

GIBRALTAR
HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

9TH FEBRUARY, 1996

No. 1 to No. 31

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QUESTIONS & ANSWERS

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

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

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 1 OF 1996

HON F VASQUEZ:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON F VASQUEZ:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

That is correct, yes.

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

Obliged.

NO. 2 OF 1996

THE HON P R CARUANA

COMPANIES HOUSE

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

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

SUPPLEMENTARY TO QUESTION NO. 2 OF 1996

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There has been a change in the shareholdings, Sir.

HON P R CARUANA:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 3 OF 1996

THE HON H CORBY

DRUGS ADVISORY COUNCIL

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

ANSWER

THE HON THE ATTORNEY-GENERAL

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

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

SUPPLEMENTARY TO QUESTION NO. 3 OF 1996

HON H CORBY:

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

HON ATTORNEY-GENERAL:

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

HON H CORBY:

And they report to?

HON ATTORNEY-GENERAL:

I will find out.

HON H CORBY:

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

HON CHIEF MINISTER:

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

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

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

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

ANSWERTHE HON THE ATTORNEY-GENERAL

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

There are only three such licences in existence.

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

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

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

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

The ruling in this case is being appealed against.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1996

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 5 OF 1996

THE HON P R CARUANA

GIBRALTAR CRIMINAL INTELLIGENCE UNIT

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

ANSWER

THE HON THE ATTORNEY-GENERAL

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

SUPPLEMENTARY TO QUESTION NO. 5 OF 1996

HON P R CARUANA:

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

HON ATTORNEY-GENERAL:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

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

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

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 6 OF 1996

HON LT-COL E M BRITTO:

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

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

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

MR SPEAKER:

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

ANSWER

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

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

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

SUPPLEMENTARY TO QUESTION NO. 7 OF 1996

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON J C PEREZ:

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

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

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

The Minister and I have different sources of information.

HON J C PEREZ:

Mine are better than his, Mr Speaker.

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

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

ANSWER

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

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

SPECIALITY

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

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

SUPPLEMENTARY TO QUESTION NO. 8 OF 1996

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 9 OF 1996

THE HON M RAMAGGE

NURSES

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

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

ANSWER

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

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

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

NO. 10 OF 1996

THE HON M RAMAGGE

HEALTH CENTRE STAFF

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

ANSWER

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

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

SUPPLEMENTARY TO QUESTION NO. 10 OF 1996

HON P R CARUANA:

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

HON J C PEREZ:

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

NO. 11 OF 1996

THE HON LT-COL E M BRITTO

VICTORIA STADIUM SPORTS HALL

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

ANSWER

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 11 OF 1996

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

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

HON LT-COL E M BRITTO::

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

NO. 12 OF 1996

THE HON LT-COL E M BRITTO

RAGGED STAFF ROUNDABOUT

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

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

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

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

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 12 OF 1996

HON P R CARUANA:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

HON LT-COL E M BRITTO:

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

HON J C PEREZ:

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

NO. 13 OF 1996

THE HON P R CARUANA

CHRISTMAS LOTTERY

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

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

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

SUPPLEMENTARY TO QUESTION NO. 13 OF 1996

HON P R CARUANA:

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

HON J C PEREZ:

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

HON P R CARUANA:

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

NO. 14 OF 1996

THE HON F VASQUEZ

OIL POLLUTION

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

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

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

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

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

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

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

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 14 OF 1996

HON F VASQUEZ:

Have Government satisfactorily identified the source of the leak?

HON M A FEETHAM:

Not yet, Mr Speaker.

HON F VASQUEZ:

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

HON M A FEETHAM:

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

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

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

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 15 OF 1996

HON P R CARUANA:

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

HON M A FEETHAM:

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

HON P R CARUANA:

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

HON M A FEETHAM:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 16 OF 1996

THE HON F VASQUEZ

MERCHANT SHIPPING REGISTRY

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

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

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

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

SUPPLEMENTARY TO QUESTION NO. 16 OF 1996

HON F VASQUEZ:

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

HON M A FEETHAM:

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

HON P R CARUANA:

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

HON M A FEETHAM:

I do believe that they were two tankers.

