

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

**13TH FEBRUARY, 1997
NO. 1 TO NO. 63**

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QUESTIONS & ANSWERS

13th February 1997

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NO. 1 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GENERAL MEDICAL COUNCIL - REGISTRATION

Can Government state how many of the doctors practising in Gibraltar are not registered or entitled to automatic registration with the General Medical Council?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The provisions for registration of doctors are currently contained in Sections 7 and 8 of the Medical and Health Ordinance. Those will shortly be amended to take into account EC Directive 93/16.

At the moment doctors are entitled to full registration in Part 1 of the Register if either -

- (a) they are fully registered in the medical register of the United Kingdom, or
- (b) are in possession of such Commonwealth or foreign diploma and such professional experience as would entitle them to be so registered.

Subject to S.37 it is an offence to practise medicine while being unregistered. All doctors that have been registered in Gibraltar in accordance with S.7 and practise medicine are therefore either registered or registrable in UK and by implication registered or registrable with the General Medical Council.

Government will shortly be taking steps to transpose various EC directives into local legislation and clarify certain sections of the Ordinance all of which will impact on the current registration system.

SUPPLEMENTARY TO QUESTION NO. 1 OF 1997

HON J J BOSSANO:

Other than the question of the recognition of Community and, presumably, EEA qualifications, is there in fact a difference in who is currently able to practise in the United Kingdom and who is able to practise in Gibraltar in terms of commonwealth qualifications as opposed to UK or Community ones?

HON K AZOPARDI:

There are various lists kept in the United Kingdom. When the hon Member asks is there a difference in who can practise in the United Kingdom as opposed to Gibraltar, for example in the United Kingdom there is a system of limited registration, limited in time, for which people can register in the United Kingdom for

particular specialities and practise within those specialities, they can be Commonwealth citizens or indeed they can be foreign citizens. They need not be EU citizens and that is a system of registration which is available in the United Kingdom which is not available in Gibraltar for Commonwealth or indeed non-Commonwealth citizens. Is that the answer the hon Member is looking for?

HON J J BOSSANO:

No, I am not looking at the nationality of the doctor but at the origin of the qualifications. Do we in fact, as I think has been suggested, accept qualifications in Gibraltar which would not be equally accepted in the United Kingdom, because that is the essence of the original question. I think it has been suggested that that is the case and I would like to know whether in fact it is actually correct?

HON K AZOPARDI:

No, the Medical Registration Board can only register someone if they are registered in UK or they are registrable in UK and therefore they have to have the qualifications, be it a commonwealth or UK qualification by which they would be registrable in Part 1 of the UK Medical Register. So the answer is no, that is not the case.

HON J J BOSSANO:

I think the distinction drawn, as I understand it, is that in the United Kingdom there are people whose qualifications are such that they are entitled to automatic registration which allows the competence being subjected to further testing and that that distinction is not in our own system, that is, that being registrable is then subject to the further qualification that there are those who having obtained a higher degree, for example, automatically are entitled to registration and there are those who not having obtained it may need a second qualification or at least to pass an exam which is set by the GMC. Is this the case?

HON K AZOPARDI:

It is not the understanding that I have on how the Medical Registration Board works. I understand that they ensure that people are registrable fully and indeed can be registered immediately and so there is not that suspended degree of registration. That is not my understanding.

HON J L BALDACHINO:

Am I correct in assuming and maybe the Minister can clarify, that the United Kingdom has a certain agreement with some Commonwealth countries where medical students after finishing their university career can be practising in some hospitals for a short period of time and Gibraltar falls within the same criteria as the United Kingdom for that purpose and even though once they finish, I think it is two years that they have to do general practice, then they can practise in the United Kingdom, is that correct?

HON K AZOPARDI:

I am not aware of any such agreement and indeed I cannot answer for the United Kingdom if it does have such arrangements.

HON J L BALDACHINO:

My question is, does Gibraltar fall within the same criteria as the United Kingdom? In other words, even though the United Kingdom has an agreement, Gibraltar forms part of that agreement because the United Kingdom has that agreement?

HON CHIEF MINISTER:

No, that is not the case. As the Minister for Health has already said, the laws of Gibraltar only entitle people to practise medicine in Gibraltar if they are registered in the United Kingdom, or are entitled to be registered in the United Kingdom without actually having so registered. Our understanding is that there is a system in the United Kingdom of provisional registrations and those provisional registrations may be as a result of an agreement or as a result of an exchange of medical personnel between one country and the other but those arrangements that exist in the United Kingdom for provisional medical registration do not exist in Gibraltar. That is our understanding but we have not amended our Ordinance, our Ordinance remains as it has always been and that is that you are either registered in England or entitled to be registered in England.

NO. 2 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GHA - IN-PATIENT ADMISSIONS, ST BERNARD'S HOSPITAL

Can Government state what was the total number of in-patient admissions and the average number of patients per day at St Bernard's Hospital in 1996?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 3 and 4 of 1997.

ORAL

NO. 3 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GHA - OUT-PATIENT ADMISSIONS, HEALTH CENTRE

Can Government state what was the total number of out-patient attendance at the Health Centre in 1996?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 2 and 4 of 1997.

NO. 4 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GHA - OUT-PATIENT ADMISSIONS, ST BERNARD'S HOSPITAL

Can Government state what was the total number of out-patient attendance at St Bernard's Hospital in 1996?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The number of in-patient admissions at St Bernard's in 1996 was 4165. The average number of patients per day was 101.

The total out-patient attendances at the Health Centre in 1996 was 85,768 and at St Bernard's the figure was 52,805. This last figure excludes attendances by visiting consultants for which there is no specific figure other than the approximate total of about 3,000 attendances.

NO. 5 OF 1997

THE HON J GABAY

ALLOCATION OF AREA FOR SKATING ENTHUSIASTS

Will the Government consider the allocation of a suitable area for the use of young skating enthusiasts?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government are aware that there is demand for this leisure activity and are considering the possibility of this.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1997

HON J GABAY:

Given the increasing number of children that have taken up this form of sport, on grounds of safety and good order, should not a suitable venue be found with some degree of urgency and has the Minister not realised that there is concern on the part of parents and that this concern has been reflected in letters in the press? Furthermore, has the Minister not witnessed children skating in all directions in our streets and alleyways and become conscious of the serious risk of injury as they often weave their way through traffic and turn blind corners?

HON K AZOPARDI:

Both children and not so children. I take it that the hon Member is referring to what they call now roller-blading. I think that is the current fad. It is precisely because of that and indeed because of the programme on GBC the other day on roller-blading that we have realised that there is a demand for this activity and this is precisely why we say that we are considering the possibility of doing this. The hon Member cites a degree of urgency and of course that is a consideration that we will bear in mind, the danger. Of course space is at a premium, and that is also a factor that we will have to consider. I accept the hon Member's concern, that is precisely what has driven the Government to consider this possibility

NO. 6 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GHA/MOD - SECONDARY MEDICAL HEALTH CARE

Can the Minister for the Environment and Health state whether his discussions with the MOD in respect of the provision of secondary medical health care by the GHA to them have now finished?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No, they have not.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1997

HON J J BOSSANO:

At the last meeting of the House where a similar question was tabled the Minister said that it was at a very preliminary stage and that hardly any meetings had taken place at that time. Can he say how much further they have advanced since then?

HON K AZOPARDI:

Since my last intervention in the House we have moved rather more quickly than we had at that stage and so discussions are far more advanced than they were then but I would anticipate that a final conclusion would not happen for several months. I think that is the stage we are at, there are a lot of loose ends to be tied up and there are a lot of matters to be discussed and finalised so we are more advanced than we were but we are not near what I would term final agreement.

HON J J BOSSANO:

Can the Minister say whether in fact a policy decision has been taken that this is something the GHA wants to do?

HON K AZOPARDI:

The fact that we are in discussions means that GHA considers it an interesting possibility. When terms are discussed which are mutually acceptable then the Government will consider, as a matter of policy, whether to put that possibility into effect in the same way as presumably the previous administration considered it an interesting possibility and that is why discussions were ensuing between the MOD and the previous administration, I think the situation is exactly the same.

HON J J BOSSANO:

Previously the MOD was planning to set up what they called a cottage hospital pending whether there would be an eventual arrangement to replace it or not. Is that still the case?

HON K AZOPARDI:

They tell me in their discussions that that is still a possibility for them, yes.

NO. 7 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GHA - LEWIS STAGNETTO WARD

Have Government now taken a decision as to whether Lewis Stagnetto Ward will remain in the private corridor?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Lewis Stagnetto Ward is currently in private corridor because of refurbishment works. No decision has as yet been taken in relation to the question that the hon Member poses.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1997

HON J J BOSSANO:

Can the Government say when a decision will need to be taken because the refurbishment works will be completed and therefore either it will have to move or not move?

HON K AZOPARDI:

Not for some time, because as the hon Member knows and as I described in previous attendances here before the House, it is not just a question of refurbishing what was Lewis Stagnetto Ward. The old Lewis Stagnetto Ward is now occupied by the temporary kitchen, so there is a degree of refurbishment to the kitchen, then there will be a degree of refurbishment to Lewis Stagnetto, so I anticipate several months can go by without a decision being taken. The reason a decision has not been taken is that there is no degree of urgency and also because only last week representations were received from the John Mackintosh Trust that the John Mackintosh Wing was built in accordance with Clause 22 of the Will and that that envisaged part of that building to be used for private paying patients and they are making representations that that ward can only be used in accordance with the terms of the Will. I have not had time to take advice on that matter.

HON J L BALDACHINO:

Even though the decision has not been taken, one of the considerations of the Minister whether it will be a private ward or not will be considered once he gets the advice of the representations made by the Trust, if that is correct, then obviously he will have to take that into consideration once he makes a decision, is that correct?

HON K AZOPARDI:

Yes, the hon Member is correct in his analysis.

NO. 8 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GHA - RELOCATION OF HEALTH CENTRE

Can Government say whether they are considering moving the Health Centre to the ICC building?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

As indicated in answer to previous questions in this House, Government are considering the possible relocation of the Health Centre. Several options exist and while Government have not fully evaluated these, the move to the ICC is one.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1997

THE HON J C PEREZ:

Is this as a result of proposals being put to the Government or is it an initiative of the Government themselves to look at that site?

HON K AZOPARDI:

In respect of the ICC those proposals have been made to the Government. Government are considering whether that is an interesting move in relation to several factors, obviously, cost; ease of the move; convenience to the patients; access; etc as indeed we are applying those factors in relation to the other proposals

HON J C PEREZ:

Can the Minister state how many options the Government are considering at the moment?

HON K AZOPARDI:

At the moment we have three, including the ICC.

NO. 9 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets were in employment with the ETB at the end of May 1996?

ANSWER

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

Vocational cadets in employment at the end of May 1996, were 409.

SUPPLEMENTARY TO QUESTION NO. 9 OF 1997

HON J L BALDACHINO:

Can the Minister state if I am correct that the 409 are allocated with private companies or some of them are under different training? Can the Minister confirm if the 409 are all trainees with private companies?

HON J J NETTO:

Yes, I do confirm that.

HON J L BALDACHINO:

Do these vocational cadets include the people in the Training Centre? Are those taken apart from the 409 or are they also part of the 409?

HON J J NETTO:

Actually, I am not sure whether the ones in the Construction Training Centre in New Harbours fall within the 409 but I can find out and pass that information to him if he so wishes.

HON J L BALDACHINO:

While he gets that information or if he has the information now, those trainees that were taken by the MOD, can he also find out if they are part of the 409 or are they apart of the 409?

HON J J NETTO:

Equally the same, as I said before I can find out and pass the information to the hon Member.

HON J L BALDACHINO:

Seeing that the Minister is now giving me this type of information, could he pass on the information of other trainees who do not form part of the 409?

HON J J NETTO:

Yes, I will do.

NO. 10 OF 1997THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can the Government state how many vocational cadets have terminated their employment with the ETB each month since 1 June 1996?

ANSWER

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

The number of cadets who have terminated their employment with the ETB each month since 1 June 1996 is as follows:

June 1996	-	57
July 1996	-	52
August 1996	-	74
September 1996	-	73
October 1996	-	54
November 1996	-	39
December 1996	-	20
January 1997	-	40

Vocational cadets who have terminated their employment have done so by at least three ways:

- (a) at own request
- (b) at request of sponsoring employer
- (c) and taken into employment by sponsoring employer.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1997

HON J L BALDACHINO:

Does the Minister have the information with him how many, percentage-wise, have been employed?

HON J J NETTO:

I can give him the information to this question in relation to his previous question, which is the question, how many cadets were in employment at the end of May 1996. There are, according to our records in the ETB, seven different types that fall within the 409 figure. The number of cadets under the ETB contract on given dates and are still cadets today is 143. The number of cadets under ETB contract on given dates and have been terminated whilst still cadets is 159. The number of cadets under ETB contract on given dates and were fully employed for less than three months is seven. The number of cadets under ETB contract on given dates

and were fully employed for three to six months is three. The number of cadets under ETB contract on given dates and were fully employed between six to 12 months is one. The number of cadets under ETB contract on given dates and were fully employed for more than 12 months is nil. The number of cadets under ETB contract on given dates and are fully employed to date is 96.

HON J L BALDACHINO:

Am I to understand then that the Minister does not know, percentage-wise, or his department does not know, how many of the cadets who terminated found employment?

HON J J NETTO:

I have not got the figures in terms of percentage now. I can tell you that prior to the question by the Opposition Member there was not even a computer programme to extract information from our records but this has been done. If he wants the information again in terms of percentage, I can gather it in percentages.

HON J L BALDACHINO:

Would the Minister once he gets it pass it on to me?

HON J J NETTO:

No problem.

NO. 11 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets have been engaged by the ETB in each month since 1st June 1996?

ANSWER

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

Vocational cadets engaged each month since 1st June 1996 are:-

June	-	42
July	-	49
August	-	21
September	-	69
October	-	57
November	-	22
December	-	12
January	-	20

SUPPLEMENTARY TO QUESTION NO. 11 OF 1997

HON J J BOSSANO:

Given that the implication of the figures is, in fact, that more people have been completing as opposed to those starting, is it that there has been an insufficient demand from employers or an insufficient supply from those registered in the ETB?

HON J J NETTO:

At the moment what the new administration, the GSD Government have been doing is continuing the programmes as they were initiated by the previous Government. That is not to say that the Government are satisfied that the actual vocational cadet system, as it was originally intended, is an ideal situation that leads to cadets in full employment and it is for this reason that the Government are intent on reviewing the actual quality of the training and the actual leading to full employment of the cadets and in due course, once the Government have reviewed the position, then we will come to the House and make changes to the current system.

HON J J BOSSANO:

It is all very interesting but it is not the question that I asked. The question that I asked is, if 57 people finished in June and 42 started, was it that there was only a demand for 42 because what it shows is that between June and January this year more people have completed than have been taken on and I want to know whether,

in fact, it is that the employers have not been asking for more cadets and that is why more have not been taken on or is it that employers have wanted to take on more cadets but the people that they were looking for were not available, which of the two?

HON J J NETTO:

On the whole it has been a question of demand.

HON J J BOSSANO:

I take it that means insufficient demand, that is that more people have not got into the scheme because they have supplied those who have wanted and there has not been a demand for more?

HON J J NETTO:

That is right.

NO. 12 OF 1997THE HON A ISOLA**CANCELLATION OF SCHEDULED FLIGHTS**

Will Government state how many scheduled flights to Gibraltar have been cancelled in January 1997 other than due to bad weather, and are they aware of any further cancellations for February or March 1997?

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

There were five scheduled flights cancelled from London to Gibraltar in January 1997. Government expect four scheduled flights to be cancelled in February 1997 and six scheduled flights to be cancelled in March 1997.

