmation of that?

HON H CORBY:

Yes.

ORAL

NO. 88 OF 1996

THE HON J L BALDACHINO

**ALLOCATION OF EDINBURGH HOUSE AND CHILTON COURT**

Can Government state if they have estimated when they would be in a position to allocate Edinburgh House and Chilton Court?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Government are at present in negotiations with the MOD for the transfer of Edinburgh House and Chilton Court to the Government. It is not possible to estimate when allocation of the flats will commence. The estates are currently being surveyed.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1996

HON J L BALDACHINO:

I accept what the Minister has said that they are still under negotiation with the MOD. Will the Minister then clarify that once the negotiations have finished they will not need to carry out a survey of the buildings, that they will ask the MOD for a survey to be passed over to the Gibraltar Government?

HON CHIEF MINISTER:

The survey is being done now. The answer states that the survey is being done now before any question of hand-over takes place.

HON J L BALDACHINO:

And based on that survey, once they get it, the Government will then consider the allocation of the flats, is that correct?

HON H CORBY:

That is correct.

NO. 89 OF 1996

THE HON J L BALDACHINO

**HOMELESS PERSONS**

Can Government state how many persons are categorised as homeless and, if any, what are their housing needs in room requirements?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are 11 persons who are classified as homeless. Of these, 10 require a 1RKB flat and 1 requires a 3RKB flat.

SUPPLEMENTARY TO QUESTION NO. 89 OF 1996

HON J L BALDACHINO:

Of these 10 does this include people who are living in the hostels?

HON H CORBY:

No, those are not people living in the hostel.

HON J L BALDACHINO:

Can the Minister clarify that in some cases where people are classified as homeless and they are single persons and male, they are alternatively allocated a room in the hostel even though they do not lose their status as homeless? Can the Minister confirm then that of the 10 that he has said that they are in need of a 1RKB if there are some in the hostel that fall under the category of homeless?

HON H CORBY:

From what I have from my department the people who I have mentioned have been offered accommodation at the hostel, they are living with other relatives and friends and they have refused to go into the hostel.

HON J L BALDACHINO:

I am referring to the workers' hostel. I know at least two persons who are actually in the hostel who are considered to be social cases and they have been categorised as homeless and they are living in the hostel. Will the Minister, seeing that he might not have the information with him, look at what I am asking and pass me the information at a later date to see how many there are actually living in the hostel?

HON H CORBY:

I have given him a figure but I will certainly pass on the information.

HON J L BALDACHINO:

Is it then the intention, and I am referring to the 10 who require a 1RKB, seeing that the housing list for 1RKB is a short list and seeing that if they are homeless and they are classified as social cases, some of them might be in the post-war list. Would it not be better then, rather than to go to the new Housing Allocation Committee and seeing the position that the persons are in, in the post-war list, allocate a post-war rather than go from a social and then into a post-war?

HON H CORBY:

Let me say that we are doing everything that we can to house these people. Let me say to the Opposition Member that these people have been homeless since 1994 when they were in Government and it is now a year and five months after that, but we are certainly looking into the matter and wanting to provide either both priority on the list.

HON J L BALDACHINO:

I accept that some of them have been there a long time but not all of them because I know three at least that have been there since 1995 or recently in 1996.

NO. 90 OF 1996

THE HON R MOR

**SOCIAL INSURANCE FUND**

Can Government state whether the court case challenging the dissolution of the Social Insurance Fund, financed by the Junta de Andalucia in the name of a Spanish pensioner, is still being pursued?

ANSWER

THE HON THE MINISTER FOR SOCIAL SERVICES

Yes, Sir. The position remains as it was on the 16th May 1996, which, as Opposition Members will recall from when they were in Government, includes a challenge to Community Care.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1996

HON J J BOSSANO:

Given, in fact, that there is an amended agenda bringing in a Bill to provide for the closed fund which restores the rights that disappeared with the dissolution of the Social Insurance Fund, and that in fact today we have had a copy of that Bill circulated, can the Minister say whether the continuation of the case is related to the fact that that step has not yet been taken?

HON CHIEF MINISTER:

No, as the Opposition Member knows, the case involves a challenge to the dissolution of the fund which is now being repaired, so to speak, by the publication of that Bill and it also contains a challenge which has not yet been formulated before the court papers but which exists in exchange of correspondence to the validity of Community Care. When the hon Member was in the seat, that I now occupy, he was aware that indications were then being given of the broadening of the case beyond the question of the dissolution of the Social Insurance Fund to the question of whether Spanish beneficiaries under that fund were being unfairly discriminated against because they were not receiving Community Care. It will no doubt please the hon Member to know that the Government intend to continue to defend that case on the same basis as has been previously envisaged.

HON J J BOSSANO:

It does please me that the Government are going to continue to defend the case and I welcome the fact that that is going to happen, but is it not the case, and that is the only knowledge that I have, that when the correspondence to which the Chief Minister has referred questioned the possible discrimination between Spanish and Gibraltarian beneficiaries, it was on the incorrect premise that the Gibraltarian

beneficiaries of the dissolved fund were getting substitute pensions. Is that not the case, that that is all that there was in correspondence up to the 16th May and that if there is anything new it is post the 16th May and is certainly not, in my knowledge or in the knowledge of the public?

HON CHIEF MINISTER:

The Opposition Member knows that it is not the intention of this Government to rehearse the litigation through the medium of Government press releases. The fact remains that whereas that is the assertion that has been made, and what has happened is that what was only at the stage of correspondence on the 16th May when the hon Member ceased to be Chief Minister, has now naturally, with the passage of time, developed into statements made in affidavits and things of that kind. The fact remains that whereas the Government maintain the view that Community Care does not amount to objectionable discrimination against Spanish pensioners, as to whether that is a false or correct premise, is a matter for a court of law to decide and not for the Government unilaterally. The Government have their view which we will defend with all the legal resources that we can hire but at the end of the day the Government of Gibraltar are not able to prevent people from arguing things in court and, indeed, are certainly not in a position to direct courts of law in Gibraltar as to what they should find in their judgements. So the position is that the case has been widened, we expect it to develop in the way that I have indicated, the Government will vehemently defend those propositions, which we agree with the Opposition Member are based on a false premise in our opinion, but ultimately that would be the very issue for a court of law to adjudicate on.

HON J J BOSSANO:

While I cannot stop the Chief Minister making a long speech whenever I ask a question, the question is intended to obtain information and the information that I am seeking is whether there has been a new development post the 16th May or not, because up to the 16th May the exchange of correspondence with the party that was pursuing the case on behalf of Spanish pensioners, was based on the incorrect view that Community Care was making substitute pension payments. Since it is now manifest that even if that had been the correct view, it is an irrelevant issue because the pension payments are to be restored retrospectively, is it that there is now a new argument in relation to Community Care which has materialised in exchange of correspondence since the 16th May of which we have no information in the Opposition or, indeed, neither have the general public outside?

HON CHIEF MINISTER:

The answer is that, regrettably, and arising from the irresponsible reference by the Opposition Member in his speech at the Opening of this House to sums of money which he had accumulated in Community Care Ltd, as a direct result of that irresponsible reference which we, in Opposition, had for years avoided dealing with across the floor of the House, an affidavit has now been sworn making direct reference to the statements made by the then Chief Minister of Gibraltar and therefore attributing authenticity to it, and that has resulted in the case being widened to include a challenge to Community Care. I told the hon Member at the time that I thought that his reference to Community Care in his speech at the Opening of this House was an act of gross irresponsibility and I repeat that now. As to formal developments in the court case, a date has now been fixed for the hearing

of the appeal on the question of whether the Spanish pensioner has to pay security for costs or not. In connection with that application on appeal, on the question of security for costs, an affidavit has been sworn by the solicitors representing the applicants and it is in that affidavit that statements are made in relation to Community Care relying on the statements put in the public domain by the Leader of the Opposition in his opening address at the Opening of the House recently.

HON J J BOSSANO:

Is it not a fact, since the Chief Minister clearly is more interested in conducting the business of the House by innuendoes and aspersions than by providing information which is what Question Time is about, as the Standing Orders provide, that the amount of reserves in Community Care is in public documents which are tabled in this House and which the Chief Minister will, at some stage, presumably table because it is a contribution from the Social Assistance Fund to Community Care Trust, which is reflected in the audited accounts and which, presumably, the firm of Triay and Triay is capable of reading without any help from me? Is that not a fact?

HON CHIEF MINISTER:

The Opposition Member must know, surely his memory cannot be as short as three months, that the company in which he put the monies has no obligation to report to this House.

HON J J BOSSANO:

No, I am afraid that the Chief Minister is wrong. The company in which the Government of Gibraltar put the money, is a registered charity which is called Community Care Trust which is the recipient of the money from the Social Assistance Fund. If he takes the trouble to read the audited accounts that have been tabled earlier today by the Financial and Development Secretary, he will find that I am right and he is wrong. Will he, since I have to put a question, take the trouble so to do?

HON CHIEF MINISTER:

I have taken the trouble so to do. Indeed, little has occupied more of my time since I was elected on the 16th May than shoring up the defences in respect of Community Care that the hon Member left in a pretty weak condition.

HON J J BOSSANO:

No, that is not the question that I have asked the Chief Minister. The question that I have asked him is, will he take the trouble, so that he can correct the incorrect answer that he has given in this answer, to find out that in fact the money that is provided by the Social Assistance Fund goes to Community Care Trust and precisely because it is provided by the Social Assistance Fund, it has to be tabled in this House because that is a requirement under the Public Finance (Control and Audit) Ordinance? Therefore, the previous answer that he gave to my question which was that the company into which he claimed I had put the money did not have to report to the House is, in fact, incorrect. If he does not yet know whether it is incorrect, will he take the trouble to find out so that, for the sake of the record, it can be recorded that the answer that he gave me is wrong?

HON CHIEF MINISTER:

No, I do not need to take any further trouble and I do not accept that the answer that I have given to this House is incorrect.

MR SPEAKER:

That is the end. I have been allowing more supplementaries.....

HON J J BOSSANO:

Can I ask then....

MR SPEAKER:

If it is related to your original question, nothing more.

HON J J BOSSANO:

It is related to the answer that I have just been given.

MR SPEAKER:

No, I cannot allow it.

HON J J BOSSANO:

Well, you do not know what I am going to ask, Mr Speaker. I want to ask you something.

MR SPEAKER:

You will not get an answer.

HON J J BOSSANO:

Mr Speaker, but how can you say that I will not get an answer until I have asked you? You do not know what it is I am going to ask you.

MR SPEAKER:

I know in advance.

HON J J BOSSANO:

I wish to congratulate your sixth sense, perhaps the next time the Minister for Tourism wishes to bring a clairvoyant he will not need to go to Andalucia for one, he can use your services.

MR SPEAKER:

Do not compare me to Rappel, compare me to someone else.

HON J J BOSSANO:

On a point of order. Since Members of this House are required to make themselves responsible for the truth and the accuracy of the answers they give, am I permitted to write to you demonstrating that the answer that I have been given is false?

MR SPEAKER:

That is a different matter, yes.

HON J J BOSSANO:

That is the question I wanted to ask.

MR SPEAKER:

The answer is yes.

HON J J BOSSANO:

Yours powers of clairvoyance are failing, Mr Speaker.

MR SPEAKER:

No, your question is different now to what it originally was. Next question.

NO. 91 OF 1996

THE HON R MOR

### ILLEGAL IMMIGRANTS

What is the position as regards the five Russian and other North African illegal immigrants who were imprisoned on the instructions of the Governor?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Before I answer the question, this question was drafted well before events took over the Russian side of it. So I can read the answer as it was and formulate it as the hon Member did on that occasion and will then tell him what the parts of it that are not relevant anymore.

There are currently three Russians detained in custody awaiting deportation on the basis of detention orders signed by the Governor, pursuant to Section 59(1) of the Immigration Control Ordinance. Another four Russians who were previously held in prison on a similar basis, were released from custody on the 15th August 1996, following an order from the Supreme Court. All other North African illegal immigrants who were recently imprisoned have already been successfully deported. The detention of illegal immigrants pending a full and proper consideration of each case conforms fully to the policy of the Government.