HON F VASQUEZ:

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

HON M A FEETHAM:

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

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

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

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

There is no such organisation in existence in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 17 OF 1996

HON LT-COL E M BRITTO:

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

HON J L BALDACHINO:

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

HON P R CARUANA:

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

HON J L BALDACHINO:

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

HON P R CARUANA:

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

HON J L BALDACHINO:

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

HON P R CARUANA:

He should know.

HON J L BALDACHINO:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

I was not the Leader of the Opposition then.

NO. 18 OF 1996

THE HON LT-COL E M BRITTO

APPRENTICESHIPS

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

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

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

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

SUPPLEMENTARY TO QUESTION NO. 18 OF 1996

HON LT-COL E M BRITTO:

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

HON J L BALDACHINO:

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

HON F VASQUEZ:

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

HON J L BALDACHINO:

I do not accept that accusation.

HON F VASQUEZ:

Well then why has he re-opened it?

HON J L BALDACHINO:

I have already explained it in detail.

NO. 19 OF 1996

THE HON LT-COL E M BRITTO

UNEMPLOYMENT FIGURES

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

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND TRAINING

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

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

NO. 20 OF 1996

THE HON P R CARUANA

COSMOS CHARTER OPERATION

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 20 OF 1996

HON P R CARUANA:

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

MR SPEAKER:

Would you put your question.

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

MR SPEAKER:

Put a question please.

HON P R CARUANA:

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

HON J E PILCHER:

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

NO. 21 OF 1996

THE HON F VASQUEZ

INFORMATION CENTRE AT FRONTIER

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 21 OF 1996

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON LT-COL E M BRITTO:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON LT-COL E M BRITTO:

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

HON CHIEF MINISTER:

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

HON LT-COL E M BRITTO:

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

HON CHIEF MINISTER:

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

ORAL

NO. 22 OF 1996

THE HON F VASQUEZ

KEY AND ANCHOR SITE

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

No, Mr Speaker.

NO. 23 OF 1996

THE HON H CORBY

FLATS AT VINEYARDS

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

SUPPLEMENTARY TO QUESTION NO. 23 OF 1996

HON H CORBY:

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

HON J E PILCHER:

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

HON H CORBY:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

No, Mr Speaker, it is not.

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

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

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM

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

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

SUPPLEMENTARY TO QUESTION NO. 24 OF 1996

HON H CORBY:

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

HON J E PILCHER:

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

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

I did, I was not impressed.

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

MR SPEAKER:

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

HON H CORBY:

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

HON CHIEF MINISTER:

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

HON LT-COL E M BRITTO:

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

HON CHIEF MINISTER:

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

NO. 25 OF 1996

THE HON H CORBY

HARBOUR VIEWS

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

ANSWER

THE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 25 OF 1996

HON H CORBY:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

ORAL

NO. 26 OF 1996

THE HON P R CARUANA

EMPLOYMENT SURVEY REPORT

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

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 27 of 1996.

NO. 27 OF 1996

THE HON P R CARUANA

TOURISM, HOTEL AND EMPLOYMENT SURVEYS

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

ANSWER

THE HON THE CHIEF MINISTER

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

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

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

SUPPLEMENTARY TO QUESTION NOS. 26 AND 27 OF 1996

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 28 OF 1996

THE HON P R CARUANA

FAST LAUNCH ACTIVITY

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

ANSWER

THE HON THE CHIEF MINISTER

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

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

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

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

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

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

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

SUPPLEMENTARY TO QUESTION NO. 28 OF 1996

HON P R CARUANA:

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

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

HON CHIEF MINISTER:

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

NO. 29 OF 1996

THE HON P R CARUANA

EU DIRECTIVES

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

ANSWER

THE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 29 OF 1996

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

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

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

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

ANSWERTHE HON THE CHIEF MINISTER

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

SUPPLEMENTARY TO QUESTION NO. 30 OF 1996

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

HON P R CARUANA:

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

HON CHIEF MINISTER:

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

NO. 31 OF 1996

THE HON P R CARUANA

CARETAKER GOVERNMENT

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

ANSWER

THE HON THE CHIEF MINISTER

Until the general election is held.

SUPPLEMENTARY TO QUESTION NO. 31 OF 1996

HON P R CARUANA:

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

HON CHIEF MINISTER:

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