SUPPLEMENTARY TO QUESTION NO. 12 OF 1997

HON A ISOLA:

Bearing in mind that flights on a scheduled service as opposed to a charter service are there with a degree of certainty, in other words, people can plan and book their flights on given dates, are Government aware of any reason as to why these scheduled flights have been cancelled so far ahead?

HON J J HOLLIDAY:

My understanding is that it is quite common that during this part of the year scheduled flights are cancelled. I take the hon Member's point but if one uses January 1997 as a point of reference when comparing with January 1996, the actual number of seats available increased by 7.7 per cent. So the actual availability of flights to Gibraltar from London has increased even though there were three cancellations in January. Obviously, February and March, it remains to be seen what the effects will be at the end of the day.

HON A ISOLA:

Notwithstanding that and I do not dispute the figures that the Minister has quoted, do Government believe that it is prudent for scheduled operators to cancel scheduled flights because obviously these announcements have not been made public and therefore there may even be people today, bona fide tourists, booking flights to come to Gibraltar for those days in February or March and they are only told at very, very short notice that those flights in fact are cancelled. Most people who have booked their flights with anticipation are not aware until very late that those flights are in fact not coming. Is the reason for the cancellation of the flights that there are only 20 or 30 people booked and so what happens to those 20 or 30 people?

HON J J HOLLIDAY:

My understanding is that those scheduled flights that were actually cancelled had less than 20 passengers on those flights booked. In fact, those passengers were contacted and compensated accordingly and alternative arrangements were made with no detrimental effect to the people concerned.

HON A ISOLA:

Mr Speaker, 20 people were contacted and compensated and everything else but what are they told? They have obviously been allowed to book a flight. Are people today booking flights for February and March which without them knowing are going to be cancelled at a later date? Are Government satisfied that a scheduled carrier can cancel a scheduled flight because there are few people on that is a charter service not a scheduled service?

HON J J HOLLIDAY:

I understand the point the hon Member is making but it is common in the industry for this to happen. It is not something that one encourages obviously and one would not like to see it happen but it does happen and it is a commercial decision that has to be taken by the airline.

HON A ISOLA:

I accept it is a commercial decision, my only question is will Government, bearing in mind we only have one carrier at the moment although Monarch is coming in shortly, take steps to express their view to the carrier that whenever possible scheduled flights should continue notwithstanding obviously commercial considerations, but it cannot be the preference to allow a schedule operator to cancel flights simply because of low factors?

HON J J HOLLIDAY:

I can assure the hon Member that I have been in contact with the airline and I am fully briefed on the situation. But at the end of the day it is a commercial decision that has to be taken notwithstanding the need to offer this service on a regular service between London and Gibraltar.

NO. 13 OF 1997

THE HON J L BALDACHINO

AIR TERMINAL - REFURBISHMENT WORKS

Are Government aware how many Gibraltarians are employed on the refurbishment works at the air terminal?

ANSWER

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

There are six Gibraltarians employed in the air terminal refurbishment project, one of these as a sub-contractor.

SUPPLEMENTARY TO QUESTION NO. 13 OF 1997

HON J L BALDACHINO:

And how many non-Gibraltarians are working, is the Minister aware?

HON J J HOLLIDAY:

Yes, I am aware. Other workers involved are three British, three Spaniards, and two Moroccans.

NO. 14 OF 1997THE HON A ISOLA**HOTELS - AID PACKAGE**

Have Government concluded their aid package for the hotel industry, and if so, what does it consist of?

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

The Government invited submissions from the hotels with a view to providing aid for the industry. These submissions are presently being studied and an aid package will shortly be discussed with each of the hotels.

The package is composed of a series of elements, not all of which are necessarily applicable to all hotels. The possible components of the package are as follows:-

- (a) A waiver on import duty on products imported into Gibraltar for the refurbishment and/or upgrading of hotels;
- (b) A reduction in rates and electricity and water charges;
- (c) Grants, for projects to be jointly funded by hotels, for immediate refurbishment;
- (d) Soft loans repayable over a period of time for the purpose of development of new facilities;
- (e) Financing of a training package for hotel staff;
- (f) Freezing of arrears in respect of electricity, water and general rates charges, and negotiation of a package to provide for a gradual repayment of these arrears.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1997

HON A ISOLA:

Have Government an estimate that they have concluded in an impact study of the cost to Government of all these measures for the hotels?

HON J J HOLLIDAY:

The current situation is that these submissions have now been accepted by Government. They are being considered. I have already made arrangements to meet the hotels individually during week commencing 4th March and between now and then I will obviously have a full analysis of the cost and impact that this will have on Government funds. I cannot really confirm any details today.

HON A ISOLA:

If the submissions have been accepted as the Minister says, does he not know what the cost is at this stage?

HON J J HOLLIDAY:

What I mean by accepted means that I have received them, it does not mean that I have accepted their proposals.

HON A ISOLA:

Will Government consider extending these facilities to any other businesses which may have similar difficulties to those which are facing the hotel industry today?

HON J J HOLLIDAY:

Our priority at the moment is obviously the hotel industry. We have not had representations from any other sector although we do realise that there are some sectors in the private sector that are under severe pressure but this will form part of an overall package of measures which was recently announced by the Chief Minister and will form part of our assistance to the private sector in order to generate economic activity.

HON A ISOLA:

The grant which I think was item (c) that the Minister referred to, what is that? Is that a gift, it is a non-repayable grant, I assume?

HON CHIEF MINISTER:

Well, yes, that is what the word grant means. A grant is what is given out by many Governments throughout Europe. It is a non-repayable contribution by the Government to the creation of infrastructure for the generation of economic activity. The hon Member must be aware this is quite common.

HON A ISOLA:

I just wanted to be sure.

HON J J BOSSANO:

Whilst not being able to say accurately what is the likely cost, can an indication be given of the order of cost? Are we talking about something that is in the range of £1 million plus or something that involves a few thousand pounds?

HON CHIEF MINISTER:

No, the first of the two ballparks described by the Leader of the Opposition is more accurate. We are not talking about thousands, we are talking about millions.

HON A ISOLA:

Have the Government any indications of what amount they are prepared to give in grants, is there a ceiling or does it simply depend on the proposals that they receive?

HON CHIEF MINISTER:

The Minister for Tourism is dealing with each hotel separately on the basis of the particular needs of each hotel in order that the hotel industry, as a whole, can respond to the needs of the Government's broader policy to deliver a viable and successful tourism industry. There is therefore not a blueprint for each hotel. The Minister is looking at the needs of each hotel separately and he will devise, for each hotel, a cocktail of measures which will be a mixture of grants, soft loans and other form of assistance as in this list and he will devise, for each hotel, the package of supporting measures that he thinks that hotel needs consistent, of course, with the parameters of the Government's policy in relation to this matter. So it is not possible at this stage for the Government to give an indication of what relative weighting will be given to the various different components of the package. I can certainly tell the House that the Government sees this element of our policy as vital to the success of Gibraltar's tourism industry which as they know the Government consider to be important to the general economic future of Gibraltar.

HON J C PEREZ:

Since the Minister for Tourism said that one of the elements would be a reduction in water, are we to understand that that reduction in water will come about as a result of the Government making good in cash that reduction to the water company or is it that the Government are intending to convince Lyonnaise des Eaux to reduce their rates and their tariffs to the hotel industry?

HON J J HOLLIDAY:

That is correct, yes. The Government will have to be subsidising part of it, we will not be making Lyonnaise des Eaux adjust their rates according to our needs.

HON J C PEREZ:

So really that could be construed as an addition to the direct grant that is given to the hotels because it would cost the Government money directly and it would add to the cost of direct cash that the Government need to put out. Can the Minister state whether this is true as well of water arrears since the company commenced operations in Gibraltar?

HON CHIEF MINISTER:

The Government's proposals at this stage in relation to water and other arrears, not just water, electricity for example and rates, are to draw the line and convert them into a schedule repayment situation. In respect of how the Government deliver the subsidy on municipal costs to the industry, the Minister for Tourism has described what the Government see it at present as the most likely means of delivering the aid but there is a second possibility and that is that Lyonnaise des Eaux may be asked, it is a possibility which we have not considered but it exists as a possibility, to reduce the water tariff payable by hotels simply to the ordinary commercial tariff. Our understanding at the moment is that the hotels pay a higher rate for water. If that were to be the case then the Government would certainly ask Lyonnaise to reduce it to the ordinary commercial tariff but we certainly would not ask Lyonnaise, and this is what the Minister confirmed, to subsidise any reduction for hotels below the normal commercial tariff.

NO. 15 OF 1997

THE HON A ISOLA

TOURISM MINISTRY - NEW POSTS

What new posts, if any, does the Minister for Tourism expect to create at senior level within the Tourism Ministry and what will the responsibilities and terms of employment of such posts be?

ANSWER

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

Government do not intend to create any further posts at senior level within the Ministry of Tourism.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1997

HON A ISOLA:

Is the Minister referring me to yesterday's Chronicle which tells us that the Gibraltar Development Corporation for the Gibraltar Tourist Board, as it is now known, intends to employ, are these the only positions at a senior level that the Tourism Ministry is intending to create? In other words, the ones of yesterday, are there any others within the Development Corporation or Tourism Ministry?

HON J J HOLLIDAY:

I think it is important to differentiate between the Ministry of Tourism and the Gibraltar Tourist Board. The Ministry is the policy unit; the Board deals with putting policies into effect. The process has now begun to recruit three senior officials for the Gibraltar Tourist Board: a Commercial Director of Tourism, a Product Manager and a Marketing and Sales Manager. The employees of the Gibraltar Tourist Board will be offered contracts of employment for the Gibraltar Development Corporation, they will not be civil servants.

HON A ISOLA:

Does the post of Commercial Director of Tourism also contain a package for accommodation?

HON J J HOLLIDAY:

If one reads the advertisement yesterday there is a salary guidance and it is said to be negotiable and obviously it will depend on the individual applicant as to what the requirements of the package will be.

HON A ISOLA:

Has the Gibraltar Development Corporation or the Tourist Board opened these vacancies or do they intend to open these vacancies anywhere other than the Chronicle where it was advertised yesterday?

HON J J HOLLIDAY:

The post for Commercial Director of Tourism as advertised in the Gibraltar Chronicle yesterday will also be advertised in the UK next week.

HON A ISOLA:

Does the Minister have anybody in mind or do Government consider any people for these positions at this stage or are they simply awaiting applications?

HON J J HOLLIDAY:

I can confirm that there have been a number of people who have expressed interest in applying for the post. Government do not have anybody earmarked for the post and obviously all applicants will be considered at the time of selecting the person for the post.

HON A ISOLA:

Do Government have any indication of what term contract they would intend to give these three posts, will they be short-term in the sense of a year or three years, what term are they looking at?

HON J J HOLLIDAY:

The contract would be for a three-year period.

HON J C PEREZ:

Can the Minister state whether the Government have entered into a commitment with the Civil Service Union that after those three years these posts might become available within the civil service?

HON CHIEF MINISTER:

The Government have not entered into any such commitment with the civil service or any other union.

HON J C PEREZ:

Can the Minister state whether there have been objections by the Civil Service Union that these posts should come outside the civil service and whether any negotiation or agreement has been arrived at to the effect that they are in agreement that these posts should come out?

HON CHIEF MINISTER:

The GGCA has expressed its traditional view on recruitment from outside the service, namely that in principle it is against that. The Government have, as we have done since we arrived in office, engaged the unions in regular dialogue and during that dialogue have sought to persuade the GGCA that this particular need for commercial expertise does not breach the principles that the unions seek to defend when they advocate their historical view. I am happy to say that in the interests of the economic prosperity of Gibraltar, the unions have demonstrated exemplary responsibility and have indicated that they will not oppose the Government in the recruitment of these and a number of other posts in other areas of economic activity, which the Government have given details of to the GGCA, and some of them arise, for example, in the Ministry of Trade and Industry; we have given a list of the areas where we think commercial expertise is necessary to develop the economy and where that commercial expertise is not available within the public service at the moment and I am happy to say that the GGCA has, as I say, with exemplary responsibility accepted those views of the Government.

HON J C PEREZ:

But is it not the case that the view has been put to the Government that there might be people within the service who could be trained and that therefore options should remain open for the foreseeable future for people to be trained and be able to take over those posts once the three year contracts of the people recruited has expired?

HON CHIEF MINISTER:

Nobody has argued to the Government that there is anybody within the much reduced public service today with the necessary commercial experience in the tourism industry to develop and implement a comprehensive and coherent tourism policy. No one has argued that, it is unarguable, the hon Member must know there is no such expertise and what is more, the commercial expertise and experience that this Government require in order to develop and implement our tourism policy, cannot be acquired in three years by a civil servant.

HON A ISOLA:

Will Government consider, certainly in respect of the Product Manager where the products they are looking at are wholly localised, there is not a great deal somebody else or that somebody cannot learn within three years in respect of those tasks, will Government consider once the appointments have been made, appointing somebody locally as an understudy to be in a position in three years time to take that job on if at that time they are able to do it?

HON CHIEF MINISTER:

If the hon Member had listened carefully to the last answer given by the Minister for Tourism he would have noticed that the advertisement that was going to take place in the United Kingdom was in respect of the Commercial Director. The hon Member should therefore not assume that the two subsidiary posts of Managers underneath him will not be locals. Indeed, the Government's policy is, insofar as possible, to localise all posts provided that the expertise is available. Certainly the Government will take all steps possible to ensure that local people have the training opportunities

to aspire to whatever limited number of posts the Government may think are needed to be recruited from abroad. So, yes, it is highly probable that the Product Manager and the Marketing Manager will be recruited locally and if any of those eventually develop the skills to be Commercial Directors then by all means they can aspire to hold that post at some time in the future.

HON J J BOSSANO:

Can I ask whether the actual staff that will be provided, presumably to these new Managers, are going to be employees also of the Gibraltar Development Corporation and consequently recruited from outside the service?

HON J J BOSSANO:

The Opposition party's new-found enthusiasm for recruitment from within the public service is admirable but will come as something as a surprise to many people listening to the Leader of the Opposition. The Government have a commitment that with one or two minor exceptions, minor in numerical terms, nobody that is presently performing a function will lose their jobs. There are people presently employed by the Gibraltar Information Bureau Limited, which the Government are in the process of winding-up, providing tourism functions. They will continue to provide those tourism functions through the Gibraltar Development Corporation and therefore the vast majority of the people presently supporting tourism in Gibraltar through the Gibraltar Information Bureau, will be retained. Any additional recruitment that may be needed by way of specific secretarial or logistical support to these three new Managers, if indeed it is needed, could be recruited either through the Gibraltar Development Corporation or through the Ministry of Tourism, that is not a matter upon which the Government have made a policy decision. But I can tell the hon Member what the Government's general policy decision is because he has heard us advocate it over many years and that is that wherever possible recruitment should be through the public service and not through parallel structures.

HON J J BOSSANO:

Since I am seeking information and not expressing enthusiasm, can he tell me whether in fact what he is saying is that it is possible that there will be in the same function a mixture of civil servants and non-civil servants, based on what he has just said?

HON CHIEF MINISTER:

The answer to that is no. That is a position that the GGCA shares with the Government, in other words, that we do not think it is appropriate that there should be a cocktail of people working within the same unit some of whom are civil servants and others of whom are not, and that is precisely the reason why the Government have not yet been able to make a firm decision as to how future recruitment will be undertaken because the possibility would arise of mixing civil servants with non-civil servants. That is an issue that remains for the Government to discuss and agree with the GGCA; it does not arise at present, when it does arise we will come to some agreement with the GGCA which saves everybody's interests in principle.

NO. 16 OF 1997

THE HON A ISOLA

TOURISM ADVISORY COUNCIL - MEETINGS

On what days has the Tourism Advisory Council met and has it made any proposals to the Minister for Tourism?