Let me say that currently the three Russians who were detained have also been released and they have been given permits on a temporary basis until they appear in court.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1996

HON R MOR:

I remember that when the issue first arose, I think it was last November, the concern of His Excellency the Governor was to immediately take this drastic measure of sending illegal immigrants up to prison because otherwise it would make it very easy for illegal immigrants to come here and then we would be landed with the problem. As we all know, it is a non-defined domestic matter, it is exclusively a matter for Her Majesty's Government, and therefore, is the current situation not leading to a tremendous problem which the Minister will remember from the conference is also a matter which arises in other small territories as well? Are the Government going to impress upon Her Majesty's Government that she needs to take very strong measures on this issue?

HON CHIEF MINISTER:

From the outset of our arrival in office on the 16th May, the Government have impressed on Her Majesty's Government the need to expeditiously entertain either these men's applications for asylum or otherwise to make arrangements for their return to whence they came. Let me say that Gibraltar simply cannot afford a regime

whereby anyone can arrive here illegally and stay for as long as Her Majesty's Government decide it takes them to review the application and make a decision to deport them. For that reason the Government of Gibraltar intend, as soon as possible, to bring to this House legislation to amend the Immigration Control Ordinance to close the loopholes which, subject to appeal, have at first instance been identified by the acting Chief Justice.

HON J J BOSSANO:

This question of the temporary permits that they have been given, does that not in effect legitimise their presence in Gibraltar?

HON CHIEF MINISTER:

It legitimises their presence for the duration of the permit which is one month. It is the view of the Government that it brings the law into disrepute to have a person in Gibraltar supposedly illegally and the authorities being unable or unwilling to do anything about it. Therefore a temporary permit of one month's duration has been extended and the amending legislation that will be introduced will be adequate to revise their case once that one month's permit has expired.

HON J J BOSSANO:

Is the Chief Minister indicating, in fact, that the legislation will come before the expiry of the temporary permit of one month or is it that they are going to be renewable on a monthly basis?

HON CHIEF MINISTER:

Well, one or the other, but I cannot say when the legislation will be ready. It would be my hope, subject to the drafting technicalities being finished in time, to bring it to this House during this meeting.

HON J J BOSSANO:

Is it not something that the Government can deal with through supplementary regulations, do they have to bring primary legislation to deal with this?

HON CHIEF MINISTER:

Yes, I believe that given the comments that have been made by the acting Chief Justice in delivering his ruling and given the importance of the subject matter and given also this Government's policy of, where possible, bringing important legislation onto the statute book after debate in this House through primary legislation rather than regulations, it is the Government's intention to deal with it by primary legislation. As to whether technically it could be done by subsidiary legislation, I am not in a position to give the hon Member a technically correct answer to that, it may well be possible.

HON J J BOSSANO:

Would the Government not agree that if it is, on investigation, technically possible, it is better to act to protect it and then, if necessary, as is happening with the other Bill that we have got on the Order Paper, the matter can be subsequently transposed into primary legislation?

HON CHIEF MINISTER:

The problem that the powers that the acting Chief Justice has found to be inadequate for the purpose to which they have been put, are powers contained in the Ordinance itself and not in the regulations made thereunder. The Government believe it is bad legislative practice to amend provisions in primary legislation through subsidiary legislation.

NO. 92 OF 1996

THE HON R MOR

**INMATES IN PRISON**

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

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Again we have the same problem with this question so we will have to deduct the three Russians in custody from the figures I am going to give now.

The current number of inmates in custody by nationalities is as follows:

Gibraltarian	5
British (UK)	4
Spanish	7 (including 1 female)
Moroccan	5
French	3
Russian	3

NO. 93 OF 1996

THE HON R MOR

**SOCIAL INSURANCE FUND**

Can Government state who is drafting the Regulations for the closed insurance scheme that is to pay benefits arising from the Social Insurance Fund and when do Government expect these Regulations to be published?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

In keeping with the Government's policy of introducing, where possible, important legislation through this House, the new closed pension scheme will be introduced by primary legislation and not by Regulations as the previous Government had intended and the question therefore assumes. The Government hope to introduce the Bill in the House during this meeting. There will, of course, also be regulations to be made under such new legislation to deal with the working details of the scheme, equivalent to the regulations that existed under the 1955 Ordinance, which is the Social Security (Insurance) Ordinance.

The new Ordinance has been drafted on behalf of the Government by a specialist draftsman loaned to the Government by the ODA. When Opposition Members receive the draft Bill they will see that it is substantially a re-enactment of the 1955 Ordinance and repeats the rights to benefit and terms and conditions of that Ordinance.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1996

HON J J BOSSANO:

Is it not indeed the case that in answer to Question No. 52 of 1996 the Minister, for the sake of accuracy and the record, said that it was intended to introduce the necessary regulations shortly and therefore the question assumed we were getting regulations because it was based on his answer to Question No. 52 of 1996 and not because there were regulations already in preparation because, is it not the case that none have in fact been drafted previously?

HON CHIEF MINISTER:

No, there are several false premise to that question. The first is that our assumption that Opposition Members intended, had they won the election, to do it by regulation is reflected in exchange of correspondence and indeed working papers on the files that would have been the path or the course in respect of the Opposition Members. It may well be that we would have done it through regulations because our policy is not that we will always do things through regulations but if the matter is important enough and it is possible we would do it by primary legislation otherwise we would

do it by subsidiary legislation. When the question to which the hon Member relates was answered, we thought that we were under a tighter time pressure to bring this legislation into place but as we found that we had more time available to us we were able to go down our preferred route which was, and still is, through primary legislation. That is the explanation as to why there was a reference to regulations in the previous question and it is now being done by primary legislation.

HON J J BOSSANO:

Can I then ask, if the Bill that has been circulated will need to have regulations made under it for the scheme to come into effect or not?

HON CHIEF MINISTER:

As the answer given by the Minister for Social Affairs says, "There will of course also be regulations to be made under such new legislation to deal with the working detail of the scheme equivalent to the regulations that existed under the 1955 Ordinance". In other words, the structure of the scheme, the rights to benefit and the things that used to be in the 1955 Ordinance will be in a new Ordinance and the things that used to be in regulations under the 1955 Ordinance which, as the Opposition Member knows deals with the nitty gritty of the working of the scheme, will be done by regulations which are currently being drafted. And yes, the hon Member is correct, before the scheme can be actually implemented in terms of handling the first cheque out through the payments cashiers window, it will be necessary to have the regulations in place.

HON J J BOSSANO:

Can we deduce from the answer that the type of regulations that are likely to emerge can be more or less predicted from the regulations that existed before as a guidance in anticipation of what to expect?

HON CHIEF MINISTER:

Indeed and without wishing to pre-empt the debate on the Bill, the only real difference is that because this is a closed scheme with no contributors, there is nobody contributing anymore to the old scheme given that the old scheme is closed as at the 31st December, the only difference between the new Ordinance and its subsidiary legislation is that it excludes all provisions from the old law that related to the obligation to make contributions to it because it is a closed scheme and there are no contributors to it.

NO. 94 OF 1996

THE HON J GABAY

**PRIVATE NURSERIES**

Are the Government planning any new regulations in respect of private nurseries?

ANSWER

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

The Government, through the Department of Education, are planning to introduce new regulations for private nurseries to ensure that these fulfil certain requirements in respect especially of educational standards and also safety and environmental aspects of their premises.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1996

HON J GABAY:

Is the Minister in a position therefore at least to generalise on the matter, perhaps to pronounce on the question of qualifications, methodology and perhaps even pedagogic philosophy and will he be concerned actually in setting standards to be pursued in nurseries so that nursery education does not simply become a matter of child minding, important as that is of course to mothers who work out of the home?

HON DR B A LINARES:

The answer is, of course.

HON J GABAY:

I look forward with great interest to see what will be forthcoming on the generalisations that I have made on the subject.

NO. 95 OF 1996

THE HON J GABAY

**BISHOP FITZGERALD SCHOOL**

Is the Minister for Education in a position, at this late stage, to assure the House that all problems relating to the move of Bishop Fitzgerald's School have been satisfactorily resolved?

ANSWER

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

I am happy to assure the House that all classrooms in Bishop Fitzgerald's School and Governor's Meadow reception classes at their new premises in New Camp have been made ready to accommodate the children more than adequately at the beginning of this school term. All lecture rooms in the College of Further Education are similarly ready for the students due to start term on the 11th September. It is likely that the machine rooms and technology areas there requiring the installation of technical equipment will also be in place by the 11th September but at the latest, I assure the House, they will be ready for use a week after that.

May I take this opportunity of stating to the House that the need for these school moves was pressed upon us when this Government came into office after the general election in May and that it has been possible in such a short period of time, over the summer months, to carry out the logistical arrangements and physical refurbishment required by these moves is the result, which I wish to acknowledge here, of generous and dedicated efforts by many people, the technical, administrative and professional officers in the department; the Principal and lecturers of the College of Further Education; the Headteachers and teachers of the schools involved and the caretakers and cleaners involved and very particularly I wish to stress the management and staff of Joinery Building Services who have worked long hours during these summer months conscious that they were labouring for the good of our children.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1996

HON CHIEF MINISTER:

On a point of order, before Opposition Members ask supplementaries, can I just place on Hansard that there are discrepancies between the text of the question that the hon Members will receive when they eventually get the written answers and the answer that my hon Colleague has just read out and we will provide amended text. In other words, because this does not feature in Hansard, this gets delivered to hon Members in the form that the Minister has just read it. He has read it with amendments which will obviously not feature in the copies that will be handed to Opposition Members and we will correct that as soon as logistically possible tomorrow.

HON J GABAY:

Apart from the commendable explosion of gratitude that we have been subjected to, is the Minister aware that three classes are likely to exceed in the fourth year the accepted number of 25 pupils?

HON DR B A LINARES:

This is not the case. Precisely only today the Director of Education is discussing the matter with the management of the school and with the Teachers' Association and assures me that this, he is certain, will not be the case throughout the coming term.

HON J GABAY:

Therefore I can assume that my information is correct and that tomorrow the fourth year will not have classes of 28. Further to the main question, can the Minister assure us that all standard safety measures against the incidence of fire have been taken and have been approved by the Fire Brigade at this stage?

HON DR B A LINARES:

The City Fire Brigade have inspected the premises and have assured us that they are perfectly safe for use, they have positively added details or improvements which are currently being immediately implemented but globally and generally they are quite satisfied that the schools can be used as from now in perfect safety.

HON J GABAY:

Although I accept the Minister's confirmation that the Fire Brigade is satisfied, I would draw his attention to the fact that there is a fire escape in Block G that appears to be dangerous and that the railings are particularly low and hazardous. Is he aware of this?

HON DR B A LINARES:

I am entirely aware, I have a complete and detailed report from the City Fire Brigade and, as I say, all the details pointed out there are receiving immediate attention. I am grateful to the Opposition Member for his concern in this matter.

HON J GABAY:

It has also come to my notice that the toilet facilities in Block G are non-existent so would the Minister comment on that? It would appear to pose particular problems because the younger pupils in Block G would have to go to the other block where the older pupils have their classes and this may well be a disruptive excuse for many children as I am sure the Minister is well aware.

HON DR B A LINARES:

That is not my information. That is entirely new to me, I will look into it of course but may I take this opportunity in general terms for the satisfaction of this House and parents and of Opposition Members to say that the schools at New Camp have been inspected throughout the works programme and just before the beginning of

this term, these past few days, by myself certainly but more to the point, by persons with a more expert eye in such matters such as the Director of Education, the Headteachers, the Teachers' Association, the Government Structural Engineers, the Government Technicians in the Electricity Department, the Government's Technical Officer, the City Fire Brigade as I mentioned a moment ago, the Occupational Therapist, the Parents' Association and lately the parents themselves of the children who have been having parents' evenings there over the past few days. The general consensus is that the schools are perfectly safe and sound and indeed the parents last night acclaimed it as very attractive and accommodating for the teachers and the children, and I say so in all sincerity positively because it is important to assuage any anxiety in the minds of parents whose children, one of them may I point out perhaps is relevant is myself, my daughter is entering reception class in Governor's Meadow at New Camp and I am perfectly at ease about it.