ANSWER

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

The Tourism Advisory Council was set up on 24th October 1996. It has met on three occasions: on 24th October 1996, 19th November 1996 and 6th February 1997. There were no meetings in December as a result of other important commitments and the Christmas break. The next meeting of the Council is scheduled for 27th February 1997.

The Council was charged with advising me on the priorities I should address with regard to tourism. Fruitful discussions led me to decide that the entry points to Gibraltar should be substantially improved to ensure that the first and last impressions of Gibraltar should be favourable. To this end, a refurbishment programme for the air terminal has commenced. I will shortly be announcing the beautification plans for the North Mole, from the Cruise Liner Terminal to Waterport.

The Council has also considered options to beautify the land frontier with Spain and the development of the new Coach Park Terminal. A number of proposals have been made in this respect.

Other areas brought to my attention by the Council include traffic and parking and possible initiatives to ensure Gibraltar benefits from the Ryder Cup in September 1997. Consideration has also been given to various strategies to increase the number of overnight visitors to Gibraltar.

The way in which the Council works is to address a particular issue, and action results from the discussions. This Council will not degenerate into a talkshop.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1997

HON A ISOLA:

Has the Tourism Advisory Council set up representative specialised committees to include travel agents, hoteliers, taxi representatives and restaurateurs as was announced on 24th October 1996 and, if so, when will these be set up bearing in mind the Council is appointed for one year only?

HON J J HOLLIDAY:

I think the hon Member has misinterpreted what was announced on the 24th October 1996. What I announced on the 24th October 1996 was that the Tourism Advisory Council was an advisory body to advise me precisely on particular issues. What I announced was that there would be other sub-committees that would be formed but these would be under the Tourist Board's structure headed by the Commercial Director of Tourism. These committees will not come under the Tourism Advisory Council.

HON A ISOLA:

On the 24th October the Government Press Release said that: "The formation of the Council will be followed by the setting up of representative specialised committees to include travel agents, hoteliers, taxi representatives and restaurateurs amongst others to advise the Commercial Director for Tourism once appointed". Are those committees going to be held until the post of Commercial Director is actually filled?

HON J J HOLLIDAY:

That is correct.

NO. 17 OF 1997

THE HON A ISOLA

TOURISM - ESTIMATE EXPENDITURE

Can Government state how much of the £800,000 provided in Head 13, Subhead 14 has been spent on tourism in the current financial year and up to what date?

ANSWER

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

The total amount spent in Head 13, Subhead 14 to date has been £858,000. Of this, around £720,000 has been spent on tourism and related activities. In addition, a total of £110,000 has been spent on tourism representation and conferences but charged to Treasury Head 16(8) Representation Overseas and Head 16(9) Promotions/Conferences. This gives a total expenditure on tourism and related activities of £835,000.

NO. 18 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

How many of the social insurance cards issued in 1996 have been renewed in 1997?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As at 7th February 1997, 8,000 social insurance cards that were issued in 1996 have been renewed.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1997

HON J J BOSSANO:

Can the Minister confirm that this, in fact, means that there are still something like 4,000 that are awaiting renewal because there are something like 12,000 in issue normally?

HON H CORBY:

Yes, I have here the statistics for people in employment and the returning of cards since 1994 and it is in the region of 11,972 and that is the latest I have on statistics.

HON J J BOSSANO:

My question is, of the cards that were in issue, say, in December and which therefore require renewal in January, if 8,000 have been renewed that means we are talking about two-thirds having been renewed and there is still one-third to come, is that the case?

HON H CORBY:

Yes, that is correct. The answer to the question said 7th February, some must have come in subsequent to that date. Let me say, and the hon Member must know, that when social insurance cards are returned these are placed in alphabetical order and then posted into individual records. Once this is done lists are produced and letters sent to the people who have not complied with the law. It is regretted that due to the inspectorate section which was abolished in 1990, there was no follow-up whatsoever insofar as that is concerned, it was only through letters and people coming in and making arrangements to pay either in instalments or otherwise. The Government are now looking to rectify this deficiency by introducing the inspectorate again and we are also studying what we can do if that does not work in order to make people comply with the law.

HON J J BOSSANO:

What is the position of people whose cards have not yet been renewed? Are they currently insured or not?

HON H CORBY:

People who have not brought in their insurance cards, we pursue that through letters. If a person comes in and the employer has not sent in the insurance cards and the person has proof that he has paid the insurance that is taken into account insofar as social security is concerned.

HON J J BOSSANO:

I am well aware of that. My question is, in the process of renewal of the cards, what is the position of the people who are still working but whose card has not been renewed? Are they considered to be insured or not insured until the card is renewed?

HON CHIEF MINISTER:

The position is, and it has been since 1953 when the Social Insurance system began and as it has been during the last eight years when the hon Member was in Government. It has never been the case in Gibraltar that employers rush on the due date to exchange their cards and he knows what the practice of the administration is in respect of that matter. The practice has not changed, it is the same practice that he administered for eight years.

HON J J BOSSANO:

Yes, but presumably since I have been 25 years in politics then according to the philosophy of the Chief Minister I should say nothing for four years because I know all the answers. That does not deprive me of the right to see if he knows the answers and that is why I am asking the question. So is it the case that those whose cards have not been renewed in January are, in fact, covered by the Social Insurance or not until the card is renewed, which is it?

HON CHIEF MINISTER:

The object of Opposition questions is for the hon Member to glean from the Government information that he does not know and that he needs. It is not to cross examine the Government Ministers to determine their personal level of knowledge. If that is what he thinks Opposition questions are for then he is mistaken.

HON J J BOSSANO:

If I were to put questions by the standards established before May then they would all be like that but, in fact, I think the Chief Minister is wrong in that I may have information which is not public and what the rules say is that I should not put a question if the information is public. The fact that I know the information personally is neither here nor there. So is it a fact that people whose cards have not been renewed so far in January are covered or not covered?

HON CHIEF MINISTER:

The hon Member knows that the practice of the administration is that people whose cards have not been renewed so far in February are still covered.

NO. 19 OF 1997

THE HON R MOR

SOCIAL SECURITY - SELF-EMPLOYED INSURANCE CARDS

Following the Government's answer to Question No. 151 of 1996, what is the number of self-employed social insurance cards issued since then broken down as follows:

- (a) Gibraltarians
- (b) UK nationals
- (c) other EEC
- (d) non-EEC?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Following from Question No. 151 of 1996, 12 new self-employed social insurance cards have been issued. This can be broken down as follows:

- | | | | |
|-----|---------------|---|-------------------------|
| (a) | Gibraltarians | - | 5 |
| (b) | UK nationals | - | 6 |
| (c) | other EEC | - | 1 |
| (d) | non-EEC | - | <u>Nil</u>
<u>12</u> |

NO. 20 OF 1997

THE HON R MOR

PRISON - NUMBER OF INMATES

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

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

On the 7th February 1997, the number of prisoners held at the prison stood as follows:

(a)	Gibraltarian	11
(b)	British	5
(c)	Spanish	3
(d)	Moroccan	3
(e)	French	1
(f)	Russian	2

SUPPLEMENTARY TO QUESTION NO. 20 OF 1997

HON R MOR:

Are the two Russians still part of the original five Russians who were held here because of lack of papers?

HON H CORBY:

No, the Russians are detainees awaiting deportation being held on the strength of a warrant issued by His Excellency the Governor pursuant to Section 59(1) of the Immigration Control Ordinance.

HON R MOR:

But the question is are they two of the five that were held under precisely that rule before?

HON H CORBY:

Yes.

HON CHIEF MINISTER:

They are two of the seven, the others being on day parole terms.

NO. 21 OF 1997THE HON J L BALDACHINO**GOVERNMENT HOUSING - ESTIMATE EXPENDITURE**

Can Government state the total expenditure to the end of December 1996 on the refurbishment of Government Housing Head 101, Sub-head 2, Improvement and Development Fund and the estimated amount that will be spent to the end of March 1997?

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

Expenditure on the refurbishment of Government Housing Head 101 - Subhead 2, Improvement and Development Fund up to 31 December 1996 was £1,644,242.

The forecast out-turn up to the end of the financial year, 31 March 1997, is £1,928,500.

SUPPLEMENTARY TO QUESTION NO. 21 OF 1997

HON J J BOSSANO:

Is the refurbishment work being done currently on some kind of contracted basis with the direct labour on the basis that they have an incentive for doing a certain level of refurbishment work or is that scheme no longer operational?

HON J J NETTO:

As the hon Member knows there have been quite a number of internal and external reports criticising Buildings and Works over a number of years. We have, for instance, the March 1993 Report by Price Waterhouse that the previous Government chose to keep secret from both the Opposition and the public which was a scathing attack on the value for money that we have in Buildings and Works. We also have the situation where on the 23 June 1994, the previous Principal Auditor, Walter Crisp, further made another report which the Government of the day chose to keep secret from the Opposition and members of the public, criticising the question of refurbishment to which the Opposition Member has referred to just now. The Leader of the Opposition knows that the department, as a result of this criticism, both these external and internal reports, have not been quantifying, specifying and estimating proper refurbishment works and what this Government are trying to do today for which we already put a scheme to the unions is very much the analysis and the comments subscribed in all of these reports. That is to say, that in future we will have major refurbishment works carried out by the Planning Office for which they will specify, estimate all the work; all the specifications will be done by a Quantity Surveyor; the same Quantity Surveyor that the Hon Mr Baldachino in 1993 removed from Buildings and Works back to DTI as a consequence of not getting value for money for tenants and tenants associations. This is the intention of the Government because we hope that we can give workers within Buildings and

Works, difficult as it is in today's world, security of employment, but there are two sides of the coin. One side of the coin is that we want to give them good conditions, good pay, good pensions, incentive money; but on the other side of the coin are the tenants and the tenants associations. We hope, like any other company or business, that the future of the department lies with giving our tenants the rights that they should have in a modern society. So the work that the Leader of the Opposition is subscribing now means that we will continue to induce this new refurbishment projects so long as there is value for money and customer satisfaction.

HON J J BOSSANO:

That is not my question. Can he tell me whether, in fact, the £1.6 million that has been spent has been spent by making payment on incentive schemes or is it another way? That is the question I have asked, nothing else.

HON J J NETTO:

As the hon Member fully knows, yes, it has been done by major refurbishment works. In fact, if he wants further details, not just from this previous financial year but if he wants to go further back in history as from the 1 May 1994 to the 31 March 1997 with the same Head 101, Subhead 2, a total of £1,514,932 had been allocated for bonuses by the previous Government. We are not talking about basic wages, we are not talking about overtime, we are not talking about allowances, we are not talking about substitution; we are talking solely and exclusively of bonuses. From that total figure we find that the North Depot have enjoyed a total amount of £662,059. The pay which has now been subsumed in the North Depot, £22,864. The South Depot, £421,664. The Town Depot, £140,106 and the Works Depot, £268,238. So in terms of the backlog, the huge immense backlog of work that there is which is to do with the criticism enshrined in these reports which they kept secret, it is clear for us that we need to continue to keep these promises but not on a question whether Government are not satisfied that we are giving value for money and customer satisfaction.

NO. 22 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - WATER INGRESS

Can Government state how many Government rented dwellings have been affected with water ingress due to the recent inclement weather?

ANSWER

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

The total number of reports received were 296.

According to management all reports were attended to. The Department has bought during that period 241 tarpaulins and most of them have been placed. Some immediate works have been executed and others were put on record for future works.

SUPPLEMENTARY TO QUESTION NO. 22 OF 1997

HON J L BALDACHINO:

How many dwellings have been severely affected? I suppose there are different ways dwellings can be affected?

HON J J NETTO:

Yes.

HON J L BALDACHINO:

Not yes, but how many? I am asking how many have been severely affected?

HON CHIEF MINISTER:

That is not a coherent question. The question asks how many have been affected by water ingress. That calls for one single number, the number is 296. If the hon Member wants a detailed report of how each of those 296 were affected and to what extent, he will have to give notice of a question. How can he possibly expect the Minister to have that information at his fingertips?

HON J L BALDACHINO:

How many of the dwellings have had remedial works carried out?

HON J J NETTO:

I think I have actually answered that question already.

HON J C PEREZ:

Is the Minister aware of the dwellings that have had tarpaulins placed on them, how many are programmed and scheduled to be repaired in the near future and how many are in the consideration of the department and perhaps in a position of disrepair where the tenant may have to be vacated? Has the Minister got those details available - I understand it is not part of the question - if not, could the Minister perhaps supply the Opposition with those figures?

HON CHIEF MINISTER:

The hon Member may not know and if he does not I will tell him now, that the Government have a substantial programme of works that we wish to introduce, not just in the refurbishment of the Government housing stock but, indeed, in the beautification of Housing Estates which is an electoral commitment of the Government. The Government have not so far been able to make any start in our programme in relation to public housing because as the hon Member knows well, industrial relations within the Buildings and Works Department since May have not permitted it. As soon as the Government deal with the fundamental problem in the Buildings and Works, to which the hon Member has already alluded in the form of the Government's insistence on being able to measure the quantity and quality of the work done in order to ensure the taxpayer gets value for money for the large amounts of money that is invested in this area, the Government will then have available to us a workforce with which we can carry out our policies of refurbishments and embellishments to Government housing estates. But he well knows, from the reading of the press during the last several months, that it has not been possible for the Government to effectively deploy the workforce of Buildings and Works during the last seven or eight months.

HON J C PEREZ:

I thank the Chief Minister for all the information he has given which I did not ask for. I can gather then from that information that of the 200-odd tarpaulins that were placed on leaking roofs because of the heavy rains, there are at the moment no plans for the reasons given by the Chief Minister to repair any of those houses, whether they are severely affected or not?

HON CHIEF MINISTER:

It seems that giving more information than they ask for does not lead to the information being absorbed. The Government have plans but simply cannot put them into effect.

HON J C PEREZ:

Precisely because the Chief Minister has offered more information than the one I asked I wanted him to specifically state that those tenants with tarpaulins on their roofs are not to expect in the very near future that their roof be repaired for the reasons offered freely by the Chief Minister to this House.

HON CHIEF MINISTER:

The tenants who need tarpaulins on their roof because it rains, have been needing repairs to their council houses for eight years, many of them. Now they have a Government with a commitment to tackle them which they did not have before and therefore it does not lie in the mouth of the hon Member to seek to put the Government under pressure for not having done what we want to do but cannot when he was not willing to do it during the last eight years.

HON J C PEREZ:

Is the Chief Minister aware that he is talking complete nonsense and that his hon Colleague has just told the House that the 200-odd tarpaulins that have been placed on the houses that are leaking are leaking because of the recent heavy rains and how could those houses have been leaking for eight years? We are talking about the recent leaks of the heavy rains and not the repairs which he has referred to before of the beautification and all this beautiful policies which he claims he is going to do of which he has done none yet. Can the chief Minister not make a distinction between repairs of the old stock and recent repairs as a result of heavy rains which is what the Hon Mr Baldachino has asked and what his hon Colleague was trying very badly to answer in this House?

HON CHIEF MINISTER:

Notwithstanding the efforts by Opposition Members to undermine the work of this Government, the Government have not invented heavy rainfalls since May 16th, it used to rain quite heavily during the eight years that he was in office as well.

HON J C PEREZ:

But the tarpaulins that have been necessary as a result have been as a result of the rains when he has been in Government so he cannot attribute it to the past eight years.

NO. 23 OF 1997THE HON J L BALDACHINO**GOVERNMENT HOUSING - VACANT UNITS**

Can Government state how many Government housing units are at present vacant broken down in the categories of -

- (a) post-war
- (b) pre-war?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are 115 Government housing units which are vacant. They can be broken down into post-war and pre-war as follows -

- (a) post-war 64
- (b) pre-war 51

SUPPLEMENTARY TO QUESTION NO. 23 OF 1997

HON J L BALDACHINO:

Are they all habitable for allocation?

HON H CORBY:

Pardon?

HON J L BALDACHINO:

Of the 64 post-war and of the 51 pre-war, are they habitable accommodation which can be allocated?

HON H CORBY:

No, they are not habitable accommodation which can be allocated. In the pre-war houses we are undertaking a study and the Minister for Buildings and Works is doing that. Let me say that when we came into power we undertook a process where Government flats would be refurbished. We found that the public was not getting value for money. Out of the 115 which were there, and the Chief Minister has stated the reasons for this, within May, June, July, August, September to date, Buildings and Works have produced only 24 of those houses. So the Minister for Buildings and Works is undertaking a study, a costing, but it is due to the Buildings and Works not wanting to produce the work, that this state of affairs has arisen. It puts a lot of pressure on the Housing Department because flats are empty and people see flats empty. There are people who cannot go in and do it themselves

because there are social cases as well on the pre-war at times, and he knows this for a fact. Flats are left in a derelict state, even the post-war, and he knows that for a fact. We have offered proposals which we believe are beneficial to both the workers and the public and this has been in conjunction with the union and have been submitted to them. We hope that they will accept this deal and probably the Minister for Buildings and Works can extend the information insofar as the package is concerned. I am sure they will accept this proposal and we will have flats returned sooner and then we can allocate.

HON J L BALDACHINO:

Am I to understand from the answer that the Minister has given, that none of the 64 post-war flats are in a state where they can be allocated?

HON H CORBY:

No. There are people who cannot do it because of their financial restraints but those who can do that, and pre-war houses are in a pretty derelict state, the Government are prepared to offer them materials and all the rest in order that they can acquire a house sooner.

HON J L BALDACHINO:

How long will the Minister make available to those people in the waiting list on the condition he has just mentioned the post-war flats - I do not know how many there are of the 64 - which can be allocated in that sense?

HON J J NETTO:

In terms of the question posed how long will it take to be able to allocate to tenants those houses, again we go back to the previous debate in the sense that at the moment as we speak, both senior management and the Government are not in a position to be able to determine a proper programme of works to be carried out. The reasons why we cannot give a proper schedule of works is because we are not satisfied with the way major refurbishment, which includes houses, have been performed in the last couple of years. As I said before, given the first report which was issued by Price Waterhouse in March 1993, the Opposition Member took the decision to bring a Quantity Surveyor from DTI to Buildings and Works. Given the fact that the Quantity Surveyor as listed in this report was not authorising the flats, he was removed by himself back to DTI and as a consequence since then what we have had is junior ranking civil servants putting up works to be carried out. We have situations moving slightly beyond the question of flats. We have other major works in the context of the roads at Varyl Begg which have taken an eternity to do and the standard of work, because of lack of supervision, means that we still continue to have the problems of water penetration in the roofs in Varyl Begg despite the cost incurred to repair them. We have tarpaulins in Flat Bastion Road which have been there for the last couple of years and the works have not been done. We have a situation that until such time as we can get this scheme which we officially put to the

workers themselves that we will not be able to speed up the waiting list of people for the allocation of houses. I am afraid that there are many good workers within Buildings and Works who know that this is a good system but there are others, I am afraid, who because we are introducing a new system and new controls, who are not in favour of it, they would like to keep the old anarchy that has existed for the last couple of years.

HON J L BALDACHINO:

I know that the Minister keeps on repeating himself but that is not the question I asked. I am asking for information. His hon Colleague, the Minister for Social Affairs, said if I remember correctly, he said that in some cases the Government were considering and prepared to give the materials to people so that they could repair the flats themselves which has got nothing to do with what the Minister for Buildings and Works has said and repeated four times. I am asking out of the 64, those who fall under that category, when will the Housing Allocation Committee be prepared to allocate those? That is the question I have asked.

HON CHIEF MINISTER:

Since the hon Member is interested only in information in future that is all that he will get. The position is this, the Government are not happy that whilst the taxpayer is shouldering a substantial cost of maintaining a Buildings and Works Department that prospective tenants should be made to incur the expense of putting Government houses into proper condition. We are therefore not happy for that system to continue indefinitely. What happens at the moment, until we can come to an agreement with the workforce in Buildings and Works, is that the Government continue to make the offer to people on the waiting list, some people accept it and other people do not but what we do not do is make people miss their place on the waiting list because they say no, because that would be penalising people on the Government housing waiting list for the situation that prevails in Buildings and Works and that is not fair. So the result is that not all houses are allocated because otherwise they could only be allocated to people who are willing to do the works for themselves and the Government are not willing to operate such a system.

HON J L BALDACHINO:

That explanation I have understood, Mr Speaker. Therefore what the Chief Minister is saying is that they will offer it to the people who are on the top of the waiting list who have been allocated by the Housing Allocation Committee and if they refuse then obviously those are not allocated to somebody else. I understand that and that is the information I wanted, not the one that the Minister for Buildings and Works has given me which has got nothing to do with the question I asked anyway.

HON H CORBY:

Let me say that there are other criteria that fall within not the housing allocation list but also social cases, etc.

NO. 24 OF 1997

THE HON J GABAY

EDUCATION - ST MARY'S SCHOOL

Do Government intend to move St Mary's School from the present location?

ANSWER

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

The Government do not at this stage intend to move St Mary's School from the present location.

SUPPLEMENTARY TO QUESTION NO. 24 OF 1997

HON J GABAY:

I may be wrong but I am under the impression that representations were made by the Parents Association expressing concern because of the heavy traffic that comes right across the main entrance to the school and that assurances were given that a change of premises was envisaged and that failing, the traffic would be diverted in some way or other?

HON DR B A LINARES:

Assurances were given that the change of location was being, not envisaged but considered. It is a consideration that is in our minds given the fact that there is difficulty, without being dramatic, in traffic congestion on that spot, I know only too well because my office overlooks that spot. As I say, it is not something we have in a categorical and definite manner in operation.

NO. 25 OF 1997

THE HON J GABAY

EDUCATION - NATIONAL LITERACY PROJECT

Is the Minister for Education studying the National Literacy Project and its probable relevance to teaching in our primary schools?

ANSWER

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

Yes, the Department of Education is aware of UK initiatives to establish "Literacy and Numeracy Centres" in several Local Education Authorities.

The possible benefits of adopting such an approach to the teaching of reading are currently being investigated by the Department, more specifically by its advisory staff. In the meantime, the Department has already taken some of the recommended reading strategies on board and is in the process of disseminating these to schools. Our close links with the Department of Education and Employment and the Schools Curriculum and Assessment Authority in UK ensure that we are kept abreast of educational innovations at all times. All new UK initiatives that are deemed to be worthwhile for the educational development of our schools and our pupils are incorporated into our system.

As an aside, I would like to inform the Opposition Member that it is, in fact, my Department's policy to regularly monitor literacy levels in our first and middle schools through the use of Standardised Reading Tests.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1997

HON J GABAY:

I would thank the Minister for his generalisations but he should realise that my question is very specific on the National Literacy Project. I therefore pursue the matter with these questions. Is the Minister aware that this highly detailed Literacy Programme has been commended by many experts as striking a very careful balance between reading for meaning and skills such as phonics and that in all likelihood it could influence the shape of a future national curriculum?

HON DR B A LINARES:

I would be very pleased if the Opposition Member, and I hereby issue an invitation, would come to our Department to see the battery of tests and the work that is being done in very specific and concrete terms, for instance, to adopt what is perhaps the only phonics project which is really available to schools in UK, he may be familiar with the programme THRASS and it was in this model that our advisers are currently preparing a very interesting, which I think would be of interest to him and that is why

I invite him, a current package to be provided to our teachers in our schools based very much on the phonic methods which are being proposed in THRASS which reflects very much the thinking and the philosophy of the Literacy Project which has been only, as he knows, very recently initiated in 120 schools in England and under 13 Local Education Authorities.

HON J GABAY:

I thank the Minister for his invitation which I gladly accept and I am pleased to hear that so much is being done in the background. Perhaps I will be allowed to continue with my questions on this specific project so that it can be borne in mind when we meet during the invitation. Is the Minister aware that the National Literacy Project would be practised in some 200 schools and that it is meant to flesh out the current national curriculum with term by term targets in work recognition skills, grammar and a range of fiction and non-fiction to which pupils should be exposed and furthermore is the Minister aware that it is a pilot scheme carried out by Government in response to what they saw as poor national curriculum test results as well as the reports from the Office for Standards in Education criticising literacy teaching? Finally, would the Minister not agree that there is danger in complacency and that it is important to keep abreast of such developments aimed at counteracting some of the excesses of so-called progressive teaching and a justified concern as well for basics such as grammar, punctuation, spelling and phonetic skills?

HON DR B A LINARES:

The Opposition Member has displayed his knowledge of the Literacy Project. I assure him that that knowledge is in detail and very specifically shared by myself but certainly by our advisory staff that we have very much in mind, may I just nevertheless take the opportunity that we must not take these initiatives in the UK and certainly very often right-wing philosophies that lie behind it wholesale, that they need to be tailored very much to the needs of our community. May I say that only recently educators in the UK have begun to question the wisdom and certainly the operational feasibility of some of these projects, I may quote, for instance, Bill Laar who is a registered inspector and education consultant who has said that the Literacy Project which we are talking is unrepentantly prescriptive, that it demands a dedicated literacy hour each day in each class and its structure is fixed and sacrosanct. He points out that there will be direct instruction by the teacher and that teachers are already disturbed by the implications - this is relevant to Gibraltar - for children whose first language is not English. Many will be concerned, he adds, that the extraordinary detailed phonic programme is excessive, unnecessary and in some respects likely to assume undue proportions. There are doubts as to the wisdom of the very embryonic and initial project in UK. I do not think it would be wise for us to take it wholesale as a panacea to our problems.

HON J GABAY:

To end the subject of this question may I just simply add that I share those views. There is, in fact, much debate on the conflict between prescriptive education and perhaps the excess, as I have said, of progressive education. But the general feeling is, obviously there would be different points of view but the general feeling would appear to be that it is a particularly interesting and balanced project and it is in that vein that I asked the question.

HON J J BOSSANO:

Can I ask whether, in fact, since the development in UK appears to arise from concern periodically expressed in the media about the efficacy of the system that has developed when prescriptive teaching was being eroded, do the Government know whether our own performance with our own existing system shows decline in standards as they tend to be described in the UK?

HON DR B A LINARES:

I have good news on that. As I said before, we monitor very regularly, in fact, much more than is the practice in UK, through standardised reading tests and literacy tests our children in first and secondary schools, in fact three times a year children in first schools and middle schools are tested and the good news is that by all accounts the standards of literacy in our schools have risen over recent years and are at a very high score at the moment. There is certainly, I can assure Opposition Members, no cause for alarm. In fact, I may say, to accept also the professional side of the debate that emphasises more prescriptive and grammatical and phonic attention to education, that in our first schools there has been a tradition also to stress that methodological aspect of education. Perhaps that is why now we benefit and reap the reward of high scores in standards as shown by very detailed and technical tests that are put to our children. That may comfort the Opposition Members.

HON J GABAY:

May I add a further question in relation to what my hon Colleague has said about the decline in standards. It is obvious from most reports that the standard of literacy has gone down, this is reflected in the reports from industry and commerce that employ people leaving schools. It has also been criticised by universities and in my own personal experience I feel that this is so, would he not agree that this is also being reflected amongst local employers who find that the standard of literacy and of written English of a substantial number of candidates going through the schools does not reflect the required standard?

HON DR B A LINARES:

There is no technical scientific evidence for those value judgements. There are perceptions and, as I said a moment ago, technical tests put to our children reflect that this is not the case.

NO. 26 OF 1977

THE HON J GABAY

EDUCATION - ACCESS TO COURTS BY PUPILS

Will the Minister for Education clarify whether the "blame culture" spreading in the UK, that is, giving pupils better access to the courts, is starting in any way to affect our system?

ANSWER

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

Legal procedures which are backed by very explicit legal entitlements and charters, have certainly affected many institutions in UK. Schools have not escaped this. We have seen how a school or an authority, has been sued for loss of earnings by an ex-pupil who claims he was not well prepared for his public exams. This has not, thankfully, happened here. Our social patterns and trends are quite different.

We all know that the elimination of the illegal tobacco trade has done a lot of good to repair the morale and motivation of our youth.

The "blame culture" is also, in my experience as a head teacher, a way that a small minority pass on responsibilities to others. Parents often blame the teachers if their children do not achieve. Teachers sometimes think that parents could take a greater interest in their children. And pupils sometimes feel bullied by both teachers and parents, and play off one against the other. Fortunately, in Gibraltar the majority value education. They show more respect for it than in many other cultures. People are, on the whole, respectful of teachers and as a rule pass these attitudes on to their children.

SUPPLEMENTARY TO QUESTION NO. 26 OF 1997

HON J GABAY:

It would appear that most questions get the answer that everything is perfect in our system. I think perhaps more humility in analysing the situation and being abreast of possible dangers is a better attitude to take. I therefore will proceed with part of what has been said in the question which I consider relevant. Would the Minister not agree that the world of education is in a state of flux and that we need to be conscious of trends elsewhere, particularly in the UK for, inevitably, almost likely, such trends will move in our direction?

HON DR B A LINARES:

I entirely agree.

HON J GABAY:

Furthermore, based on that element of agreement... *[Interruption]*

MR SPEAKER:

It is nice to hear about literature, let him carry on.

HON J GABAY:

Perhaps you may have an element of relief from other people's talk. If this is so does the Minister share the anxieties of the many teachers in the UK who resent the American style of litigation by dissatisfied pupils, that is the commercial basis of consumers and providers which I dare say with a degree of trepidation in this Assembly, is only for the financial interest of litigation lawyers?

HON DR B A LINARES:

Once again, Mr Speaker, I cannot help but agree with the sentiments expressed by the Opposition Member and as I tried to be more factual in my initial answer, it was not a question that everything is perfect but stating the fact that that sort of phenomenon has not made any impact in the local scene and that is a fact not just an aspiration.

HON J GABAY:

Following upon that comment, the reason why I ask this question is that although such practices are not conspicuously evident in Gibraltar, I actually raise this question because some teachers have mentioned to me that it is not unheard of for some pupils to blatantly threaten legal action, therefore might not this be the first step on the way to a "blame culture"?

HON DR B A LINARES:

I am not too sure that I follow that exactly but I think in broad terms I have already expressed my sharing of the thinking and the anxieties, perhaps that is a strong word but certainly the concern that lies behind the thrust of the hon Member's questions. It is a very interesting subject for debate. I think I owe it to this House, especially in the context of questions and answers nevertheless, to avoid value judgements and general opinions and try to focus in on hard evidence that is put before us and I think that is a mark of respect to the House, although I would be very interested to debate the matter in another forum with him.

NO. 27 OF 1997THE HON J GABAY**EDUCATION - SAFETY MEASURES IN SCHOOLS**

Will the Minister for Education explain the measures currently in operation for the safety of children in our schools?

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

The Department, and therefore the schools, rely on the advice offered by experts in safety matters. All recommendations and procedures identified as improving the safety and health of our children in schools, offered by such bodies as the Royal Gibraltar Police, the City Fire Brigade, the Environmental Agency, the Department of Trade and Industry, etc are carried out to the letter. More specifically, and as an example, we have frequent, at least once a term, fire drills taking place in all our schools under the expert supervision of the City Fire Brigade.

The Department is also conscious that our children may be at risk from others, for example, children suffer from the effects of bullying, from child abuse, and from ruthless drug pushers. In this respect, the Department organises in-service sessions for teachers, sometimes in close consultation and collaboration with other bodies, to help them cope better with problems of this nature. Very often we only think of our children's safety in terms of fire escapes, etc when they may be more at risk from these other sources.