HON J GABAY:

I am delighted to hear this last piece of news since I believe that the law states that a teacher should take as much care over the generality of children as a caring parent might do at home. This is why, given my past experience and talking to somebody of similar experience, there is great concern over safety and what may appear small detail to the less informed. Finally, again, relevant to this question, I pointed out during the last session that there was somewhat concern expressed with regard to the traffic arrangements. Given the large number of pupils concentrated in that particular area, is it not the case that the lay-by which is to be constructed there to make matters easier, has not yet been completed?

HON DR B A LINARES:

Yes, indeed, it is not complete today. It will be within a matter of a few days, that I am assured.

HON J C PEREZ:

Can the Minister state whether the works of the lay-by went out to public tender or whether they were awarded direct?

HON DR B A LINARES:

There was a pressing need for immediate and quick action on this, precisely to meet the concern expressed by the Opposition Member, and the Director of Education quickly scouted around at possible firms that would be able to do the job in good time and eventually came to a conclusion that JBS, who was involved and engaged in all the other works, would logistically because they had all the plant and workers there, would finish the job in good time as indeed is going to happen.

HON J C PEREZ:

Is the Minister aware that JBS has never done works of this nature and that they subsequently subcontracted the work out to Amey?

HON DR B A LINARES:

I am indeed aware and I do not have many scruples about that.

HON J C PEREZ:

Fine, but the Minister has just said that the reason why it did not go out to public tendering is because they thought JBS could do it and what happened is that they gave it to JBS and then subsequently it went out to subcontracting.

HON DR B A LINARES:

It is not fair to put it that way. JBS did a great deal of infrastructural work, provided the lay-by, it was one aspect, finally tarmacking at the end I believe that needed to be subcontracted and that was a matter of detail. I do not think we should quibble about that because the pressing point was, the urgency of the matter that this should be completed as soon as possible. Even as it is they have fallen slightly behind time through no fault of anybody but infrastructural problems with the sewage and so forth that needed attention. But there has been a great deal of good faith throughout having that objective primarily in mind.

HON J L BALDACHINO:

Is the Minister then saying that the best possible solution and the quickest method was to give it to JBS and that JBS did most of the groundwork and therefore did a good job on that part and therefore the part that they could not do was the one that they subcontracted to Amey?

HON DR B A LINARES:

Yes, indeed, the Opposition Member has crystallised exactly what I, in a longwinded way, expressed.

HON J L BALDACHINO:

So it was actually on the merits of the urgency to get the safety part to the school, is that correct?

HON DR B A LINARES:

Yes, I also forgot to say that actually the quote and the price given by JBS was much cheaper than that originally quoted to the Highways and Sewers Department.

HON LT-COL E M BRITTO:

For the sake of further clarity I would like to add that as will become clearer from an answer to a question later on on the Order Paper, that the Highways Department of the Government are also involved in the final resurfacing.

HON J GABAY:

To come back to the original question of safety and the pupils, given the fact that the lay-by is not completed, can the Minister assure us that there will be special police supervision particularly the first few days of the term?

HON DR B A LINARES:

Yes, indeed, we have been in contact with the police in this respect and they have assured us of co-operation in that matter.

NO. 96 OF 1996

THE HON J GABAY

**ASSISTANT IN THE FRENCH LANGUAGE**

Will the Government consider contracting the services of an assistant in the French language as is the standard practice in most UK Secondary Schools?

ANSWER

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

The Government have no intention of contracting the services of an assistant in the French language in our schools. Whatever may be the case in UK schools, the need for this has never been identified locally as a priority by the Department's advisers, by the teachers themselves or by the Teachers' Association. We have in the past welcomed and would still welcome voluntary assistance from French academics who can share in our curriculum at secondary level and often in return benefit themselves from improving their English.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1996

HON J GABAY:

With a degree of immodesty I think I can speak with some authority on the subject. The academic work of the subject is one thing, the reason why an assistant is usually employed is so that the pupils have the opportunity of having direct contact with a native speaker usually a young person who can understand the needs and feelings that preoccupy youngsters. If the need has not been brought to his attention I do so myself as a matter of importance particularly given the fact that the GCSE exams and 'A' levels have become predominantly colloquial. This in no way undermines or underestimates the excellent work done by teachers of the French language locally but if consulted, I feel quite confident that they would feel that their work would be suitably complimented by the creation of that post which, in any case, is not an expensive thing and is usually done by someone filling in a gap here on an exchange basis. So perhaps the Minister might be willing kindly to consider the suggestion made.

HON DR B A LINARES:

I did explain before that on a voluntary assistance basis part exchange this would be entirely acceptable, but I must insist, that however desirable that form of luxury is, taxpayers' expenditure on this type of thing cannot in any way be identified as a priority given in the context of all the other needs within the education agenda. I would stress that one with evidence by saying, that given our magnificent pass rate, I accept the colloquial aspect of the practice in the fluency of the French language but nevertheless at the end of the day, in establishing needs we have to go on academic results. Given the extremely magnificent pass rate in French for GCSE and 'A' level, in no way can we consider this as a priority in our agenda.

HON J GABAY:

That the Minister for Education should describe the post of an assistant as a luxury really is a reflection of his ignorance on the subject. Secondly, of course we are all proud of the results that we obtain but by constantly repeating them there is a danger of becoming complacent because there is a very important on-going debate with regard to standards, we do not need the Minister for Education to remind us every time of the results, not only are we aware of them, we contribute to them.

ORAL

NO. 97 OF 1996

THE HON J GABAY

**COOPERS AND LYBRAND REPORT ON SHEFFIELD UNIVERSITY PROJECT**

Are the Government still expecting to receive the results of the Coopers and Lybrand Report on the Sheffield University project in this month of September, as stated by the Minister during the last meeting of the House?

ANSWER

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

I understand from University college of Gibraltar Ltd who contracted Coopers and Lybrand to carry out a feasibility study and report on the Sheffield University project that the scope of their survey has now been widened and that consequently the final report may not be ready as initially expected by the end of September. I understand that Coopers and Lybrand are now looking at other models beyond the Sheffield concept which they believe may be more marketable in the context of a University establishment for Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1996

HON J GABAY:

I am grateful for the answer. Might I ask the Minister to keep us informed of any developments, that would be quite useful at our end?

HON DR B A LINARES:

Yes, there have been developments, obviously, this is an ongoing fluid situation. Sheffield University feel that their university model recommended by Coopers and Lybrand in their interim report is not compatible with the requirements of their own corporate plans and mission objectives. As such they could not participate directly in pursuing such a model but the Government, in close liaison with the University of Gibraltar Ltd, are in contact with the vice-chancellor of Sheffield University, Professor Gareth Roberts, who in an indirect manner is prepared to support the University project extending its links with other universities in the UK and very particularly with Sheffield Hallam whose academic activities are complimentary to those of Sheffield University.

HON J GABAY:

Does not the Minister realise that moving in the direction of Hallam is, in fact, a way of demeaning the standard expected of a university and what is the reason really to moving in the direction of an institution that has a much lower reputation academically?

HON CHIEF MINISTER:

The Government are not moving in any direction. This is a project by a private company to bring to us their ideas and when they bring to us their ideas we express a view on them. If there is a private organisation that wishes to discuss with Sheffield Hallam or any other academic institution the possibility of establishing a project in Gibraltar they are free to do so. The Government will then express our view if Government are required to contribute to that project valuable resources.

HON J GABAY:

I am grateful for the point made by the Chief Minister and perhaps the statement that I made may be taken into account if there is a Government commitment or if their advice is sought as the project develops.

HON J J BOSSANO:

Did not the Minister say at the last meeting of the House that in fact the option on their project would expire in September and in fact it now seems to have expired since the nature of the project appears to have changed direction, and did he not say that if it was not concluded by September the possibility of the College of Further Education being given the opportunity of moving to those premises would be reconsidered?

HON CHIEF MINISTER:

Yes, the Leader of the Opposition is quite right. The option, if that is the right word, certainly had expired in September. The Government are now reconsidering all options for the use of Lathbury Barracks including alternative private sector projects which have nothing to do with the field of academia and therefore as far as the University of Gibraltar Ltd is concerned, they had no further first refusal over the site and it is now a site available for the Government to consider for general economic exploitation.

ORAL

NO. 98 OF 1996

THE HON J GABAY

**SCHOLARSHIP HOLDERS**

Will the Hon Minister for Education inform the House as to how many scholarship holders have graduated this year and how many of these graduates are expected to return to Gibraltar?

ANSWER

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

Eighty-one scholarship holders have completed their studies in UK this year. Ten of these have been employed by the Government as qualified teachers. The rest have been released from their contractual obligation to return to Gibraltar for a specified period of time, which is a traditional and formal condition of their scholarship grants. But I am not able to state how many of these will physically return to Gibraltar to seek employment in the private sector and how many will try their luck in wider job markets elsewhere.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1996

HON J GABAY:

Might it not be a sensible idea to record on an annual basis the direction taken by Gibraltar graduates and issue an annual report? Might not such a report be a useful guideline both to graduates and also it could provide a valuable statistic on the retention or export of Gibraltarian talent?

HON DR B A LINARES:

That is a very good idea and, in fact, I have already given instructions to the Department of Education to issue this type of global reports about movements, etc in the field of education, a practice which was normally, may I say, eight years ago, but which was stopped during the previous administration.

NO. 99 OF 1996

THE HON J GABAY

**NON-MANDATORY SCHOLARSHIPS**

Will the Hon Minister for Education inform the House as to how many applications for non-mandatory scholarships have been received and how many have been awarded?

ANSWER

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

Sixty-nine applications were received by the Scholarship Awards Committee this year for non-mandatory scholarships and 52 of these were recommended by the Committee for non-mandatory awards. This compares very favourably with the 16 non-mandatory awards granted last year.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1996

HON J GABAY:

Further to the main question, could the Minister comment on the process of selection and the criteria applied and to what extent the Minister has discretionary powers?

HON DR B A LINARES:

The Scholarship Awards Committee is an advisory committee to the Minister but as a matter of policy on my part I will only overrule the decisions of the committee, one way or the other, in the unlikely event of procedural impropriety on their part. The committee is made up of top and experienced professionals in the field. As regards the criteria, there are of course statutory requirements in the Education Ordinance concerning entitlement of applicants but apart from that, at Ministerial level, the criteria given to the Awards Committee may be summed up as follows: The relevance of the course to the needs of the community, for example, in the finance sector, tourism, etc; track record of the students in their first degree, for example, at least a good 2-1 grade; non-degree courses which are not available locally; and of course, an interview with the applicant to gauge the seriousness in motivation and the suitability of the individual to the desired course. It is a broad area of criteria within which these professionals exercise their discretion and advise me accordingly.

NO. 100 OF 1996

THE HON J GABAY

**MANDATORY SCHOLARSHIPS**

Will the Hon the Minister for Education inform the House how many mandatory scholarships were awarded by Government last year and how that figure relates to the latest awards?

ANSWER

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

Mandatory scholarships are not awarded, as I am sure Members of the House appreciate, by Government on a discretionary basis. The number of scholarships is determined exclusively by how many of our students are successful in obtaining university places. All such students obtain a scholarship. Answering the question more specifically and directly, the figure this year was 155 and the figure last year was 184.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1996

HON J GABAY:

Is the Minister in a position to comment on the decrease, or rather he said, if I have got it correctly, that this year we have had 155 and last year 184, could he comment really on the decrease of scholarships awarded depending on places obtained?