SUPPLEMENTARY TO QUESTION NO. 27 OF 1997

HON J GABAY:

It is reassuring to hear that the traditional approach is being taken to matters of school safety. The on-going debate at the moment is the importance of risk assessment management which would require an assessment in all schools of all activities, equipment and buildings and would involve actually ticking boxes marking low risk and high risk elements. If a high risk is identified then the school must document the safety procedures and that is most important, the documentation of safety procedures, it is adopted to minimise the risk. Do our schools have such records in place?

HON DR B A LINARES:

Our schools have a whole variety, a whole battery of measures to ensure the type of safety and the hazards that the hon Member is talking about. As I said, I think the best thing, if he wants more specifics and more details in this matter, I think I once again renew my invitation to come and meet us there and be satisfied in this respect.

NO. 28 OF 1997THE HON J GABAY**EDUCATION - SCHOLARSHIP HOLDERS RETURNING**

Is the Minister for Education now in a position to state how many of the 81 scholarship holders who completed their studies in 1996 have returned to seek employment in Gibraltar and how many have had to seek employment abroad?

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

The Department of Education normally writes to all graduates returning to Gibraltar releasing from their contract those whom the Government cannot employ. Not all students respond to our request. But from direct enquiries the Department has been able to establish the following figures:

34 are employed in Gibraltar (12 of whom are employed by Government as teachers)

16 have remained in UK

1 in Israel

30 we do not know as we have not been able to make contact with them as yet.

SUPPLEMENTARY TO QUESTION NO. 28 OF 1997

HON J J BOSSANO:

Can I ask the Minister, would they know if any of those 30 are in Gibraltar or not, or there is no knowledge at all?

HON DR B A LINARES:

I am sorry to say we have no knowledge, we have had to do it very much on spec., that is direct calls to each individual student. We hope, as I promised in an earlier meeting of the House, that we will have a systematic procedure next year to survey and, in fact, report on the movements in this respect. But at the moment what we have had to do is call individually and try to find out directly from them or their families as to the outcome of their career.

HON J L BALDACHINO:

Would it be a fact that if they were in Gibraltar and looking for employment they would be registered with the ETB? Could that not be a possibility?

HON DR B A LINARES:

I suppose so, yes, indeed, Mr Speaker.

HON J L BALDACHINO:

Therefore, if that were a possibility, would it not be a question of whether the Department of Education could try to get the information from the ETB?

HON DR B A LINARES:

I see the point of the hon Member's question now, yes, indeed, I think it is a wise move that we could actually work together and survey further based on the statistics and data in the ETB. I promise I shall try to do this in the near future.

NO. 29 OF 1997

THE HON J GABAY

EDUCATION - BISHOP FITZGERALD'S SCHOOL

Will the Minister for Education comment on the current state of the buildings that constitute Bishop Fitzgerald's School?

ANSWER

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

The question is no doubt rightly prompted by the problems we have encountered at Block G, all the other blocks in the complex are unaffected, given the recent heavy rains. Unfortunately, although this block was the only one that needed a new roof and indeed one was constructed, it nevertheless was the one where water penetration was experienced. This problem was examined by experts and the solution was identified. The matter, I am happy to say, has now been put right and the children are back in Block G classrooms since last Monday 10 February after the block was declared safe. The delay in effecting these repairs resulted from the need to wait for the weather to lift before the men could go up to repair the roof. Effectively, the roof has been re-done and with wider overhangs. The internal damage has also been put right.

SUPPLEMENTARY TO QUESTION NO. 29 OF 1997

HON J GABAY:

Would the Minister not agree that he gave the impression that the repair work had been done so thoroughly, in fact to the complete satisfaction of the department and that things have reached virtually an alarming situation of late?

HON DR B A LINARES:

I would not agree that the situation has reached the point of alarm but certainly, yes, I would agree that in all good faith all the experts and all the relevant parties who examined the works being carried out were satisfied and ventured actually to say that the school would be in good order, have been to some extent, not to an alarming degree, been proved wrong. But I am confident, very sensible and factual assurances have been given to me now, that the actual cause, whether it is a cause of design or of construction, I would not venture to say myself at this stage anyway, but the cause was identified pretty technically and they have done the remedial work that needed to be done.

HON J GABAY:

Would the Minister not agree that the list of complaints submitted to him is overwhelming ranging from water ingress, is certainly one of the problems, to dangerous banisters and fire escapes, from permanent obnoxious smells to lack of assembly point for the evacuation of the school in cases of emergency; in fact the list that was given to me is far too long to list and this is a very recent one so I wonder what the explanation for that is?

HON DR B A LINARES:

The explanation is that these lists on paper definitely look alarming. I will take, for example, the question of the fire escape which is obviously perhaps sounds and looks even more alarming. Please remember that this complex has been used as a school well before it was handed over to the local Government as a first school and then afterwards as a college for students as well and throughout this time the structure of the school in terms of fire safety was such that they have these raised platforms that communicate one block with the other so that in case of fire there is always a way for the children and teachers being able to be evacuated into the other one. The Fire Brigade feels that it would be desirable, they have not really felt alarm at the whole possibility, if these platforms or these corridors should have some steps leading down to them to the ground floor as an additional precaution. I am giving this as an example of how by all means when one puts down on paper, in fact may I tell the House that in the case of the fire escape suggested by the Fire Brigade work is already in hand, we are only waiting for some further instructions and specific instructions from the Fire Brigade before the constructors complete the work. Similarly obnoxious smells, apparently yes occasionally but I also had conflicting reports, some people who have lived there for years, remember that Westside School is next door, do not seem to have noticed this perhaps some people are more sensitive than others but I do accept that occasionally there are obnoxious smells coming that way. I am not too sure, they tell me all sorts of things of how apparently it is connected with the sewage system in the area. There is, I admit and confess, very little at this stage that I can say to remedy that though it will be investigated and so on. The list, I would say in order to assure the hon Member, is not in the mind of the technical people and the officers in the department as alarming as it might look on paper.

HON J GABAY:

Finally on this subject. Would the Minister agree that concern has been voiced by parents, teachers and pupils in a documented way with regard to this wide variety of problems, some more serious than others, some impinge on safety, others on the progress of the pupils and so on, can he give me some assurance that within a reasonable period of time most of these defects, in fact, will be remedied?

HON DR B A LINARES:

Of course, surely the hon Member must accept that the safety and the welfare of our children is an issue that is in all of our hearts. I think I had occasion, in a previous meeting, to say that my own daughter is a pupil in that school so I have a personal vested interest but obviously even above that consideration I do assure the hon Member that all the items given in that list of complaints will be looked at very thoroughly and effectively.

NO. 30 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GFA - SCHOOL OF EXCELLENCE

Are Government reconsidering their decision not to make available to the GFA a suitable building for its premises and school of excellence, following the submission made by the GFA to the Chief Minister?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government have not made the decision not to make available to the Gibraltar Football Association a suitable building for its premises and a football school of excellence. Government are at present considering a submission made by the GFA to the Chief Minister. Such consideration has not yet been completed and consequently a final decision on the matter has not been taken.

NO. 31 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GIBRALTAR SPORTS COUNCIL

Can the Government state how many meetings of the Gibraltar Sports Council have now been held?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Sports Advisory Council members were elected at a meeting of all Sports Associations on the 23 October 1996 and subsequently four other members were appointed. To date, the Council has met three times, that is on 4 December 1996, on 15 January 1997 and on 5 February 1997. The next meeting is scheduled for Friday 14 March 1997.

NO. 32 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GFA - APPLICATION TO FIFA

Can the Government confirm that they are giving their full support to the Gibraltar Football Association's application to FIFA?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, Government are giving our full support to the Gibraltar Football Association's application to join FIFA.

SUPPLEMENTARY TO QUESTION NO. 32 OF 1997

HON J L BALDACHINO;

Will Government also be providing, if need be, financial support?

HON CHIEF MINISTER:

The Government consider that the GFA's application to join FIFA or more specifically the reasons why the previous application was turned down raises matters of interest to Gibraltar which go beyond the sporting interests of the GFA and should they therefore find themselves embroiled in litigation in an attempt to defend, on behalf of Gibraltar, interests which transcend their limited sphere as a football association, the Government would of course support them financially.

NO. 33 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GIBRALTAR SPORTS COUNCIL

Can the Government state what matters have been discussed to date by the Gibraltar Sports Council?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

A copy of the approved minutes of the first two meetings of the Gibraltar Sports Advisory Council have been made available to the Opposition Member, to the governing body of each recognised sport in Gibraltar and to the local information media. Copies of the approved minutes of future meetings will also be made available.

NO. 34 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GIBRALTAR SPORTS COUNCIL

Can the Government state what matters will be discussed in the next agenda of the Gibraltar Sports Council?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

It is not possible to state at this stage what matters will be included in the agenda for discussion at the next meeting of the Gibraltar Sports Advisory Council which will be held on Friday 14 March 1997. Due to a decision taken by the Council, the agenda is not finalised until three days before the scheduled date of each meeting so as to allow members and Sports Associations as much time as possible to submit matters for inclusion in the agenda.

NO. 35 OF 1997

THE HON J L BALDACHINO
(In the absence of the Hon Miss M I Montegriffo)

GIBRALTAR RIFLE ASSOCIATION - INDOOR RANGE

Can Government confirm if they have now reached a decision as to whether they will be providing support to the Gibraltar Rifle Association for the construction of their indoor rifle range?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, Sir. Government have already decided to provide support to the Gibraltar Rifle Association for the construction of an indoor shooting range adjacent to the existing outdoor shooting range at Europa Point.

SUPPLEMENTARY TO QUESTION NO. 35 OF 1997

HON J L BALDACHINO:

Will it be financial support as well? In what way will they be supporting the Gibraltar Rifle Association?

HON LT-COL E M BRITTO:

Obviously the Opposition Member is not aware of the history behind this. The support will be in actually constructing the annexe that is needed to the range itself.

HON R MOR:

Can I ask at what cost, if the Minister can tell me?

HON LT-COL E M BRITTO:

At a saving of about £15,000 to what it was going to cost Opposition Members who had estimated the cost at £45,000 and the present cost is of the order of £30,000.

HON J L BALDACHINO:

I suppose those are with the same specifications that previously were there?

HON LT-COL E M BRITTO:

They are to the revised proposals submitted by the Rifle Association and to their satisfaction but I do not know the minor detail of what is in either plans but I know that substantially they are the same.

HON J L BALDACHINO:

It might not be to the same specification where previously we were going to spend £15,000 more?

HON LT-COL E M BRITTO:

The saving essentially is in the contractor being used. The contractor was an outside contractor being used before, this is the estimate as given by DTI, the final costing has not yet been approved but this is the DTI estimate and we hope to do it from within Government resources.

NO. 36 OF 1997THE HON J C PEREZ**FIBRE OPTICS**

Having regard to on-going developments in information technology, are Government now in a position to decide whether to invest in providing fibre optics into every home in Gibraltar?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The position is as outlined in answer to Question No. 65 of 1996.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1997

HON J C PEREZ:

Could the Minister check the news that has come my way that some new technology is available that might not necessitate the actual taking of the fibre optic cable into the home because of different signals that could connect to the loop and be as effective as that and could he check that whenever he decides to look at the cost of it again which is what he told me last time he would do regularly until the market allows for the Government to get into the next century in time to catch up with technology?

HON LT-COL E M BRITTO:

I believe the technology the Opposition Member is speaking about limits the applications within the home that can be used on the loop. I am obviously at this moment in time not fully briefed on the detail but if my memory serves me he is essentially correct, one can use fibre optic up to the pavement point and copper from the pavement point into the household. This provides, for example, a television signal inside the household but it does not provide more sophisticated signals for other type of equipment.

HON J C PEREZ:

But it lowers the cost of the signalling transmission equipment?

HON LT-COL E M BRITTO:

Yes, it would lower the cost but essentially one would not be able to use all the equipment that is available on the market, only some of it.

NO. 37 OF 1997

THE HON J C PEREZ

MOT TEST CENTRE

Have Government now received updated proposals from the employees of the MOT Test Centre for the privatisation of the facility?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1997

HON J C PEREZ:

So the situation is as explained the last time in answer to a similar question, that the Minister is still waiting for the employees to come up with fresh proposals to him?

HON LT-COL E M BRITTO:

Essentially the position is the same. Maybe I should add that although the employees have not come up with revised proposals, they have actually written saying that they are interested in negotiating with the Government but they have not provided revised proposals.

HON J C PEREZ:

I presume those proposals need to go to the Government directly or through the Personnel Manager's channels?

HON LT-COL E M BRITTO:

The Government are looking at the situation overall assessing the needs of the new infrastructure that need to be put into place, costing it, assessing the technical equipment that is needed as well as looking at the possibility of studying proposals. Until such time as we know exactly what we need and where it is needed we will not be in a position to entertain proposals from anybody.

NO. 38 OF 1997

THE HON J C PEREZ

NYNEX/GIBTEL - POSSIBLE MERGER

Can Government state whether Gibraltar Nynex Communications and Gibtel are in discussions over a possible merger of both companies?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Gibraltar Nynex Communications and Gibtel are not in discussion over a possible merger of both companies. However, the shareholders of both companies have agreed to explore jointly the effects that the pending liberalisation of the telecommunications industry will have on the commercial viability of the companies before each company independently determines the way forward.

NO. 39 OF 1997THE HON J C PEREZ**NYNEX/GIBTEL - COMPLAINTS**

Can Government state what the latest position is on the complaints lodged with the European Commission by Gibraltar Nynex Communications and Gibtel against Telefonica?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The complaint against Telefonica by Gibtel was lodged with the European Commission in May 1996 and that of GNC in November 1996. The latest position is that DGIV needs to make the decision whether, and if so how, to proceed with the complaints.

The substance of the complaints by both companies is about Spain's failure to recognise Gibraltar's Telephone 350 Area Code. This is essentially a commercial matter and would normally have been dealt with by DGIV under Article 86 of the Treaty of Rome.

However, the Spanish Government have now informed the European Commission that Telefonica is acting under instructions from the Government of Spain to refuse to recognise Gibraltar's Telephone 350 Area Code. This development has changed the character of the complaints. They have now taken on a political nature and as such, are dealt with under Article 90 of the Treaty. Another implication of this development is that the United Kingdom, as the member State, and through it Gibraltar, may now become directly involved.

During the recent visit to Brussels full and frank confidential discussions were held by the Chief Minister and by myself as Minister for Government Services with the Director of Telecommunications and Postal Services at DGIV.

Consultations are currently taking place between Gibraltar Government, the UK Government through the Department of Trade and Industry, Gibtel and GNC in respect of recent developments.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1997

HON J J BOSSANO:

Can I ask, is the position of DGXV different if the complaint is Article 86 as opposed to Article 90? That is, the nature of the response they have to give, does the fact that the base has now changed alter their response?

HON CHIEF MINISTER:

DGXV is concerned with general compliance with the directives, DGIV is concerned with competition issues. We are in the realms now of DGIV, competition issues, and within DGIV there is a directorate which deals with these competition issues as they affect telecoms. The procedure is not markedly different under Article 80 and Article 90 except that it has got to start again as six months, or possibly more months, to the procedures. I think I can say additionally that the companies have informed the Government that they have sought interim relief which means that they have asked DGIV to in effect make the Spaniards do something pending the final resolution to recognise the 350 Code. The DGIV has not yet decided whether it is willing to request the Spaniards to put into place interim relief in favour of Gibraltar's case and that is where the matter now is. One of the principal differences of course is that Governments can now intervene, Governments could intervene before - let me put it this way, it is now easier for Governments, certainly this Government, to intervene.

HON J C PEREZ:

Now that as a result of the response from the Spanish Government the matter has become a political issue as opposed to a purely commercial one under Article 86, will the new complaint now be lodged in the name of the United Kingdom Government being the Member State responsible ultimately in the European Union for telecommunications in Gibraltar?