HON DR B A LINARES:

There are a number of comments that I could make. I can repeat, and I think it is worth repeating, that mandatory awards are not discretionary, they are governed by the Department of Education's Awards Regulations 1990 which establishes, using more legal jargon, that an entitled student who is accepted by an educational establishment in a designated course automatically qualifies for a scholarship award. In other words, why the number of awards was lower this year is not because the GSD Government are less generous than the GSLP Government but simply because the universities perhaps have been less generous in accepting our students than last year. Another comment that I can make is that this drop in standards, if it can be interpreted that way, is really what could be called in computer jargon a sort of glitch, a sort of break in a very definite pattern and trend which has been over recent years a definite pattern of success, but the laws of statistics often work this way. On the other hand, the record high results that we have obtained this year at GCSE level would prompt me actually to wager that we are in for a bumper year at A-level in two years time and an expensive one, I suppose, for Government.

HON J GABAY:

Obviously one is happy to take pride in the performance of our pupils but it is all this talk about bumper years that is actually worrying educationists in England because of the lowering of standards. Be that as it may, of course we want our pupils to have good results, we should also be equally concerned in the standards that we are achieving and the ongoing debate on the subject. Since of course there is concern about the standards of the A-levels and about the standards of some of the weaker polytechnics that have been called universities, I feel that perhaps might it not be a good idea for the Minister and his department to shed some light on the proportion of our students going to the better universities and those going to universities where some of these polytechnics are imploring people to come in with an 'E' in one A-level subject? I think we need to be concerned about our own standards and where it is that they are going. What is developing in the UK is something, in my opinion, similar to the Ivy League in America. I do not want to make a long speech over it, I am terribly sorry if I extend myself, the question is, might it not be worthwhile to produce some information or some documentation on the institutions that our pupils are going to?

HON DR B A LINARES:

There are interesting points raised by the Opposition Member on this one that may indeed merit further analysis but I do not wish to indulge also in a debate at this time.

HON J J BOSSANO:

Can the Minister confirm, in fact, therefore that the media report that his department was bracing itself to cope with a massive level of applications for places in the United Kingdom universities as a result of this year's likely numbers was in fact an exaggeration and that the department is not having difficulty in coping given the figures that he has given?

HON DR B A LINARES:

No, the Director of Education actually gave a guesstimate, he quoted a figure of 200 and we have pretty well hit that target. If one puts together the 52 non-mandatory awards given on a non-mandatory basis and the 155 mandatory awards, it actually makes 207 so really very close to the figure that the Director of Education was bracing himself to face in terms of expenditure.

HON J J BOSSANO:

Would the Minister not agree that linguistically if one talks about bracing oneself to cope with 200 it gives an impression that this is something that puts the department under a strain and this is not the case.

HON DR B A LINARES:

I am not sure whether the term "bracing himself" was actually emanating from the Director himself who is a technical and would not use this sort of emotive language or just really media type of language, I am not sure of that but I agree that perhaps we should avoid this type of journalism.

HON J J BOSSANO:

But, in fact, being able to service that number of scholarships is something that the department is equipped to handle, am I correct?

HON DR B A LINARES:

Entirely correct.

NO. 101 OF 1996

THE HON MISS M I MONTEGRIFFO

**FLOODLIGHTING AT THE VICTORIA STADIUM**

Have the Government now taken a decision on whether to proceed with the floodlighting of the main pitch and the second pitch at the Victoria Stadium?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are considering improving the Victoria Stadium main pitch floodlighting system by replacing the existing floodlights with an up-to-date more efficient system which would provide improved illumination at a lower running cost. A final decision has not yet been taken.

As regards No. 2 pitch at the Stadium, a full floodlighting system cannot be installed due to its proximity to the airfield. Nevertheless, clearance has been obtained to install a lighting system which would be suitable for training sessions. A survey has been carried out and the cost implications are being considered, but the policy decision has been made to go ahead.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1996

HON MISS M I MONTEGRIFFO:

I am pleased to hear the second part of the answer to my question because that is a policy decision we had taken when we were in office to proceed with the second pitch. We had already been given clearance for the type of lighting that the Minister has mentioned. But in a question that I put to the Minister in the last session of the House he did say that the Government were considering the floodlighting of the main pitch. Can he be more specific now, is it that the Government are more inclined to accept that it needs to be replaced?

HON LT-COL E M BRITTO:

No, the position is exactly the same. Government are still considering it and have not made a decision. It will probably come up for review at the time of the estimates for next year and together with other departments, the Sports Ministry will be making a bid for expenditure and then the Government, as a whole, will decide on priorities for that expenditure and at that stage a decision will be taken.

HON MISS M I MONTEGRIFFO:

So really what the Minister is saying is that in this financial year the floodlighting will not be replaced?

HON LT-COL E M BRITTO:

That is correct.

NO. 102 OF 1996

THE HON MISS M I MONTEGRIFFO

**FINANCIAL ASSISTANCE TO GIBRALTAR RIFLE ASSOCIATION**

Have the Government now taken a policy decision as to whether they intend to provide financial assistance to the Gibraltar Rifle Association for the construction of an indoor rifle range?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The position remains as outlined in my answer to Question No. 66 of 1996.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1996

HON MISS M I MONTEGRIFFO:

So really can I not get the Minister to give a firm commitment to the House that they will honour the commitment that we gave to the Rifle Association when we were in office?

HON LT-COL E M BRITTO:

The Government in May 1996 inherited something like 76 applications from sporting associations. There is a committee under my chairmanship which is considering these applications, they have been put into priorities and they are being processed. As I said in my answer to Question No. 66, a number have had finalised arrangements and others are awaiting policy decisions for structural works to the areas offered. The Gibraltar Rifle Association case is amongst those awaiting a policy decision. Once that policy decision is made then we will proceed but at the moment the committee is dealing with those applications which are considered to be of a higher priority.

HON MISS M I MONTEGRIFFO:

I understand what he has said, Mr Speaker, but I do not think he has answered my question. My question is, given that when we were in Government we gave that commitment, will he honour the commitment that we gave them?

HON LT-COL E M BRITTO:

Let me remind the Opposition Member that she is no longer in Government, this Government are considering the situation and will commit ourselves as and when we decide that we are ready to do so.

NO. 103 OF 1996

THE HON MISS M I MONTEGRIFFO

**GASA**

Can Government confirm whether they have received any representations from the Gibraltar Amateur Swimming Association for the allocation of an additional area of land next to their existing swimming pool for the construction of their premises?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Gibraltar Amateur Swimming Association have not made any official representations to Government for the allocation of an additional area for the building of their premises.

ORAL

NO. 104 OF 1996

THE HON J C PEREZ

**MOT TEST CENTRE**

Will Government confirm that they have received proposals from the employees of the MOT Test Centre for the privatisation of the facility?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are aware that outline proposals for the privatisation of the Motor Vehicle Test Centre were made by staff to the previous administration in February 1995.

Government have asked the staff to update and resubmit their proposals and these will be given due consideration when received.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1996

HON J C PEREZ:

The position then at the moment is that Government are waiting for the staff to make updated proposals to the Minister direct? Is that the position?

HON LT-COL E M BRITTO:

That is correct. To resubmit their proposals in an updated form.

HON J C PEREZ:

But there is no, in principal, objection to privatisation per se on behalf of the Minister?

HON LT-COL E M BRITTO:

The situation at the moment is that the Government are awaiting these proposals and when these proposals are received we will make a policy decision one way or the other.

ORAL

NO. 105 OF 1996

THE HON J C PEREZ

**STUDY INTO TRAFFIC CIRCULATION**

Have Government already commissioned an in-depth study into traffic circulation, and if so, to whom?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 109 of 1996

NO. 106 OF 1996

THE HON J C PEREZ

**SECOND TV CHANNEL FOR GBC**

Do Government support the introduction of a second TV channel by GBC?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

GBC has not made any formal proposals to the Government for the introduction of a second TV channel. However, the Government would consider favourably any cost effective proposals which would improve the television service.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1996

HON J C PEREZ:

By cost effective does the Minister mean keeping within the £1 million of allocation that has been the normal thing for the last three years in the estimates?

HON LT-COL E M BRITTO:

This is not something that the Government have given consideration to and it is to a certain extent a hypothetical question, so it is not one I can answer at this stage.

HON J C PEREZ:

So basically the Minister is saying that if it does not cost too much and depending what is going to be on offer in the second channel for the money being asked for, Government will then be able to take due consideration on it?

HON LT-COL E M BRITTO:

That is right. As the Opposition Member no doubt knows, GBC have in fact been carrying out test transmissions during the course of the current year and have not yet come to the end of those tests. We all know that they are considering the possibility of having two different networks transmitting but until such time as formal proposals are made in the light of those test transmissions, no consideration can be made.

HON J C PEREZ:

So the position is that notwithstanding the public utterances of the Chairman of the Board of GBC the corporation cannot proceed with the second channel unless proposals are made to the Government first, is that the position?

HON LT-COL E M BRITTO:

Not necessarily. GBC, as the Opposition Member knows, works independently of the Government and if GBC were to produce proposals for a second channel that does not mean any extra funding for the Government, then Government would not stand in its way. If, however, the proposals meant extra funding then Government would have to weigh up the proposals.

HON J C PEREZ:

So the only way that proposals will get to the Government is if there is a need for extra funding over the £1 million that is at present allocated to GBC?

HON LT-COL E M BRITTO:

No, I think we are making too heavy weather of what is something relatively simple. GBC have been carrying out test transmissions and at a given moment in time they will decide whether they want to expand their transmissions or not expand them. There has been no approach to Government and therefore at this moment in time I am not in a position to give anything more definite until those proposals are made.

HON J C PEREZ:

But what I am trying to clarify from the Minister is, as he has just said, that if there is no need for extra funds, then the corporation can proceed with a second channel without reference to the Government. If the Government will only be receiving a proposal from the Board if there is a need for extra funds, extra funds meaning more money than what is allocated to GBC every year which is £1 million that I have been mentioning. If the Minister thinks that extra funds is something else can he explain what it is because that is what I understand to be extra funds?

HON LT-COL E M BRITTO:

The situation is, and I will repeat it again, that until such time as GBC make proposals the Government cannot make policy decisions.

HON J C PEREZ:

Yes, I understand that. What I am trying to get the Minister to say is that he has already told me that if the corporation is able to have a second channel without the need for extra funds then the proposals might not get to the Government and the Government might not be able to direct the corporation in any way at all over the matter. That is what the Minister has said. What I am saying is that if what the Minister means by extra funds is more money than what has been allocated over the last two years to the corporation in the estimates which is in the region of £1 million?

HON LT-COL E M BRITTO:

The hon Member persists in hinging the question on the extra funding and I said at the very beginning not necessarily because until such time as proposals are made, as the cost implications are studied, the Government cannot make decisions based

on hypothesis and one of the rules of this House, I may remind the Opposition Member, is that hypothetical questions are not allowed. When proposals are made the Government will make decisions.

HON A ISOLA:

If I can just try and clarify to what I understand the question is aimed at. If a second channel does not mean any expenditure over £1 million is there a need for Government to be approached?

HON LT-COL E M BRITTO:

GBC is an independent entity. It is subject to certain influences from the Government as it has always been, but it is fully capable of arranging its own programmes and deciding what it puts out as long as it comes within certain rules and regulations. If within its existing budget and within its existing restrictions it is able to produce a second channel or increase its hours of transmission or do any other changes, then it has the full powers to do so.

HON J C PEREZ:

Now that we have got the Minister to say that, within its existing resources the corporation can do things without reference to the Government, he said in a previous supplementary that he might only receive a proposal if GBC come up and say, "This is going to cost more money and we need extra funds", that is what the Minister said previously.

HON LT-COL E M BRITTO:

No, what I have said is that no formal proposals have been made and that the Government would consider favourably any cost effective proposals which would improve the television service.

HON J C PEREZ:

But the Minister said and has repeated that the corporation might proceed with a second channel and might not have to come to the Government because it is not in need of extra funds to introduce the second channel. My question to that is, what does the Minister mean by extra funds? That is not a hypothetical situation. I am saying, what does the Minister mean by extra funds, does he mean that the corporation would need more than the £1 million allocated to it over the last two years to be able to proceed with the extra channel, is that what the Minister means by extra funds?

HON LT-COL E M BRITTO:

I would have thought that the answer to that is obviously yes. [HON J C PEREZ : *Thank you.*] Extra funds is extra funds, "extra" means more than they had before.

ORAL

NO. 107 OF 1996

THE HON J C PEREZ

**ACCESS FOR WHEELCHAIRS**

Will Government consider providing proper access for wheelchairs at the General Post Office now that the refurbishment of that area of Main Street is to take place?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

As part of the beautification of Main Street, plans already exist to construct a ramp at the entrance to the General Post Office to provide easier access for wheelchairs and prams.

ORAL

NO. 108 OF 1996

THE HON J C PEREZ

Question withdrawn.

NO. 109 OF 1996

THE HON J C PEREZ

TRAFFIC

Can Government state whether traffic will be permitted through Main Street every evening and all day on Sundays, once the refurbishment is complete?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government expect shortly to be in a position to commission a full-scale study of all aspects of traffic circulation and parking management in Gibraltar. The policy decision whether and, if so, at what times to permit traffic to use Main Street will be made when Government have considered the results of the in-depth study to be carried out in the light of unavoidable traffic circulation needs. However, the policy of the Government is to eliminate vehicular traffic from Main Street to the greatest possible extent and as soon as possible. Avoidable traffic through Main Street is very unlikely to be allowed simply because it is evening time or Sunday.

SUPPLEMENTARY TO QUESTION NOS. 105 AND 109 OF 1996

HON J C PEREZ:

Is the Minister aware that members of the police in the Traffic Commission and indeed the majority of the Traffic Commission have indicated when the beautification works were put to them that it was of great necessity that the end part of Main Street from Engineer Lane to the ICC building be kept functional at all times?

HON LT-COL E M BRITTO:

Will the Opposition Member clarify what he means by functional?

HON J C PEREZ:

That cars can drive through it.

HON CHIEF MINISTER:

That depends on other wider traffic circulation policy decisions that Government have to take following new studies. Certainly on the basis of the present traffic flows down from the Upper Town, it is difficult to see how the northern end of Main Street can be pedestrianised. But if alternative arrangements were made in other areas from which traffic flows to that part of Main Street, it may well be possible to pedestrianise that part of Main Street which, indeed, would be the Government's preference.

HON J C PEREZ:

I can see that the Chief Minister is being convinced by the Tunnel project more every day that passes. Can the Chief Minister state whether the report that is to be commissioned is to go to public tendering or whether they have sought quotes from experts in the field in order to be able to get the cheapest and the most professional report possible of all aspects of traffic in Gibraltar?

HON CHIEF MINISTER:

The position at the moment is that the Government have not yet ourselves commissioned a report. There is a Canadian company that has made proposals in relation to the management of parking in Gibraltar... [HON J C PEREZ: *Did the Chief Minister say alien?*] A Canadian, who are indeed aliens in the context of Gibraltar. A proposal has been made to the Government in respect of which the Government have asked them to make more detailed proposals and in the context of those more detailed proposals they will be submitting ideas on traffic flow. So Government have not contracted anybody to do this work but somebody who had a proposal in relation to parking management in Gibraltar, I think the Opposition Member is aware of who they are because I think there was first an approach to him, that proposal will include ideas about how traffic flow might be changed advantageously.

HON J C PEREZ:

Perhaps the Chief Minister ought to look at a similar study that was put to the Government way back in 1989 by a Manchester based company and possibly he will find that people from outside rather unaware of the specific difficulties that pertain to Gibraltar motorists look at it from a different perspective and that is a matter that ought to be taken into account in looking at that report that is going to be commissioned.

HON CHIEF MINISTER:

Yes, indeed, at the end of the day there will be a policy decision from the Government followed by consideration by the Traffic Commission. These decisions will be made by locals and not by aliens.

NO. 110 OF 1996

THE HON J C PEREZ

**ROAD RESURFACING PROGRAMME**

Have Government prepared a road resurfacing programme for the current financial year and, if so, can the Minister state which roads are to be resurfaced and when?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

During the current financial year the following roads have been resurfaced:

Tarik Road - including the construction of a new pavement  
Jone's Battery and Lower Castle Road - including the construction of a new pavement  
Grand Parade (slurry sealed)  
Secretary's Lane (slurry sealed)  
Wasteground in Europort Avenue to the west of Bishop Fitzgerald and Governor's Meadow Schools is being converted into a dropping off zone and parking area

The following roads are programmed for resurfacing before the end of the current financial year:

Alameda Estate - Service Road  
Rosia Road - New Harbours area - including pavement  
Green Lane  
Prince Edward's Road (part of)  
Europort Road (part of)  
Market Place  
Winston Churchill Avenue - south

The following works are programmed to be done before the end of the current financial year:

Pelican crossings at:-

Rosia Road by Jumper's  
Winston Churchill Avenue by the Air Terminal  
Devil's Tower Road by St Theresa's

The following pavements are due to be constructed before the end of the current financial year:

Reclamation Road  
South end of Old Naval Hospital Road

SUPPLEMENTARY TO QUESTION NO. 110 OF 1996

HON J C PEREZ:

I notice that priority is not being given to the entrance to Main Street which was scheduled to take place in this current financial year which was linked to the liner terminal, that is to say, the whole of the Waterport area up to the liner terminal has not been included in the programme. Is it perhaps because that is going out to tender and not done directly by the workforce?

HON LT-COL E M BRITTO:

No, the reason for that is, that the Government are looking at broader proposals for the beautification of the whole area and because of this the actual road resurfacing has been put back to fit in with the more extensive works that will be done.

HON J C PEREZ:

Is the Minister intending to complete the works with existing labour or is it intended that some of this work, as was the case with Tarik Road and Jone's Battery, is to be contracted out?

HON LT-COL E M BRITTO:

No decisions as such in advance have been made on that but it is likely that due to the restricted assets of the Highways Department, that outside sources might have to be contracted.

HON J GABAY:

Might not the Minister consider the state of Naval Hospital Road which is in dire need of resurfacing?

HON LT-COL E M BRITTO:

Indeed, there are many roads which are in dire need of resurfacing. Yes, the answer is that all roads which it is deemed are in need of resurfacing will be considered.

HON J C PEREZ:

Just to add to what my hon Colleague has said, if the Minister might perhaps make himself aware that Old Naval Hospital Road was not done last year in waiting for the lock-up garages to be constructed and that it was scheduled to take place once those were completed. I understand that those garages are completed and that it is possible for that road to be resurfaced now.

HON LT-COL E M BRITTO:

If the Opposition Member will bear with me for a moment. Yes, the area that is scheduled to be done in Old Naval Hospital Road is the south end where there is a certain amount of wasteground that has been left but not the road as a whole. In any case there is a project of more garages along that road.

ORAL

NO. 111 OF 1996

THE HON J C PEREZ

**GOVERNMENT LOTTERY DRAWS**

Will Government state whether they intend to change the regularity of the Government Lottery Draws from fortnightly to weekly?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government have no plans at present to change the Lottery Draws from fortnightly to weekly but, in due course, Government will conduct an in-depth review of all aspects of the Government Lottery.

ORAL

NO. 112 OF 1996

THE HON J GABAY

**KING'S BASTION**

Have the Government any plans for the redevelopment and restoration of King's Bastion?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are looking into the restoration and redevelopment of the area of King's Bastion. The Government are considering how the redevelopment of King's Bastion can be achieved both to restore its attraction as a site and to attract commercial and touristic interest. Various reprovisioning issues arise both with regard to the Government services and offices still located there and also in respect of the tenants of the dwellings looking onto Line Wall Road. The Government's plans for King's Bastion are still at a preliminary stage. Once a clearer conceptual design has been elaborated by the Department of Trade and Industry we will be inviting developers to submit outline proposals for the development of King's Bastion along the lines indicated. We are also keen to complement the redevelopment of King's Bastion with the enhancement of the City Walls linked to King's Bastion. The process of planning will, of course, involve consultation with the Gibraltar Heritage Trust and other affected parties. The Government believe that King's Bastion has the potential to be a major historic attraction for our tourism industry.

NO. 113 OF 1996

THE HON A ISOLA

**FINANCIAL SERVICES INDUSTRY**

Can Government state how many persons are estimated to be currently employed directly in the financial services industry?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

According to the latest Employment Survey tabled in the House earlier today; the number of people directly employed in the banking, finance and insurance industry as at April 1995 is 1,405 full-time and 165 part-time employees. These figures include employees in the legal and accountancy firms. The ETB has supplied figures in respect of open contracts as at 30th August 1996 in this sector. The total provided by the ETB shows an employment of 2,965 divided as follows:

Banking and Finance	875
Insurance	572
Legal/Accountancy	1,518

The difficulty in making comparison between this figure and that provided in the latest Employment Survey is that it is often the case that employers fail to notify the ETB of termination of employment. It is therefore probable that a part of the increase is attributable to new jobs that have been created whilst others have been lost and not reflected in the latest figures. Only a full employment survey will reflect accurately the number of jobs in the sector at any particular time. The ETB at present has no breakdown of full-time and part-time employees.

The Government are keen to increase the number of people employed directly or indirectly as a result of the financial services industry. To achieve this the industry requires a major but carefully co-ordinated promotional strategy. The Government will also have to increase the resources available to it to develop the industry. We have already assured the Financial Services Commission that funding shortfalls should not impede it in the important work of achieving passporting initially in insurance but subsequently in other financial services.

ORAL

NO. 114 OF 1996

THE HON J J BOSSANO

**REDUNDANCIES IN MOD**

Can Government state how many Gibraltarians are anticipated will be made redundant in the financial year 1997/98 by the MOD?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 115 of 1996.

NO. 115 OF 1996

THE HON J J BOSSANO

**REDUNDANCIES IN THE MOD**

Can Government state how many Gibraltarians are anticipated will be made redundant in the current financial year by the MOD?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

One of the major difficulties facing Gibraltar in respect of the MOD rundown is the lack of clarity with regard to the precise number and especially the timing of the redundancies by the MOD. Whilst, therefore, the overall figure of around 700 direct civilian jobs are anticipated to be lost within the next four years, how many of these will go within this and the next financial year is uncertain. The MOD has, however, put the Government on notice that it intends to effect the following redundancies over a given period:

- (a) 19 jobs in the GSP by March 1997;
- (b) 4 jobs in the Royal Marine Auxiliary Service by March 1997.

Redundancy notices delivered to employees at the Royal Naval Hospital have been withdrawn and discussions between the MOD and the Minister for the Environment and Health are taking place.

As the Government have announced, with regard to the GSP, we are investigating the absorption of the job losses by recruitment into the Royal Gibraltar Police Force. In fact, out of the 19 jobs, a total of 14 will be available for recruitment into the GRP since the balance would be lost through retirement and other reasons. As regards the four employees in the Tug Section of the RMAS, the MOD are in advanced discussions with commercial entities for the sale of the tug vessel Sealyham and the transfer of the MOD employees.

A number of important issues relating to the methodology of the rundown still require to be determined. The Government are keen later this month or as soon as possible in October and after the publication of the Deloitte Touche Report to try and make progress on this front in particular through reactivating the Joint Economic Forum.

The MOD and the Trade Unions have been keeping Government informed of their contacts and on-going discussions. Both the MOD and Unions are keen to avoid compulsory redundancies. We share the grave anxiety of all MOD employees and can assure them of the Government's continued efforts to ameliorate the impact of the impending reductions.

SUPPLEMENTARY TO QUESTION NOS. 114 AND 115 OF 1996

HON J J BOSSANO:

Is it that the information on the timetable of the redundancies was not made available to Deloitte Touche as part of the data that they required in order to make their study?

HON P C MONTEGRIFFO:

The Leader of the Opposition is correct. That data has not been made available to the Deloitte Touche consultants. It is one of the matters that has frustrated not just them but frustrates the Government. There are numerous issues which the MOD raises as being impediments to their being more explicit in a timetable which would allow us to identify manpower recess against land recess and against our own projects for economic activity so that there would be a chance to marry these together. This, as I have mentioned in my first reply, is one of the major difficulties and something which the Deloitte Report will not address unfortunately. It is something, as I have indicated, that we are keen to try and make progress on in the Joint Economic Forum once that is reactivated following the publication of the report.