HON CHIEF MINISTER:

No, the question contains a fundamental error and that is that the effect of Spain having said to the Commission, "Do not go against Telefonica because they are acting under my instructions" is to kick it up to Article 90. That means that the defendant, in other words, the party complained against becomes the Government of Spain. Telefonica can be left as a co-defendant but the complaints continue principally against Spain that has admitted that this political directions by a Government in regulatory control of a domestic monopoly providing utilities and therefore it becomes Article 90, the Kingdom of Spain becomes the respondent. The corollary of that is not that the plaintiff becomes the Government of the country from whence the complainant comes, so that does not make the complainant now the Government of the United Kingdom, the complainant remains Gibtel and Nynex. Of course, the United Kingdom Government are free to intervene and make themselves the complainant jointly with Gibtel and Nynex and, indeed, the Government of Gibraltar are considering whether we are free to do that and we will then decide how to proceed when we have had legal advice on that point.

HON J C PEREZ:

Is the Chief Minister aware whether the interim relief that was submitted in May at the time of the complaint, when I was still Minister responsible for Gibtel, would be in the form of cash relief to the company or whether the Commission is considering asking Telefonica to put in certain arrangements in place pending the decision of the complaint?

HON LT-COL E M BRITTO:

Yes, certainly it is not a question of cash. I think I am right in saying that in the case of both complaints the interim measures asked for by both companies were essentially very similar to what they were asking in the long-term which was recognition of the 350 Code. There is no interim measure that achieves the final aim except recognition.

HON J C PEREZ:

Perhaps then I might be able to refresh the Minister's memory. The interim arrangements certainly, as far as Gibtel is concerned, is as a result of the unfair competition that exists between Telefonica and Gibtel in the provision of mobile telephony in that the mobile system in Gibraltar is only able to be used within the area of Gibraltar whereas the Telefonica system is able to be used in Spain and in Gibraltar through aerials that are placed in Spain. Therefore the reluctance by Telefonica of not giving Gibtel a roaming agreement makes it uncompetitive or unfair competition between Gibtel and Telefonica in that area of business and in that area of business is where the relief was being sought. I am asking the Minister, perhaps to find out if that relief will be in the form of temporary arrangements to give a roaming of some sort in some way to Gibtel pending the result of the Commission or whether that is a cash position for loss of business as a result of the unfair competition that already exists?

HON LT-COL E M BRITTO:

I understand and, of course, what the hon Member is saying is correct. But, again, if my memory does not fail me, the interim measures that the complaint asks for is the recognition of the 350 Code, there is no application for grant aid because if the hon Member thinks about it, both the roaming agreement or the ability to use mobile telephones issued or bought from Gibtel in Spain is reliant on the 350 Code as well. I will check it and confirm if I am wrong but if my memory does not fail me the only interim measure requested by Gibtel was for the 350 Code, but I will check it and confirm. Certainly in the case of Nynex I know for certain it was only the 350 Code.

NO. 40 OF 1997

THE HON J C PEREZ

POSTAL SERVICES - REVENUE

Can Government state how much revenue they intend to raise as a result of the increase in postal services published in Legal Notice No. 117 of 1996?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

It is expected to raise around £37,000 to £40,000 from such increases.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1997

HON J C PEREZ:

So there is actually a nett increase to the Post Office and it is not only to cover the cost that was being charged to us by other administrations?

HON LT-COL E M BRITTO:

I understand that that is the nett increase to the Post Office.

HON J C PEREZ:

Although I have not given notice the Minister might be aware of it, is the European rate for postage in line with other European Union countries, obviously on the exchange rate because I am not sure whether a directive was passed in this respect where there was going to be a standard rate for the whole of Europe in postage stamps, that is why I am asking the Minister?

HON LT-COL E M BRITTO:

We were behind in European rates for about a year because this increase that has come in as from the 1 January 1997 should really have been applied on the 1 January 1996, so we have been behind for about a year. But my understanding is that this brings us into line now with the rest of Europe.

NO. 41 OF 1997THE HON J C PEREZ**SIR HERBERT MILES ROAD - WORKS**

Can Government state whether access to Sandy Bay via Sir Herbert Miles Road will be cut off throughout the duration of the scheduled works to widen the road?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The works to be undertaken along Sir Herbert Miles Road will require the whole of the existing road and footpath to be completely uplifted to allow for the complete reconstruction of the road. In addition to this, sections of the new road will follow a new alignment necessitating the existing road and footpath to be removed and replaced with a new construction.

To allow the road to be widened and realigned, there will be a need to construct high retaining walls along the catchment side of the road. This will necessitate the removal and movement of large quantities of sand requiring the use of very heavy plant and machinery. Due to the narrowness of the site, the works are likely to take up all the available space either for working or storing of materials and shifting of the sand. Furthermore, whilst the walls are being constructed, there will be a high risk of collapse of the excavated sand face.

In view of the above, it will not be possible to permit public access along the site whilst the works are on-going. Public access will be re-established as soon as the works have progressed to a stage when it is considered safe to allow pedestrians to walk through.

A programme of works is being devised to ensure that access is maintained to all properties from either end of the works. Consequently, the project has had to be divided into three phases with the section from Caleta Palace Hotel to Both Worlds forming the first phase of such works. The second phase will not commence until works on phase one have progressed to such a stage where public access to the same is afforded with a similar situation occurring in respect of the start of phase three. However, to reduce construction time to a minimum, those elements of phases two and three which do not require a complete road closure will be undertaken in parallel with other phases of the works.

SUPPLEMENTARY TO QUESTION NO. 41 OF 1997

HON J C PEREZ:

When is the Minister expecting the works to commence?

HON P C MONTEGRIFFO:

The tenders with regard to the first phase have now been sought and they are expected back by the end of this month. We hope to have the works out as soon as possible thereafter. We are extremely conscious of the inconvenience that will be caused to the public and to the operators of hotels and retirement homes in the area and it is our intention to minimise that problem but in works of this nature an element of disruption is unfortunately inevitable.

HON J C PEREZ:

So the pedestrian access to Sandy Bay as well as vehicular access to Sandy Bay will be through the other side for this summer because the road will be closed as a result of the works. Can the Minister ensure that there is an adequate bus service to be able to take people round to Sandy Bay because even if they take the bus to Catalan Bay there is no pedestrian access for them to get to Sandy Bay.

HON P C MONTEGRIFFO:

Yes, I think that point is well made and I am conscious of it, access to Sandy Bay and Both Worlds will have to be through Dudley Ward Tunnel. It is not the sort of route which can be easily walked and therefore we will make provision for a bus service, indeed a shuttle service, to facilitate access.

HON A ISOLA:

Can the Minister indicate what time-scale they expect each phase will take roughly?

HON P C MONTEGRIFFO:

We expect that phase one will take 18 months and the whole of the work should take in the order of just over two years. We do expect that as the first phase is proceeding towards completion other aspects of phases two and three will be able to be undertaken. The reason why the works are not undertaken all at the same time is that otherwise access to the other parts on each side of what is now currently going to be phase one would be frustrated otherwise my instinct would have been to have all of it done at the same time and therefore cut down the construction time but that is actually not the best way to do it if we want to avoid inconvenience.

HON J L BALDACHINO:

If I understood the Minister correctly, he said that phase one would be from the Caleta Palace Hotel up to Both Worlds, is that correct?

HON P C MONTEGRIFFO:

Up to the entrance of Both Worlds.

HON J L BALDACHINO:

When phase two starts, what will be the access to Both Worlds?

HON P C MONTEGRIFFO:

My understanding is that phase two will be the section Both Worlds to Dudley Ward Tunnel and since phase one would have been completed, access to Both Worlds will be through the normal access of Sir Herbert Miles Road. Phase one will allow sufficient progress within the area of Both Worlds to allow access to Both Worlds itself and to Sandy Bay from Sir Herbert Miles Road which will be already the beneficiary of the phase one of the works.

HON J L BALDACHINO:

Obviously that section, I suppose, will have some protection to the actual Both Worlds buildings which obviously phase one does not need to have any protection because there are no buildings there. But the process of the work will entail that there shall be additional protection to Both Worlds?

HON P C MONTEGRIFFO:

I am not an engineer and I do not know what sort of protection or what sort of details will be brought to bear on this issue. We are conscious of access, obviously safety is an issue as well, we have sand slopes there that have to be attended to and we will make every effort possible to cut down inconvenience.

NO. 42 OF 1997THE HON J C PEREZ**SIR HERBERT MILES ROAD - EU FUNDING**

Can Government state on what date was the project of the widening of Sir Herbert Miles Road originally proposed for European Union funding?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The Objective 2 1994-96 programme agreed with the European Commission in December 1994 had provisions under one of the Measures for improving the flow of tourist and business traffic.

A bid for structural fund assistance was approved by the Project Selection Committee on the 11 December 1996 and endorsed by the Chairman of the Monitoring Committee on 18 December 1996.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1997

HON J C PEREZ:

What part of the cost of the £5.5 million which the Minister announced for the east side is the extent of the tenders that are being awarded for the widening of Sir Herbert Miles Road?

HON P C MONTEGRIFFO:

I have not got that information with me. What I can tell the hon Member is that the tenders that have gone out and the work that is envisaged is significantly more than the work originally identified by the DTI prior to May 1996 as a possible use of EU funds and therefore the project that the then Government wished to pursue. The extra expenditure required the virement of funds from other measures in the Objective programme to this measure in order to allow the works to proceed. The total cost which therefore includes beautification of the promenade; higher retaining walls is well in excess of the original estimates which were just for the widening of the road and I am certainly quite happy to give him a breakdown of what the different phases of the road will cost if he is interested.

HON J C PEREZ:

I am interested in knowing at least on an order of cost in terms of percentages perhaps. What percentage of the project that the Minister announced publicly as the east side project is the widening of Sir Herbert Miles Road which had European Union funding approved in December 1996?

HON P C MONTEGRIFFO:

It would be improper of me to give a percentage. The east side project which the hon Member refers to and the sum which was announced, the £5.5 million, is not a sum which relates to the entirety of the works that we have in mind. It is a sum that relates to the widening of the road; the promenade; the removal of the lead sheeting, the complete removal of the centre section; the re-vegetation of the slopes. It does not include, for example, the works that we propose to undertake for the finishing off of the reclamation area; of the resurfacing of the reclamation area; it does not include works that we have possibly projected for the area of Dudley Ward Tunnel if we are able to remove the water tanks that currently occupy that site. So the figure of £5.5 million is not a figure which is the totality of what we hope to be doing in the east side, it is the totality of the measures related to the widening of the road and the other issues I have discussed, matters connected therewith, the retaining walls, the slopes and the promenade.

NO. 43 OF 1997

THE HON J C PEREZ

CAMP BAY - WORKS

Can Government state when works are to commence to make safe the Rock face at Camp Bay, and whether the bathing facilities will be ready for use by the beginning of the summer season?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No works have been undertaken as yet on the removal of the rockfall for the following reasons:

1. To allow the newly exposed cliff face to stabilise itself as there were still minor rockfalls occurring until recently.
2. Waiting for a dry weather spell to occur.
3. Awaiting the arrival of specialist consultants who will be viewing the rockfall and advising Government on appropriate action to be taken in terms of the present and long-term stability of the remaining cliff face.

Consultants will be arriving in Gibraltar, indeed they have arrived now, and will be undertaking the necessary survey work of the area. This is likely to take no more than a week and until such time as this work is complete and the recommendations made, no works will be undertaken. Works on the removal of the rockfall will begin immediately thereafter but it is expected that this work will not be completed before the beginning of the bathing season.

Depending on the consultants' recommendations and on any works that may result therefrom and on the progress on the removal of the rockfall, Government will decide what restrictions, if any, need to be imposed during the bathing season.

NO. 44 OF 1997THE HON A ISOLA

DTI - MR R WELLS

What are the terms of engagement of Mr Richard Wells at the Department of Trade and Industry?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Richard Wells has been contracted by the Government on a consultancy basis for a period of six months from January to June 1997 to produce an independent consultancy on EU programmes for Gibraltar in particular in the context of the proposed MOD rundown measures.

Mr Wells has been seconded by the UK DTI. Accordingly the UK DTI will receive monthly payments of £6,129 between January and March 1997 and £6,416 between April and June 1997 and expense allowances. The total comes to £50,000 over the six months period. In addition, Mr Wells has been provided a flat at Portland House from which he is working on the production of his report.

SUPPLEMENTARY TO QUESTION NO. 44 OF 1997

HON A ISOLA:

Will Mr Wells be available to private companies to advise and assist in any projects they may have which relate to EU funding or possibilities of EU funding now that he is here?

HON P C MONTEGRIFFO:

It is not Mr Wells' role to act as a consultant or an adviser to private sector entities or to third parties. Certainly I regard his expertise as available but it should be through the DTI, through the Government and I am more than happy to channel any enquiries that he could help with in that fashion but he is certainly not in the position to offer assistance directly in the way that he suggests.

HON A ISOLA:

My suggestion is obviously through the Minister's good offices to make available to businesses in Gibraltar the facility to seek assistance from an expert on European Union matters and on funding particularly and to see how those businesses can benefit from that, obviously through the Minister's office, that was the intention?

HON P C MONTEGRIFFO:

Let me add, that it is Government's intention to use the 1996-99 Objective 2 programme partly to fund a business development scheme which will require the publication of detailed guidelines as to what the private sector must do to benefit from funds that are available. Indeed Mr Wells' work is largely in this area, in helping us within the DTI to construct the programmes and the promotional literature and the guidelines which will allow the private sector to access these funds.

HON J J BOSSANO:

Can I ask the Minister, he said that the consultancy was in relation to EU funding against the context of the MOD rundown. Given that the UK Government got quite a large allocation of Konver funding and Gibraltar pro rata got its share, is it that there is another source that can be accessed at the same time as the Konver funding allocation or are we talking about following it up subsequently?

HON P C MONTEGRIFFO:

There are a whole array of funds that in theory Gibraltar could benefit from but the advice we have received is that in practice we actually have the lion's share what we could expect and we certainly place no expectations on getting access to any other fund and if there was it would be very small amounts. For example, we have an Inter Reg programme with Morocco which is another source of funding for Gibraltar but it is a very small programme. No, what we are talking about here is that we have a generous, in terms of per head criteria, Objective 2 and Konver funding programme for Gibraltar and what we are looking at is to maximise how those funds could be utilised, in particular in the context of the job losses of the MOD but obviously generally with regard to the need to diversify our economy in the context of the difficulties in other sectors that we are currently facing.

NO. 45 OF 1997

THE HON A ISOLA

TRADE MISSION TO SOUTH AFRICA

On what basis will Government decide who may accompany the Minister for Trade and Industry on the "Trade Mission" to South Africa?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The trade mission to South Africa has been the joint initiative of a group of private sector businesses and the Government which have been keen to support this promotional effort. The Government are delighted to offer our assistance to any commercial group wishing to promote Gibraltar internationally. Because the visit to South Africa might be of interest to other private sector operators, I suggested to the initial promoters that this should be opened up to others who might wish to join the delegation. An invitation on this basis has been issued and I repeat it today. Because of the nature of the exhibitions, we are looking towards a maximum of eight firms or companies. Firm interest has been confirmed from five business entities already.

I should also inform the House that the dates of the visit have moved forward. It is likely that the delegation will visit South Africa between the 14 to 19 April 1997.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1997

HON A ISOLA:

Whereas obviously we welcome the initiative jointly with members of the private sector, there is concern being expressed to us on the circular issue which states that the Government reserve the right to refuse any application without giving reasons and no correspondence will be entered into regarding suitability of applications hence the question as to what criteria Government are placing before accepting any applications? Bearing in mind that in this case it is limited to eight and possibly because of the high cost of people having to attend it may be that less than eight companies choose to go, will Government ensure that on future initiatives such as this they will make every effort to have as wide a door open as possible to the private sector to accompany the Minister on these initiatives?