HON J J BOSSANO:

Is the Minister aware that the previous administration had made the point a considerable time ago to Her Majesty's Government that the very least that they could do was to produce as much advance notice as possible in order to make it more probable that measures could be developed to dovetail with the release of labour into the local labour market and that that point, in principle, was accepted a couple of years ago? Is the Minister aware of that?

HON P C MONTEGRIFFO:

I was not aware that that point had been put by the previous administration but I can well understand that it would have been put because it is the first sort of issue that would occur when looking at such a problem, Mr Speaker. We have certainly raised it with the MOD and the word flexibility has been used to describe that very process. The MOD uses the word flexibility to describe the need it has for operational reasons not to be totally explicit about the timetable because it wants to ensure that its functions can be run down or accommodated in some other way smoothly but the same must apply in reverse for Gibraltar, namely, Gibraltar must have the flexibility that if we are creating new economic activity which will create employment for a certain number of people who could be deployed from the MOD, that we should have the flexibility and the MOD should extend that flexibility to allow those MOD employees to move over to such an activity when that activity occurs and not six months or one year later when those jobs have been taken elsewhere. That is the point which is uppermost in my mind and which will be attended to by the Deloitte Report, that is a point that will be stressed by the report which, I can assure the Leader of the Opposition, will feature in our discussions with the MOD in the Joint Economic Forum.

HON J J BOSSANO:

Would the Minister take into account, making that point, that in fact the argument had been fought and won a long time ago and that he should avoid having, as it were, to go through the exercise of having to persuade them all over again, to accept what they reluctantly persuaded some time ago, which was, that in providing the Government of Gibraltar with the necessary information to make, as it were, an inventory of human resources, the probable but not necessarily committing them to anything but the probable numbers and breakdowns in terms of skills, age and sex with minima and maxima would be the kind of data that it is within their power to produce quite easily and that, if necessary, can be done on a confidential basis to the Government so that the Government can work with data which enables them to plan coherently. Will the Minister take into account that all that has been gone through already and that he may be starting on the assumption that he needs to put a lot of effort into making them accept and understand that, when in fact we had got to that stage already?

HON P C MONTEGRIFFO:

I am delighted to welcome any progress that has been made by the previous administration on this matter and if that is decisions that have been taken by the MOD and which we can work, I have no wish to either reinvent the wheel or claim credit for what may have been achieved in the past. Let me say that I should not give the impression, Mr Speaker, that the MOD is embattled with us on these issues. No doubt there are difficult, complex and probably uncomfortable decisions to take all-round but the attitude of the MOD, indeed the attitude of the Trade Unions, is one of great support for Gibraltar in this predicament and we hope that those expressions of support translate themselves into meaningful flexibility along the lines that we have been discussing now.

ORAL

NO. 116 OF 1996

THE HON A ISOLA

**REVENUE FROM TOURIST INDUSTRY**

Can Government state what is the estimated contribution to Government revenues derived directly from the tourist industry?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 117 of 1996.

ORAL

NO. 117 OF 1996

THE HON A ISOLA

**REVENUE FROM FINANCIAL SERVICES INDUSTRY**

Can Government state what is the estimated contribution to Government revenues derived directly from the financial services industry?

ANSWER

THE HON THE CHIEF MINISTER

In the absence of reliable desegregated data it is difficult to give a reasonably accurate estimate of the contribution to Government revenues derived directly from the tourist or financial services industries. On the basis of PAYE, company tax and import duty receipts, it is estimated that the tourism and financial services industries each contributed around £10 million to Government revenues.

ORAL

NO. 118 OF 1996

THE HON J J BOSSANO

GRUNDY REPORT

Have the Government rejected any of the recommendations in the Grundy Report?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 119 and 120 of 1996.

ORAL

NO. 119 OF 1996

THE HON J J BOSSANO

**GRUNDY REPORT**

Did the Grundy Report recommend that a serving UK policeman should be seconded to the Royal Gibraltar Police to carry forward the other recommendations in the report?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 118 and 120 of 1996.

NO. 120 OF 1996

THE HON J J BOSSANO

**GRUNDY REPORT**

Can Government state why they consider it necessary to bring a Police Officer from the UK to implement the recommendations of the Grundy Report?

ANSWER

THE HON THE CHIEF MINISTER

The Government have not yet considered, in detail, the recommendations of the Grundy Report and no decision has therefore been made as to which, if any, should be rejected. Such decision will be made jointly by the Government of Gibraltar, who pay for the Police, and His Excellency the Governor, who has constitutional responsibility for internal security.

The Grundy Report expresses the view that it will require outside police management expertise to complement the expertise currently available within the Royal Gibraltar Police to effect the changes suggested in the Report within a reasonable period of time. Any decision to temporarily second a UK Police Officer to implement such parts of the Grundy Report as may be accepted, will be taken on the basis of technical advice as to the level of expertise and experience required to manage the introduction of such changes.

SUPPLEMENTARY TO QUESTION NOS. 118, 119 AND 120 OF 1996

HON J J BOSSANO:

Is there not a conflict between that answer and the information contained in the Convent Press Release issued on the 25th July which says, "As a first step the UK Police Service will be supplying a serving Police Officer, of appropriate rank, on temporary secondment to become the Project Officer for carrying forward Mr Grundy's recommendations"? If a decision has not yet been taken on which recommendations are going to be accepted and carried forward, how can a decision have been taken that there will be a Police Officer to do it?

HON CHIEF MINISTER:

The decision, and I accept that the words "will be taken" in my answer are ambiguous in this context, that a UK serving Police Officer ought to implement the Report have already been taken and indeed, I should add, the initial processes of selecting a suitable Police Officer have already commenced, but nobody has been appointed. The terms of engagement have not been decided and therefore, we are not yet in a position to say that there has been an engagement, or the terms of the engagement, but the Leader of the Opposition is quite right, it is already in the public domain that a UK serving Police Officer will act as Project Manager for the introduction of the changes recommended. As I said, such as may be accepted, because they are certainly not all acceptable.

HON J J BOSSANO:

I have not asked about the terms of his appointment or anything else. What I am saying is, how is it possible that in September the Government of Gibraltar have not yet taken a decision on which recommendations they are accepting and which they are not accepting, and in July the Government of Gibraltar whose agreement, presumably was necessary, had accepted that a UK Officer would be required to implement what they still do not know is going to be implemented at this stage?

HON CHIEF MINISTER:

There are many excellent recommendations in the Grundy Report supported, not just by the Government, but indeed by Senior Officers in the Police Force itself, which the Government would be anxious to see introduced. There are others with which the Government do not agree. But that there are many recommendations which will be accepted and which will be implemented, have already been decided.

HON J J BOSSANO:

So the Government, have already decided which recommendations they are accepting, but have not yet decided, which recommendations they are rejecting?

HON CHIEF MINISTER:

There are many recommendations which are in no sense controversial and there is no debate about those. There are other recommendations which the Government regard as controversial and no decision has been made, indeed, there has been no process of discussion or consideration, either within the Government or indeed between the Government and His Excellency the Governor as to those more controversial recommendations. That is absolutely correct.

HON J J BOSSANO:

Are the items listed in the Convent Press Release of the 25th July, recommendations that have been accepted by the Government?

HON CHIEF MINISTER:

I cannot, from memory, recollect what all of those recommendations are, but I do recall, that at the time of that Press Release, a draft of that Press Release, was shown to me and in the context of that, I came to the conclusion, that it was a reasonable summary in vague enough terms about the recommendations that would not be objected to or that were not controversial.

HON J J BOSSANO:

I do not know how vague they are. Am I then correct in deducing, that the recommendations which have not been accepted and not been rejected are not likely to feature in this document that is a public document since the 25th July?

HON CHIEF MINISTER:

I am on thin ground because I have not got the list in front of me nor indeed in my memory, but I think it is safe to say, that there are recommendations in the Grundy Report which are not reflected in that list.

HON J J BOSSANO:

Is it the intention of the Government, at some point when they finally make up their minds, to say which recommendations they accept and which recommendations they reject, so that if there is a view which we consider requires explanation, we can then follow the matter up by questioning the Government as to their reason for accepting or rejecting a particular recommendation?

HON CHIEF MINISTER:

It would be difficult for the Government to do that without putting the whole of the report in the public domain, a possibility which the Government, in consultation with the Governor, do not entirely reject as a possibility, let me say. But the decision as to which recommendations will be implemented, will be taken jointly between the Government and the Governor. If that can be agreed amicably, as one expects will be the case, between those two parties, we see no need to go public on the recommendations with which we disagree, which are not going to be implemented. If, on the other hand, contrary to our wishes, certain recommendations are implemented, which I think is an unlikely prospect, but if that were to occur the Government would certainly record publicly which recommendations were being implemented notwithstanding the Government's objections.

HON J J BOSSANO:

In respect of the recommendations, that were summarised in the press release of the 25th July, are these recommendations such, that in the estimate of the Government of Gibraltar they require some expertise on the part of a UK Police Officer which is not available within the Royal Gibraltar Police or indeed within Gibraltar or within the public service?

HON CHIEF MINISTER:

Yes, the Government are satisfied of that, as are senior officers in the Royal Gibraltar Police. Many of these recommendations are recommendations that have recently been introduced as novelties in the United Kingdom Police Force. It therefore seems entirely logical to the Government of Gibraltar, that the experience that has been gathered in the UK in the teething problems of implementing similar recommendations which relate to the modernisation of the Police Force and increasing its effectiveness in relation to the resources available to it, ought to be harnessed and, indeed, I can only assume that it was a similar rational desire to use UK expertise for the benefit of Gibraltar, that prompted the Leader of the Opposition, several years ago to accept the offer by the United Kingdom to second to the Income Tax Office in Gibraltar an officer who is still in place two years after he was seconded. I can only assume that the reasoning that has led this Government to accept UK expertise in relation to the police, are the same as the reasoning that moved the Opposition Member, to accept UK assistance in relation to matters of income tax.

HON J J BOSSANO:

I am not supposed to be answering questions, but since the assumption of the Chief Minister is not quite right, I can tell him that when the offer of UK expertise for the Tax Office in relation to corporation tax was made by the United Kingdom, the position of the Government of Gibraltar was, that we would accept an expert from the United Kingdom paid for by the United Kingdom and that we would consider paying for him subsequently provided that, in the period that he was here on the UK expense, he produced a sufficient improvement in collections to more than pay for his wages. Since as the Chief Minister knows the collection of corporation tax went up from something like £8 million to £15 million and the man costs nowhere near £8 million, it was a value for money exercise which the Chief Minister, when he was in the Opposition, used to say I was obsessed with and that was the explanation for that particular exercise. Given the fact that this criteria, presumably, does not apply in that the UK officer is not supposed to actually be saving money in the Police Force, does the Chief Minister not agree that most of the recommendations that are summarised in the Press Release of the 25th July 1996 do not appear to require any particular knowledge from outside Gibraltar? For example, would the Chief Minister not agree with me that the recommendation which says, that the statement of common purpose should be reissued, which has happened, did not require a UK Project Officer; that the recommendation that says that there should be a Community Consultative Group with the Police, does not require a UK Police Officer; that the recommendation that says that overtime should be analysed, does not require a UK Police Officer; that the recommendation that says that they should be looking at why there is so much sick leave, does not require a UK Police Officer? Is there anything in particular that persuaded the Chief Minister, when presumably the case was made to him, that there was some specific area of expertise, for example, that the accounts department should be computerised is not beyond our capacity in the native Police Force, I take it, so is there anything in particular that persuaded him that we needed somebody from the UK to manage the change?

HON CHIEF MINISTER:

I now have in front of me a copy of the aforementioned Press Release which is a very brief summary of what is a long and detailed document and it is not doing the Grundy Report justice to suggest that its recommendations are as superficial as they appear on this list. The Government are entirely satisfied and see no ulterior reason for the need to avail ourselves of United Kingdom expertise on a temporary basis for the introduction of this project. Just as impeccable reasoning led the Leader of the Opposition not to be suspicious of such offer of assistance in relation to increasing the yield from income tax, I wish to avail myself of the same impeccable thinking in order to see if for the same or, indeed, smaller sums of money, we cannot be more successful in our fight against crime in Gibraltar.