HON P C MONTEGRIFFO:

Firstly, with regard to the point of the reference made in the advertising material that the Government reserve the right to accept any applicant, that is meant purely as a safety measure to exclude businesses that might simply not be desirable. There are situations when one looks at countries like South Africa which have strict exchange control requirements, where the Government should legitimately have the ability, I do not see it occurring in practice, to say, "Frankly this is a type of business which it is not useful to promote in South Africa". But I think one should read it as a general health warning and not as any attempt to give us the power to arbitrarily exclude

anybody. I repeat what I have said on other occasions which is that this Government are very willing, I have said it in my answer and I repeat it now, to assist private sector promotional efforts. Yesterday I announced teaming up with a particular insurance company with regard to the promotion of capital insurance. We are open to working with the private sector to support and even financial assistance in a joint attempt to promote Gibraltar. Therefore far from the hon Member having to remind me about being open and being amenable towards assistance, it is something that I have very much in my mind and which he should be left in no doubt at all that Government are keen to promote, I have often expressed the view, that Gibraltar business is much too insular - I do not mean that in a derogatory way - but we have been inward looking rather than outward looking and we want to help Gibraltar business internationalise and to gain customers well beyond our shores.

HON A ISOLA:

Bearing in mind the Minister has mentioned financial assistance, does the Minister feel it reasonable that companies that wish to go to this particular initiative should pay £3,000 each as a signing on fee to pay for advertising, cocktail receptions and the exhibition stand? Will Government in future, obviously it is too late for this occasion, seek to assist in the same way as happens, for example, in the tourism industry where private companies that go with Government have those costs paid for in one way or another, subsidised by the Government?

HON P C MONTEGRIFFO:

Government are happy to assist but assist where assistance is necessary. Again there is a public purse that one has to take care of. The arrangements here do include the prospect of Government assistance but the arrangements are that each participant will pay £3,000 and their own travel and accommodation. There is a budget for the whole trip and if there is a shortfall the Government have agreed to fund the shortfall. We do not believe that the shortfall will exceed something like £5,000 to £6,000. Yes, it is not an extremely generous assistance but at the end of the day this is a promotion which if the private sector can fund primarily it is proper expenditure for them to undertake. The Government are here to help both politically and to such extent as is necessary but it is not, frankly, a limitless pot into which anybody can dip into at whim.

NO. 46 OF 1997THE HON A ISOLA**GOVERNOR'S COTTAGE CAMP**

How many units have been taken up at Governor's Cottage Camp and what steps have Government taken to create activity in these units?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

No units have as yet been allocated at Governor's Cottage Camp.

These workshop units will be advertised later this month and allocations will take place shortly after.

The Government will shortly be in a position to offer a package of measures aimed at assisting new start-up businesses and for existing businesses who may wish to expand.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1997

HON A ISOLA:

Bearing in mind the units were ready I think on the visit of Commissioner Anita Gradin on 5 November 1996, is there any reason for the delay in not making them available to people? Is there lack of interest or is it just not being made available?

HON P C MONTEGRIFFO:

There is anything but lack of interest. We are already, within the DTI, compiling a list of individuals who have sought to benefit from units at Governor's Cottage even though we have not yet publicly invited interest. No, the main reason, frankly, is that although the units were almost complete, there was minor work, I think related to the electricity sub-mains and electricity meters which has only recently been completed or shortly to be completed. We had been hopeful, I suppose I could add this, perhaps two months ago that we would have been able to have got into place our schemes for business assistance at the same time as Governor's Cottage was made available. Since this will take a little bit longer, the view we have come to is that it is possibly beneficial to let those units out so that people who really want to start small businesses can do so with the expectation that they will also be able to be beneficiaries of the start-up business scheme which we are working on.

NO. 47 OF 1997

THE HON A ISOLA

PORT - TRANSHIPMENT FACILITIES

What progress have Government made in the projects relating to the transshipment facility in the Port?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Discussions have been held with an Italian and a Brazilian consortium who have shown interest in using Gibraltar as a transshipment port.

The Brazilian group of companies were interested in using ready available facilities, the minimum requirements for such an operation do not exist in Gibraltar and for this reason no further progress has been possible.

The proposals by the Italian company was for the creation of a transshipment facility within the harbour. The Government entered into meaningful discussions with the company in studying the prospect for such a project.

As the conditions acceptable to the Government for taking this project forward have not been satisfied, discussions have concluded, so as not to hold up other development in the Port.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1997

HON A ISOLA:

Is the position therefore that at the moment there is nothing happening on the transshipment facility, there are no takers?

HON P C MONTEGRIFFO:

The truth is that at the moment there is no proposal of a formal nature, there is interest as the hon Member can understand in many sectors on an exploratory basis, but there is no formal proposal before the Government in respect of transshipment either from the Italian, the Brazilian consortium or anybody else. I could add that, as the hon Member may know, with regard to the Italian proposal in particular, that was so massive a project and so ambitious a concept in the context of Gibraltar that serious environmental and logistical issues arose. The view we took was that we were happy to consider all those matters and tackle them head-on but that we needed to have a period of time, which we identified as six months, when there could be a feasibility and environmental impact study undertaken as to the proposals which were being put forward. Unfortunately that suggestion did not ultimately find favour and that is why we have now decided not to pursue it further.

NO. 48 OF 1997THE HON J J BOSSANO**MOD - REDUNDANCIES**

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

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The MOD are still involved in assessing the final figures with regard to the number of redundancies.

The Government expect to be provided with final redundancy figures by no later than the end of March 1997.

SUPPLEMENTARY TO QUESTION NO. 48 OF 1997

HON J J BOSSANO:

Am I correct in thinking that if the MOD is considering the possibility of introducing an early retirement, any commencement date of the redundancy programme would have to be deferred because it would change the selection procedure for people, if there are provisions which will enable volunteers for early retirement whom might otherwise not be on the redundancy list because of their length of service?

HON P C MONTEGRIFFO:

I do not believe that the early retirement package which the hon Member refers to is the main reason for this delay nor can I explain whether what he is suggesting is in fact the case. The early retirement package is one which we generally feel confident the MOD will be able to deliver but we are constantly reminded that it is by no means sewn up and therefore how it will work, to whom it will apply and generally what terms it will be subject to, is not something that I can speculate on and therefore I am really not in a position to know how the timing issues will impact on that.

HON J J BOSSANO:

The point that I am trying to make is that if there is no early retirement package then the rules on redundancy will produce a selection of certain individuals but if there is a redundancy package then the jobs of those individuals will be safe because somebody else will be going. I do not see how one can proceed with the redundancy first and introduce the early retirement package subsequently because the guys will be gone already. Surely until they take a decision on the redundancy package they should not be allowed to proceed?

HON P C MONTEGRIFFO:

Well, that might be the case but there are other issues also that arise. There is the issue, for example, of the position of first in/first out; there are agreements of that nature that also impact on the ability of the MOD to decide how and to what extent it will run down and all those are issues that are being put into the wash and which, hopefully, by the end of March will have allowed them to declare a figure on which all the other aspects related to the rundown will be able to take place.

HON J J BOSSANO:

I cannot agree with that answer, Mr Speaker. Surely the Minister will agree that precisely that is the point? Since the normal procedure is last in/first out, the last in is unlikely to be somebody with enough service to want early retirement. If there is an early retirement package then the last in will not be the first out, so the package has got to be there before he is out. Surely the MOD must accept that they have got to take a decision one way or the other. I would suggest that the Government are perfectly entitled to say to the MOD that there is little point in making the people redundant first and then introducing early retirement afterwards, the whole idea of the early retirement is to reduce the redundancies.

HON P C MONTEGRIFFO:

Absolutely, yes, that is the intention with which the package is being discussed. There is hardly any merit in making people redundant, let them go through the trauma only until the package can be made. The whole purpose of the package is to reduce the figures which then become subject to analysis with regard to redundancy, one invites people to become retired early to therefore cut down the problem of the workforce one is trying to streamline.

HON J J BOSSANO:

Therefore my original question was the identification of the numbers of Gibraltarians to be made redundant surely cannot proceed at all until a decision has been taken as to whether early retirement is going to be on offer or not?

HON P C MONTEGRIFFO:

That would seem to make sense. What I cannot do is confirm to the hon Member that that is the discussion which the MOD is necessarily having. It would seem to be logical that that should be one of the factors they are taking into account because otherwise the early retirement package becomes, if not meaningless, certainly much less relevant.

NO. 49 OF 1997

THE HON A ISOLA

STREET MARKET

Have Government offered the Street Market traders a vault at Casemates as an alternative to moving to the Public Market?

ANSWER

THE HON THE CHIEF MINISTER

The Government have expressed to the Street Market traders our wish that they do not remain in the Piazza or on or near Main Street. The Government's policy is that a flourishing street market should be developed at the site of the Public Market. Government have appraised the street marketeers of our plans for the Casemates vaults and have indicated that the marketeers would be free to submit a tender for one of them like everybody else.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1997

HON J C PEREZ:

So the ultimatum that the Chief Minister gave them in the House at the last Question Time has been dropped whilst the marketeers consider whether to put in a tender for the vault or not? They are not being told they have to go to the Public Market whilst they consider whether to put in a tender for the vault?

HON CHIEF MINISTER:

No, that is not the reason why the street marketeers are still where they are. The reason why the street marketeers are still where they are is because the Government have not got around to re-addressing the issues since last it was addressed but it is not the case that the street marketeers, as far as the Government are concerned, may stay where they now are until Casemates is ready or until they decide to apply for a vault or not.

HON J C PEREZ:

I have not suggested that. Can the Chief Minister state that the ultimatum that they received is still there or whether they have dropped the ultimatum? Whether the Health Department ultimatum that they received that he mentioned at the last Question Time.

HON CHIEF MINISTER:

I am not aware that I had given the street marketeers an ultimatum. It is true that they were written to, I think, before Christmas, and a date was mentioned in that letter and that following discussions with me and the Ministry in question, that date was allowed to pass without anything dire happening to the street marketeers and that no new date has been fixed by which the Government wish them to move, all that is true. The Government's policy in relation to the street market has not changed.

HON J C PEREZ:

Were they to accept or were they to be successful in acquiring a vault at Casemates will the Government proceed then to allocate stalls in the Public Market and create a public street market in the area of the Public Market?

HON CHIEF MINISTER:

Absolutely so and they have been told that. In other words, them moving into a vault at Casemates would mean the disappearance of the street market in Gibraltar other than down in the street market whether the Government are interested in developing a street market, whether it includes these particular people or not depending on whether they have moved into the Casemates vault. But whether or not they move into the Casemates vault there will be a street market encouraged and assisted to be established.

NO. 50 OF 1997

THE HON R MOR

SPANISH PENSIONERS

What discussions have Government held with the Junta de Andalucia or other Spanish representatives with respect to the recovery of advances made by the Junta to Spanish pensioners?

ANSWER

THE HON THE CHIEF MINISTER

Two meetings were held between officials of the Department of Social Security and the Instituto Andaluz de Servicios Sociales on the 28 October 1996 and the 3 December 1996 to discuss possible arrangements for the recovery of payments made by the Junta de Andalucia to Spanish pensioners. In addition, this issue was raised with me when I visited the Palacio de San Telmo on 29 October and met the Delegado de la Presidencia, Senor Gaspar Zarias and the Delegado de Asunto Sociales, Senor Isaias Perez Saldeno.

The position of the Government of Gibraltar on this matter is that such arrangements would be put into place provided that each individual pensioner gives the necessary valid and binding authority for the Government to forward money to the Junta on the pensioner's behalf. In this context, the Government are currently considering legal advice.

SUPPLEMENTARY TO QUESTION NO. 50 OF 1997

HON J J BOSSANO:

When the Government talk about the consent of the pensioner, am I right in saying that that would be a consent that would have to be obtained by the Junta and not by the Government?

HON CHIEF MINISTER:

Absolutely, although the Government would establish the legal document and the contents of the document and the manner in which it has to be obtained and signed and witnessed etc, because of course the document has got to be legally valid and binding in Gibraltar. In other words, if a pensioner authorises the Government of Gibraltar to instead of paying the pension to him to send it on his behalf to the Junta in repayment of money that the pensioner owes the Junta, the Government have got to be absolutely certain that we are getting a good receipt and discharge from the pensioner and that the Government are not then exposed to a claim in the court of Gibraltar by that pensioner to be paid that money again, notwithstanding that the Government have sent it to the Junta on that pensioner's behalf. So they will have to do the legwork but it will have to be done to a standard and by a methodology established by us.

HON J J BOSSANO:

In these meetings that have been held with Spanish representatives, have they said how much money they claim to be owed?

HON CHIEF MINISTER:

Yes, I have a note of the figure here but from memory it is three and a half billion pesetas which I understand is about £40 million, depending on exchange rates.

NO. 51 OF 1997

THE HON J C PEREZ

DTI/BUILDINGS AND WORKS - RECRUITMENT

Can Government confirm that it is their intention to recruit two senior managers from outside the Civil Service to head the Department of Trade and Industry and the Buildings and Works Department?

ANSWER

THE HON THE CHIEF MINISTER

The Government do not have the intention described in the question.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1997

HON J C PEREZ:

Can the Chief Minister state whether there are two vacancies for the Head of the Department of Trade and Industry and to head the Buildings and Works Department which are at present vacant?

HON CHIEF MINISTER:

The question asks whether the Government have the intention to recruit two senior managers from outside the Civil Service to head the Department of Trade and Industry and the Buildings and Works Department and the answer is no. There is a vacancy for the Head of Buildings and Works Department but that will be filled, as far as the Government intend, from within the service in the usual way. The Government are studying a restructure of the Department of Trade and Industry which may result, indeed will result, in the recruitment of Section Heads in particular commercial disciplines from outside the Service but there will be no Head of the Department of Trade and Industry from outside the Service.

HON J C PEREZ:

Will there be a Head from inside the Civil Service? At the moment there is not a Head.

HON CHIEF MINISTER:

That matter is still being reviewed, it seems not. The Department of Trade and Industry, as it is to be restructured, will include so many different technical, professional and commercial disciplines, that it is pointless to seek somebody who can sit on top of it all because no person can have all the necessary expertise. So basically there will be a Head in each of the various sections within the Department answering to the Minister.

HON J C PEREZ:

Will the post of, I presume Grade 7 in the Buildings and Works Department be open solely to technical grades or will it be open to other grades within the Civil Service?

HON CHIEF MINISTER:

The Government do not share the view that has been expressed, I know, by some that the Head of Buildings and Works should necessarily be a technical grade.

HON J C PEREZ:

is there a dispute with the union over that issue?

HON CHIEF MINISTER:

It depends how one defines a dispute. If by a dispute the hon Member means that the union has expressed the view that it thinks that it should be a technical grade, then I can confirm that the union has expressed that view. The Government do not share that view and precedent would appear to be on our side.

HON J C PEREZ:

Is it not the case that the post is at the moment not being advertised while the Government pursue their policy on dialogue with the union to see whether they can agree on how the post should be advertised or is it that the Government have already taken a decision that it will be open to other than technical grades within the Service?

HON CHIEF MINISTER:

The Government have decided that the post will be open to other than technical grades within the Service but the Government have not decided that it should be a technical grade or not a technical grade. In other words, when applicants apply the best man for the job will get the job regardless of whether he is a technical grade or not a technical grade.

HON J C PEREZ:

But it will be open on that basis?

HON CHIEF MINISTER:

It will be open to all comers to apply, is that not a novelty?

HON J C PEREZ:

Will the Chief Minister state whether these, let us call them middle managers that are being looked at in the restructure of the Department of Trade and Industry whether qualified people within the Civil Service will be able to apply for those posts whenever they are made available?