HON J J BOSSANO:

I am not questioning the desirability of fighting crime. All I am saying to the Chief Minister is, that given that what is in the public domain is this press release and given that this press release says, "The UK will be supplying a serving officer to become the Project Officer for carrying forward Mr Grundy's recommendations" and the press release summarises Mr Grundy's recommendations..... *[Interruption]* Well, that is what the press release says it does. The press release says, "There are

a number of recommendations which are summarised below", and then it says that somebody is coming from the United Kingdom to carry them forward. It appears that the Chief Minister, having now obtained a copy of the press release, agrees with me that on the basis of this it does not seem to suggest that this is beyond our capacity.

HON CHIEF MINISTER:

The Chief Minister agrees with nothing of the kind. The Chief Minister is entirely satisfied that it is fully in the broad interest of Gibraltar, taking all considerations into account, including the one that I suspect is keeping the Opposition Member awake at night, constitutional considerations, taking all the interests of Gibraltar into account, the Government are entirely satisfied that it is in the interest of Gibraltar to avail ourselves of this temporary secondment of expertise.

HON J J BOSSANO:

There is no question of any constitutional concerns keeping me awake at night. I am seeking information and the information that I have available to me, which is what was made public on the 25th July, and since the 25th July the Government of Gibraltar have not said a dicky-bird in spite of issuing innumerable press releases for breakfast, lunch and dinner, they have never said anything at all about how they feel about the Convent Press Release of the 25th July. Since this is the first opportunity, I am seeking to find out if it is not on the basis of what is in the Press Release that the Chief Minister is so convinced that some expertise is being provided to implement some recommendations which is not reflected here, is it not reasonable that we should know which is the recommendation which is being implemented for which the particular expertise is needed because it does not seem to be justifiable from what has been published.

HON CHIEF MINISTER:

The Opposition Member must know that these matters cannot be dealt with on such an official basis. There are many, many recommendations, even some of the ones referred to in this list, in three lines, which extend to three pages in the report. He can make light of the Grundy Report if he pleases, it is actually a comprehensive document and which the Government are entirely satisfied contains recommendations which are eminently attractive and which will be introduced and which can best be introduced by somebody who has previous experience in introducing them into a Police Force in the United Kingdom. The reason why I do not jump up and down every time the Convent issues a press release saying whether or not I agree with it, is that I am not at war with the Convent and therefore, the Governor does me the courtesy of showing me his draft press releases on such matters to obtain my approval before he issues them, which is what the relationship between the Convent and No.6 Convent Place should be.

HON J J BOSSANO:

So, in fact, this press release was issued with the Government's approval and therefore we can take it that the fact that press releases are issued by the Convent from now on are a reflection of the policies of the Government of Gibraltar and commit the Government of Gibraltar in exactly the same way as the Government of Gibraltar would be committed if they were issuing the press release in their own name, is that correct?

HON CHIEF MINISTER:

I would not expect His Excellency the Governor, or anybody in the Convent, to issue a press release in respect of any matter which is the business of the Government of Gibraltar, without consulting with the Government first. If there is an irretrievable breakdown in the marriage, such that that ceases to be the case, I will tell the Opposition Member so that he can start divorcing the two places. Certainly in respect of matters which are the concern of the Government of Gibraltar, it would not be in keeping with the relationship that exists between No.6 Convent Place and the Convent, for His Excellency the Governor to issue any statement which commits or compromises the Government of Gibraltar in respect of policy without first clearing it with the Government.

HON J J BOSSANO:

I have no doubt that the Chief Minister would expect, as has always been the case, to be aware of the content of the press release before the rest of the world became aware. The point that I am seeking confirmation on is, that if we can now assume, which we had not done at this stage, that if a press release is issued it has been approved and therefore is a reflection that it is a policy to which the Government of Gibraltar have committed themselves and therefore we can make the Government of Gibraltar as answerable in this House for such a public statement, as if they had issued it themselves, which is not what we have done at this stage?

HON CHIEF MINISTER:

The Leader of the Opposition can assume what he pleases. My answers I think have been clear, I stand by them and he cannot get me to change it simply by repeating it frequently.

HON J J BOSSANO:

I am not asking the Chief Minister to change anything, I am seeking information which I am permitted to do by the Standing Orders of this House. Can the Chief Minister say, given that he is telling me that the Grundy Report is much weightier than my questioning suggests and, of course, I have no way of judging that myself since I am not privy to it, can he say when the Grundy Report was received in Gibraltar and made available to the Government?

HON CHIEF MINISTER:

Yes, I am not sure I can say that from memory but it was around the time of the date of this press release, and it was certainly made available to me as soon as it was received in the Convent.

NO. 121 OF 1996

THE HON J J BOSSANO

DIRECTOR OF MEDIA AND PUBLIC RELATIONS

Can Government state what is the grade and salary of the new post of Director of Media and Public Relations allegedly offered on contract to Mr Francis Cantos, the Editor of the Gibraltar Chronicle?

ANSWER

THE HON THE CHIEF MINISTER

The engagement of Mr Cantos will be as a contract officer, similar to such engagements which have always been made by Government in other technical areas requiring particular professional expertise. The proposed salary is £35,072. By way of comparative indication, Scale 11 applying to Establishment Senior Officers ranges from £25,392 to £39,324.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1996

HON J J BOSSANO:

Can the Chief Minister explain how the position could be offered to Mr Cantos when, in fact, there is no provision for such a position in the estimates of expenditure approved by the House?

HON CHIEF MINISTER:

The Leader of the Opposition must know from the number of occasions that he has had recourse to the device himself in the past that there is the small question of the reallocations and subventions, the Contingency Fund in the estimates which contains £1 million in it and there is more than ample provision to pay Mr Cantos and do many more things with that £1 million. So there is absolutely no difficulty in funding this contractual liability when it is engaged, it is not yet, from the resources available to the Government under the Appropriation Bill adopted in this House last spring.

HON J J BOSSANO:

I am not suggesting that the Government of Gibraltar are going to go bust by paying Mr Cantos £35,000, what I am saying is, and the Chief Minister should know, that the Contingency Fund can only be used to top up money that has been already voted in the approved expenditure. That is to say, it is to me a shortfall in approved expenditure and there is no post of Director of Media, so in fact, the Chief Minister is wrong. If we had approved the post of Director of Media at a lower rate of pay, then he can use the supplementary provisions that are included in the head of expenditure to bring the level up to what the cost may turn out to be during the financial year. But how can he approve the payment of money to a post that does not exist?

HON CHIEF MINISTER:

In the first place, it is only the Opposition Member that is calling this a post. I have not called it a post, I said it can be an engagement as a contract officer which is a markedly different thing to a post, this is not an establishment post. He can use whatever terminology he likes, but of course, his mistaken terminology in his question does not commit me and he must know that there is numerous ways in which the Government - indeed Opposition Members engaged contract officers on frequent occasions: law cost draftsman, doctors in the Health Centre. This has always been done. The suggestion that this is an improper use of appropriated funds is one which the Government wholly reject as entirely without any basis and truth.

HON J J BOSSANO:

Is it not a fact that the press release of the Government, No. 63/96 of the 22nd August said, "The Government confirm that the new post will cover responsibility beyond the task traditionally taken by a Press Officer in the Civil Service"? Therefore, do the Government not agree that it is not I who is calling it a post, they called it a post in their press release? Is the Chief Minister not aware that the Public Service Commission Ordinance says, "that a public office means any civil office of emolument under the Crown in Gibraltar", and is the position that has been offered to Mr Cantos not a public office?

HON CHIEF MINISTER:

No, it is not. The Government have been careful to take advice both in and outside of Gibraltar as to the propriety of this appointment. Indeed, we have followed procedures and contract documentation which has been provided to us by the Foreign Office in the United Kingdom as being what is used there for making appointments of this kind and in this way. We have not reinvented the wheel, we have followed a procedure for the recruitment of certain technical officers of certain types to perform certain functions which is commonplace in the public administration of the United Kingdom. That was checked in advance and that is the procedure that we have followed. If the Opposition Member is not aware of what the procedure is for the engagement of such personnel in the United Kingdom, I will be happy to acquaint him with the system.

HON J J BOSSANO:

I am not interested in what they do in the United Kingdom, I am interested in what the law of Gibraltar says the Government of Gibraltar may do in Gibraltar. Therefore, is it not the case that any officer by the definition that I have read out to the Chief Minister in the Public Service Commission Ordinance, any officer whose office is paid as an emolument of the Crown in Gibraltar, is it not the case that that is inescapably a position in the public service or is it that Mr Cantos will not be employed by the Crown but by the GSD, which is it?

HON CHIEF MINISTER:

Well, neither. Mr Cantos will not be employed by the GSD because (a) he is not a member of the GSD and, (b) the GSD does not have money to employ him. Secondly, I think the question is facetious and completely and utterly an abuse of

the Opposition Member's privilege in this House as against Mr Cantos. So it is certainly not the second. In respect of his first point which is a touch more serious, the position is that the Government do not accept that very narrow interpretation of that Ordinance that the Opposition Member is describing.

HON J J BOSSANO:

It is not a matter of interpreting the Ordinance. I am asking a specific question. Will Mr Cantos be an employee of the Crown or not?

HON CHIEF MINISTER:

Mr Cantos will be paid for by the Crown on contract terms, absolutely.

HON J J BOSSANO:

Is it not the case that under the Public Service Commission Ordinance all the officers who are employed by the Crown are officers, whether they are contract officers or not, who are subject to the rules of the civil service subject to Colonial Regulations and General Orders and will Mr Cantos be subject to Colonial Regulations and General Orders?

HON CHIEF MINISTER:

The Government do not accept that interpretation and it is not appropriate for the Opposition Member to debate legal matters with me. If he thinks that the Government will have done, when we appoint Mr Cantos, something unlawful, I suspect that what he will want to do is to challenge the Government's decision in court.

HON J J BOSSANO:

If the legislature cannot debate legal matters then I think we might as well all pack up and go home. The Government of Gibraltar have made a public announcement. This is the first opportunity by the Opposition that we have to question what it is that they are doing and I think it is perfectly in order for me to draw the attention of the Chief Minister that there appears to be a conflict between the text of the press release issued on the 22nd August and what the law says. Can the Chief Minister say that there is a previous occasion when an office of emolument under the Crown has been deemed not to be subject to the provisions of the Public Service Commission Ordinance?

HON CHIEF MINISTER:

The Government do not accept the use to which the Opposition Member is putting that provision of the Public Services Commission Ordinance. Of course, this problem would then have confronted the Opposition Member when he was in Government because he used to use companies and the Gibraltar Development Corporation to employ whoever he liked, whenever he liked, for whatever terms he liked and for whatever salary he liked. So I can entirely understand that the hon

Member has only just started his research around this subject because it was a problem that he used to avoid by other means. We are not wishing to use those other means and we are entirely satisfied that we can legally defend and politically defend the decision that we will implement when the time comes and if challenged to do so.

HON J J BOSSANO:

The Chief Minister is here to answer for his actions since he is in Government, not for my actions before that day. Of course, he is as free to employ people outside the scope of the Public Service Commission Ordinance as manager of Gibraltar Community Projects Ltd as I was in other instances when we were in Government. The point is, is this position that the Government are taking something that they considered and took advice on in terms of the provision of the laws of Gibraltar? Is that something or is it something that they overlooked?

HON CHIEF MINISTER:

I have stated the Government's position now five times and I have no intention of restating it a sixth simply because the Leader of the Opposition wishes to ask the same question six times.

HON J J BOSSANO:

Given the fact that under the Constitution the employment of civil servants is not a matter which is decided by politicians, for obvious reasons, is it something that the Chief Minister has discussed with the Governor who, according to the law, is responsible for selecting the occupant of any Crown employment?

HON CHIEF MINISTER:

I am delighted to answer that. The hon Member has developed a sudden liking for the Governor exercising his powers which was not the case when .....

HON J J BOSSANO:

I have not developed a sudden liking for anything. I am asking him whether he has, in fact, discussed this aspect of the relationship under the Constitution with the Governor and it has nothing to do with whether I like him or dislike or anything else. I want information and I am entitled to ask for it. If the Chief Minister does not want to give me the information then he should say he refuses to give me the information and be done with it.

NO. 122 OF 1996

THE HON J J BOSSANO

PERSONAL ASSISTANT TO CHIEF MINISTER

Can Government confirm that the post of Personal Assistant to the Chief Minister, under Head 13, has been upgraded from Higher Executive Officer with a salary scale maximum of £20,426 to Senior Officer with a salary scale maximum of £39,324?

ANSWER

THE HON THE CHIEF MINISTER

The post of Personal Assistant to the Chief Minister has not been upgraded.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1996

HON J J BOSSANO:

Can the Government then confirm that as provided in the estimates of expenditure there is still on the complement of Head 13 a post graded at HEO which is occupied by the Personal Assistant to the Chief Minister?

HON CHIEF MINISTER:

The Personal Assistant to the Chief Minister is presently a person who is of EO rank.

HON J J BOSSANO:

Can the Government explain whether the person that is doing that job of EO rank is, in fact, being paid on a temporary basis the rate of HEO which is what the estimates provide?

HON CHIEF MINISTER:

I cannot say what the position is right now as we speak but certainly the person presently doing that job was previously in the Income Tax Department where there was a salary package which took into account a degree of computer expertise and a way has to be found to compensate that person for those emoluments in the new post. I am not aware of what arrangements may already have been made in that regard but I am aware that the issue exists.

HON J J BOSSANO:

I think the Chief Minister has misunderstood the nature of my question, although I accept entirely that it is perfectly legitimate to protect people's earnings when they move from one area to another. What I am asking is, since what is in the approved estimates is a post graded as HEO am I right in thinking that if there is an EO

occupying an HEO post they must be getting the rate of pay of the post as is normal procedure, am I right?

HON CHIEF MINISTER:

I do not get involved, as I suspect my predecessor used to do, in the nitty-gritty of the workings of these professional civil servants so I will allow the acting Financial and Development Secretary and normally Administrative Secretary to answer that question.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Until such time as a decision is taken on the precise nature of the arrangements for the future of that office, the person currently occupying that post is being paid on an acting basis as an HEO.

HON J J BOSSANO:

Can the Government then say what post is being filled by the former Clerk of the House whose position in this House has been advertised as vacant?

HON CHIEF MINISTER:

The former Clerk of the House who like Mr Cantos is neither being paid for nor is a member of the GSD, is performing the job of Private Secretary to the Chief Minister.

HON J J BOSSANO:

I do not know how private he may be, he was a very public figure recently as Returning Officer and no doubt, without being a member, he must count on the full confidence of the Chief Minister who, I assume, selected him to be his Private Secretary, is that correct?

HON CHIEF MINISTER:

I sincerely hope that the last remarks of the Leader of the Opposition were not intended even to insinuate that there is a connection between the fact that that officer of the Crown is now the Private Secretary to the Chief Minister, or that that casts an aspersion of the manner in which he conducted his job as the Returning Officer in the recent general election, because if that is not what he is insinuating I am hard put to attach another meaning to his words.

HON J J BOSSANO:

I have asked a straightforward question. The Chief Minister has said that the former Clerk of the House is his Private Secretary and all I have said was that he may be his Private Secretary now but he was a very public figure recently as Returning Officer. That is all I have said. I cannot help it if the poisoned mind of the Chief Minister who spent four years in the Opposition casting aspersions and making insinuations about everybody means that he reads some sinister intention into every other word. That is his problem. He should do something about it, I suggest that the relative of his next door neighbour may be able to be of some help, the father, he can arrange an appointment for him. Can I ask, Mr Speaker.....

MR SPEAKER:

I thought you were asking something.

HON J J BOSSANO:

Yes, I was asking which he did not answer.

MR SPEAKER:

He is perfectly entitled not to answer.

HON J J BOSSANO:

The question that I asked was, can I have it confirmed that the Clerk of the House was selected for that job specifically at the request of the Chief Minister?

HON CHIEF MINISTER:

I will answer both his last questions. To answer his second last question first, I have no doubt that if I subjected myself to examination on the basis of my conduct over the last few years to examination by the father of my hon Friend, the Minister for Trade and Industry, I would pass with flying colours. I am not as confident as what the judgement would be in relation to the Opposition Member. *[Interruption]* I am not giving way. In respect of who selected the previous Clerk of this House to serve in the office of the Chief Minister, he has been Chief Minister for long enough but clearly for not as long as he would have liked, to know that it is the prerogative of the Chief Minister to personally select and hand-pick the staff in his private office. That has been convention, not just in Gibraltar but in almost every western European democracy of which I am aware. So the Leader of the Opposition says that I am the one with the sick mind, I do not know what he reads into the fact that I personally selected him.

HON J J BOSSANO:

I am not reading anything, I am seeking information. Is it not a fact that there has never been a Private Secretary to the Chief Minister before and therefore no other Chief Minister could have selected whoever he wanted as his Private Secretary because no such position existed, he has created it.

HON CHIEF MINISTER:

The reason why such a position has not existed over the last eight years is because the Chief Minister in the previous administration became, in effect and personally, a public administrator, dealing with matters which in my judgement it is not proper for the Chief Minister himself to deal with and that is why there is now a senior public officer in the office of the Chief Minister to assist the Chief Minister in discharging the many functions that are attached to the office of the Chief Minister. That is absolutely right, he must know that Ministers in the United Kingdom all have Private Secretaries which does not mean that they sit on his lap and take shorthand from him, it means that they are simply his Chief Executive, he is the doer of the Chief Minister. I am sure he must have known that.

HON J J BOSSANO:

I am well aware that there is a Private Secretary to a Minister in the United Kingdom just like there is a Deputy Speaker and a whole range of people in Parliament which we do not have in a small town like Gibraltar. The point that I am trying to establish is how it is that we now find ourselves with an extra post which has not previously existed in the expenditure of that department when it is not a re-evaluation of the post that existed but a newly created post and is it not a fact that the post, as now described by the Chief Minister, is not one that is provided in the complement shown in the estimates of expenditure of Head 13?

HON CHIEF MINISTER:

Such are going to be the improvements to the quality of the democratic process in Gibraltar that there are going to be many, many new posts. *[Interruption]* Indeed, I do not accept that the previous Chief Minister did not have, in effect, a Private Secretary. The difference is that I have recruited mine from the body of the civil service and he recruited Mrs Keohane from some trade union in the United Kingdom and in effect under the guise of law cost draftsman put her into No.6 Convent Place where she became, without a shadow of doubt, the most powerful civil servant in Gibraltar. That is how he obtained his Private Secretary.

HON J J BOSSANO:

I think the Chief Minister is doing a lot of damage to the dignity of the position he now occupies. First of all he chastises me for a passing reference to the Returning Officer as an electoral officer and now he enters into a tirade against somebody who cannot defend herself against him..... *[HON CHIEF MINISTER: I have said nothing derogatory about Mrs Keohane.]* Mr Speaker, the Chief Minister has said a lot of things for which he has no shred of evidence hiding behind the privilege of this House and if he wants to say nasty things about me he should say them about me but not take advantage of somebody who is no longer working for the public service and which he claimed at the time he was not axing. It appears that perhaps even in that he was not being totally compatible with the truth, if it is a matter to be believed. Is it not the case..... *[HON CHIEF MINISTER: Which of my statements about Mrs Keohane is not true?]* It is not true, although I am not supposed to be answering questions, that I recruited Mrs Keohane from the trade unions in the United Kingdom... *[HON CHIEF MINISTER: The Minister for Trade and Industry then.]* *[HON J C PEREZ: No, from the Public Service Commission.]* Mr Speaker, is it not the case.....

MR SPEAKER:

I will allow one question and one answer. I think we have had enough now. We have deviated completely from the original question.

HON J J BOSSANO:

No, Mr Speaker, the original question, if you will allow me to recall it is, that as far as I could tell there appeared to be the substitution of an HEO for a Senior Officer. It now appears that this is an additional new post, and we have only just found out in the last supplementary, for which there is no provision in Head 13 in the

establishment. [HON CHIEF MINISTER: So what?] Well, to my knowledge, Mr Speaker, this is breaking new rules. Can the Government explain to me how it is that they are paying from Head 13, and if they are not paying from Head 13 where are they paying from the new post of Senior Officer which is not in substitution of a post that already existed but an increase in complement?

HON CHIEF MINISTER:

There will be many increases in complement between now and the next budget, at least the next annual budget. Many new jobs will be created in the civil service between now and the end of the current financial year. When I am advised by those who are paid to advise me that the funding available to me for such purposes has exhausted, which is not yet the case, I will of course come back to the House with a Supplementary Appropriation Bill. That is not yet the case and when it is the case he will have an opportunity to decide whether this House should or should not support the Government.

HON J J BOSSANO:

The Chief Minister does not seem to understand or perhaps he chooses not to understand the nature of the question that I am putting to him. I am not saying there is no money in the estimates, I am saying when we have estimates of expenditure in this House which we theoretically approved between all of us but which in effect are a reflection of what the Government want to put in the estimates, is it not the case that we have got a breakdown of what it is the House is approving the money for and if the House is approving the money to pay for a Senior Officer in Head 13, then he can add as much money as he wants to that, but if there is no such post, then can he explain to me how he pays for it?

HON CHIEF MINISTER:

Yes, of course I can explain to him how I pay him. As the hon Member knows these are estimates. There is no division between one department of the civil service and the other in terms of transferability of staff. What has been approved is a sum - the Leader of the Opposition has been long enough in this House to know the difference between the Appropriation Bill which is a four line document and which authorises the Government to spend £x million and the estimate, as the word suggests they are only an estimate, of the revenue and expenditure provided in support of the debate on the Appropriation Bill. The suggestion that the Government are not able to transfer a civil servant from one post to another because in the receiving Head there is insufficient provision in the estimates and that if they do they cannot fill the post from which it has come because that would result in the creation of a new post, is an absurd proposition which the Government do not accept.

HON J J BOSSANO:

The Government may not wish to accept it and I wish he would give me, at least, the courtesy of accepting that I am raising important points... [HON CHIEF MINISTER: I think he is mistaken.] But that does not make it absurd because he thinks I am mistaken.

MR SPEAKER:

The thing is that this is a question and answer session, not a debating session.

HON J J BOSSANO:

I do not wish to make it a debate.

MR SPEAKER:

I think you should have the last question and he should have the last answer.

HON J J BOSSANO:

But I am raising important issues in the context of the approval of expenditure of which the Chief Minister in the past has made it such an important policy issue. It is a nonsense to suggest that.....

MR SPEAKER:

No, there is going to be a last question and a last answer.

HON J J BOSSANO:

..... all that we are approving here are estimates which are then meaningless. The approved estimates of expenditure cease to be estimates when they have been approved because what we are approving is, within the body of the estimates, x number of posts. Is it not the case, Mr Speaker, and I accept entirely that an officer may move from one department to another, that this is not an officer moving from one department to another but the creation of a new post in respect of which no funds have been appropriated by this House in the estimates? Am I correct in that or not?

MR SPEAKER:

The last answer. Do not make a speech.

HON CHIEF MINISTER:

If the Government of Gibraltar transcends the accounting rules and the appropriation mechanism of this House that is what the Principal Auditor is for and I have no doubt that he will be the first to wrap me over the knuckles and then the Opposition Member can say, "You see, I was right all along". He is not right all along. He is not right for there is ample provision on virement and on transfers from one Head to another to accommodate this expenditure. It is as simple as that. Otherwise what the hon Member is saying, Mr Speaker, is that it is not possible for the Government of Gibraltar to increase its complement of staff between one budget and the next, it is simply not a tenable proposition.