HON CHIEF MINISTER:

Everybody can apply and certainly the Government already know and have told the GGCA who have accepted, that two of the posts in question there is definitely no expertise within the Service; in respect of I think one of them it is in the sort of area where expertise could be acquired with the passage of time from within the Service and I think in that case the Government will recruit a graduate understudy to eventually take over from any non-resident recruit.

NO. 52 OF 1997

THE HON A ISOLA

IMPORT DUTY - REPORT

Have Government received the review they commissioned into the import duty structure on 1 November 1996 and, if so, will they make such report available to the public?

ANSWER

THE HON THE CHIEF MINISTER

The report has been received and is being studied. The report is advisory and Government have not yet decided whether or when to make it publicly available.

NO. 53 OF 1997

THE HON A ISOLA

COALING ISLAND - PROPOSALS

Will Government state what proposals, if any, they have received into the use of Coaling Island?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have received two proposals for Coaling Island, one involves the establishment of a maritime centre and the other relates to watersport activities.

SUPPLEMENTARY TO QUESTION NO. 53 OF 1997

HON A ISOLA:

Are they local enquiries?

HON P C MONTEGRIFFO:

They are local enquiries except that one of the enquiries does involve shareholders from outside Gibraltar, they are localised inasmuch as the company already has a presence in Gibraltar and is operating in the marine industry.

NO. 54 OF 1997

THE HON J GABAY

LINE WALL ROAD - LOVER'S LANE

Is it the intention of Government to construct a major road through Lover's Lane?

ANSWER

THE HON THE CHIEF MINISTER

The Government are considering a plan to widen that part of Line Wall Road known as Lover's Lane.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1997

HON J GABAY:

Would that entail knocking down part of the wall that surrounds the Convent garden and doing away with the arcade?

HON CHIEF MINISTER:

Yes, the plan to widen what we call Lover's Lane would certainly involve knocking down the Convent garden perimeter stone wall and rebuilding it a metre or two, I do not now remember how many, further into the garden. Naturally the Government, committed as we are not to do unnecessary damage to Gibraltar's valuable heritage, sought the advice of the Heritage Trust as to whether this involves doing any damage to Gibraltar's valuable heritage and the Heritage Trust commissioned archaeologists, I think from Spain, because it was thought that there might be, I think it was a medieval wall lurking around somewhere under there. It has been definitively established that the demolition of the Convent garden wall which is itself of no historical interest does no damage to any medieval wall because the medieval wall was indeed found but it has been found to be under the existing road. What runs underneath the Convent garden wall is apparently a sewer which is of relatively recent origin. So it would involve the demolition of the Convent garden wall and indeed also the arch over Lover's Lane which is an arch created only to support the extension of the Secretariat building by one room that goes over the road and which we have been advised is not part of the original building and has no heritage importance specifically.

HON J GABAY:

I am surprised that the Gibraltar Heritage Trust has approved the construction of the road.

HON CHIEF MINISTER:

I have not said that the Gibraltar Heritage Trust has approved it. I have said that the Gibraltar Heritage Trust was consulted about the heritage aspects of the wall and they have expressed the view of that matter in which they were consulted. It is true that they have expressed views on other things as well but in respect of matters where the hon Member's opinion and mine are as valuable and valid as theirs.

HON J GABAY:

Is the Chief Minister not aware that there would be other considerations apart from purely archaeological reasons on grounds that are environmental, aesthetic, historical and even on a lighter vein, of an amorous nature, particularly for those of the older generation?

HON CHIEF MINISTER:

Starting with the latter, I have to say that I do not share his enthusiasm, I did not court my wife in Lover's Lane but I understand that many people did and now I know that it includes the Opposition Member. We always found much more private places to court each other.

HON J GABAY:

Actually I got married in Iran not in Gibraltar.

HON CHIEF MINISTER:

Yes, that is true. The Government have not decided whether to proceed with the widening plan but the Government's interest in proceeding with the plan is none other than to achieve greater sensitivity to our heritage and our environment in other areas. In other words, the only justification for proceeding with the plan, for doing the road widening there, is not as some letter writers in a local newspaper have suggested simply to better accommodate or to further accommodate traffic but rather to channel traffic from outside much larger areas and many more streets of the old town in a way that would enable the Government to exclude traffic from many, many streets in Gibraltar; extend the Government's pedestrianisation scheme to many areas of Gibraltar so that the old town can be enhanced and developed not just for the quality of life and quality environment, but indeed for touristic purposes. The diversion of south bound traffic along Line Wall Road and straight down Lover's Lane and out of Main Street through Referendum arch is in a central part of a much wider plan that is being studied for a complete change in traffic circulation that would facilitate the decongestion of traffic, the exclusion of traffic from large areas of Gibraltar's old historic town. So the Government are aware that there are mixed feelings on this particular project but to the extent that the Government are interested in pursuing it and the decision has not been made, it is driven by whether greater things can be achieved in the very areas that the hon Member has described rather than being insensitive to those areas.

HON J GABAY:

I would like to make the Chief Minister aware that I share the views of a number of representations that have been made to me on the grounds that I have previously mentioned. From the historical angle it is one of the unspoilt areas of the town and as being the same as appears in plans in the 1840's. It is a complimentary aspect of Wellington Front for which a number of years ago we had special plans for refurbishing it and I feel that quite a number of people who love our heritage will feel rather incensed by this, particularly from a Government that have, at least in words in their electoral programme, said to the public that they will give heritage very, very special attention which was a pleasing feature for many of us.

HON CHIEF MINISTER:

Yes, but being sensitive to heritage does not mean that one does nothing if just one or two people say that would it not be a great shame to spoil Lover's Lane which is the place where they used to court in their childhood. The hon Member knows that the Government are committed to consultation and indeed that we have consulted and if the advice had been that there was damage to an important part of Gibraltar's heritage perhaps the Government would not have proceeded. Consultation does not mean that one asks people's permission to do things; it means that one seeks advice from people who know more about things than one does and then one makes the decision based on the advice available to one. My opinion and the hon Member's, for that matter, about whether Lover's Lane is so pretty that it should not be spoilt does not raise matters of heritage, it simply raises matters of opinion. Of course, the hon Member must also know, and I know that he knows, that in a place like Gibraltar if one pursues that line strictly and to the limit, one would develop nothing. So there is always a balancing act, a decision to be made as to whether one achieves something in one area at the expense of perhaps doing something that one would prefer not to have had to do in another and that is a judgement that the Government have to make and will make in relation to the widening of Lover's Lane even though if the Government decide to proceed, the Government are fully aware that there are many people who will not like the decision such is the nature of being in Government.

HON J C PEREZ:

I presume this is part of the proposals contained in the overall study for traffic that the Government commissioned nine months ago?

HON CHIEF MINISTER:

No, I do not think so. It is something that has actually been thought of within Government much more recently. It may be that other people have come up with the idea before, I know that plans to widen Lover's Lane have been mooted before on many occasions. I do not know whether the people who intended to widen it then wanted to widen it for the same reasons as we want to widen it now. In other words, whether the reason in terms of general traffic flows is the same then as the reasons that motivate us, I cannot say that but I am aware of the fact that this is by no means a new idea.

HON J C PEREZ:

Is the Chief Minister aware, certainly the plans that I saw which were originally prepared by an AACR administration before 1988, that the widening of the road from that aspect necessitates the pulling down of Treasury Building which the Government are presently repairing?

HON CHIEF MINISTER:

It does not necessitate the tearing down of the Treasury Building and if it did the Government would certainly not proceed because most of the Treasury Building is indeed a historical building. The parts of it that need to be pulled down are a few jagged protrusions on the western side of the Treasury Building which are not part of the original building, which were annexes and sheds and additions added to after and I think with the exception that there is a small intrusion into the garden, but there is absolutely no damage to the original building that was put up there originally.

HON J C PEREZ:

It would not be wrong to presume that once the study on the overall traffic flow of Gibraltar is ready that that proposal will be merged with the recommendations that the Government receive from that study and that therefore if both are not looked at the Government would not be in a position to proceed with the project?

HON CHIEF MINISTER:

Yes, the problem there is is that the Treasury works are on-going and we cannot wait to finish the Treasury Building until we decide whether we want to widen Lover's Lane. So what the Government now have to decide is whether to demolish the Treasury Building corners that need to be demolished and then leave the rest of it for some future date, the Governor's wall and all of that. The decision of course, had the Heritage Trust come back saying that there is some vital historical monument so that the road widening at Lover's Lane was never definitely going to proceed ever, then of course the Government would not have bothered, in the context of the refurbishment of the Treasury Building, to knock down the corners that need to be knocked down. Let me say to the hon Member that the study to which he keeps on referring has now arrived, the study from the Canadian Parking Company, it is being considered; it comes linked to parking proposals and parking management proposals which are not acceptable to the Government but, of course, those are being discussed by the Minister for Government Services to see if the proposals can be improved in a way that makes them acceptable to the Government but, of course, we have the benefit of the traffic flow ideas that came with it.

HON J C PEREZ:

Will the Government be making either the proposals of the traffic flow aspect public or at least the decisions of what parts of those proposals they are prepared to accept and implement public before they actually put it into effect?

HON CHIEF MINISTER:

Yes, the Government would certainly entertain a process of consultation before such a radical change in Gibraltar's traffic arrangements. Although there may be, as the hon Member knows are essentially even when one is trying to evaluate a plan and decide what it is that one wants to recommend, there may from time to time be a need for temporary experiments, for example, for a week or two reverse the traffic in this street or that to see if it is sensible to put in; subject to that which may occur without consultation, the final result will be published and consulted on before it is actually implemented.

HON J L BALDACHINO:

Can the Chief Minister state, because he has mentioned the Treasury Building which obviously pieces have been added on which was not the original building, the Duke of Kent House on the west side will not be affected at all will it?

HON CHIEF MINISTER:

I can confirm that, it will not be affected.

NO. 55 OF 1997THE HON J L BALDACHINO**FRONTIER WORKERS**

Can Government confirm that employers in Gibraltar can require cross frontier employees to take up residence in Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

It is up to employers to take legal advice on their EU obligations in the field of employment. However, as hon Members know, the Government of Gibraltar often impose this condition in respect of persons employed by the Government.

SUPPLEMENTARY TO QUESTION NO. 55 OF 1997

HON J L BALDACHINO:

Obviously, it would not go against EEC Directives if the condition was on residence and not on nationality, would it?

HON CHIEF MINISTER:

I cannot pretend to give legal advice on matters of European Union law on which I am not an expert, I have tried to choose my words to the answer carefully. The Government would not knowingly commit a breach of our legal obligations.

HON J J BOSSANO:

Surely, the Government expect that people should know what the law is if they are to comply with it. Is it against the law for an employer to require in an advert that applicants must be either residents of Gibraltar or prepared to take up residence in Gibraltar?

HON CHIEF MINISTER:

I understand that there are circumstances in which it would be lawful for such a condition to be imposed but they would depend on the circumstances. I hasten to add that no employer that might be listening to this should regard a debate in the House as a valid source of legal advice which it is not, I am giving my very limited understanding. If the hon Member wants to know the answer to that I am quite happy to ask the Attorney-General to look into the matter and give him a legal opinion.

HON J J BOSSANO:

The original question was not so much of a question of a legal opinion. I would have thought it is perfectly legitimate to say whether something is permissible under Community law or not permissible under Community law particularly where this could have an important impact on our ability to introduce controls in the labour market if they are permissible. Since there have been a number of adverts appearing which require residence in Gibraltar then it seems to me that either those adverts are contrary to Community law or the answer must be yes.

HON CHIEF MINISTER:

There is a third possibility and that is that the Government are taking the view that it is permissible, are taking the risk of being mistaken and do not want other people to take the same risk without establishing their own independent legal advice.

HON J J BOSSANO:

So is the answer then that the Government are taking the view that it is permissible?

HON CHIEF MINISTER:

The Government are continuing to take the view, as all previous Governments have taken, that it is permissible.

HON J J BOSSANO:

As far as I am aware, the distinction that all previous Governments have introduced in terms of inviting applications has been on grounds of nationality in the public service which, as far as I am aware, is in fact not covered by the right of employment in the free movement of labour. In other words, that each member State can require employees to be its own nationals and a particular department or a particular function may require, for technical reasons, that somebody should be here to be accessible. But that is not really the nature of the question. We have seen a number of adverts for the first time saying "applicants must either be in Gibraltar or be prepared to live in Gibraltar" and therefore since we have seen it for the first time and never before, we are asking the question whether this indicates that it is possible for employers to give preferential treatment or even to exclude people who are not living in Gibraltar?

HON CHIEF MINISTER:

I understand from what the hon Member has just said that he is referring to advertisements other than in respect of vacancies by the Government because the Government's form of advertisement has not changed unless somebody has changed them without consulting me. I have not seen any private sector advertisement but on the assumption that what the hon Member is telling me is true, that there is now a growing tendency in the private sector for vacancies to be advertised in that way, I can only say that presumably the employer has taken legal advice and it is possible. I am not in the possession of legal knowledge such as would enable me to give reliable advice as to whether that is allowed or not allowed but as the hon Member thinks that it might be an important matter, the Government will form a view on this and will advise the private sector accordingly.

HON J J BOSSANO:

I have not said there is a growing tendency in the private sector to do it and, in fact, as far as I am concerned, the fashion was started by the company the Chief Minister created called Gibraltar Community Projects and that is the first advert that I have seen doing it. Since that must be required to comply with the same law that applies to other private sector firms notwithstanding that it is 100 per cent Government-owned, if this is possible then obviously it is something that is worth encouraging.

NO. 56 OF 1997THE HON J J BOSSANO**INCOME TAX - PAYE ARREARS**

What is the present amount of arrears of PAYE in respect of the tax year 1995/96 and the amount of arrears in respect of previous years?

ANSWERTHE HON THE CHIEF MINISTER

The amount of arrears of PAYE in respect of the tax year 1995/96 stood at £1,285,066 on the 31 January 1997. The arrears in respect of previous years totalled £2,436,272.

SUPPLEMENTARY TO QUESTION NO. 56 OF 1997

HON J J BOSSANO:

Can the Government confirm that this is in line with the position that has existed at this time in relation to previous tax years? That is to say, that it is similar to the position of January 1996 in respect of the immediate and the backlog at that time?

HON CHIEF MINISTER:

I have information to hand about how much is owed today in respect of each of the last few years but I do not have to hand information that would enable me to inform the House as to whether the position today in respect of last year is worse or better than the position this time last year in respect of the year before that which I suspect is what the supplementary question is getting at. My understanding is that there had been a gradual improvement in the PAYE arrears position over the last two or three years and that that position has not yet deteriorated. But if the Leader of the Opposition is interested in that information I will certainly procure it and have it sent to him. Let me just see if this information is available, just a moment, Mr Speaker. No, I have further information which is the cumulative arrears during each of the months during the year in question but not the information that has been sought in the supplementary.

HON J J BOSSANO:

Can I just say that what I am interested in is if there is a change in the trend and therefore when the Chief Minister has information if he lets me have it, that is what I am looking for.

NO. 57 OF 1997THE HON J J BOSSANO**INCOME TAX - COMPANY TAX**

Can Government state how much of the company tax collected in the financial year 1995/96 was in respect of amounts payable in that year and how much was in respect of amounts due in respect of preceding years?

ANSWERTHE HON THE CHIEF MINISTER

The total amount of corporation tax collected in the financial year 1995/96 was £12,138,630. Of this £1,638,745 was in respect of assessments raised for the tax year 1995/96. £10,499,885 was in respect of assessments raised for other years.

SUPPLEMENTARY TO QUESTION NO. 57 OF 1997

HON J J BOSSANO:

I do not know whether the information is readily available. When we refer to the £10 million as assessments raised in respect of previous years, is it that they are assessments that had been sent out to the companies prior to that year or is it that they are assessments made in that year retrospectively?

HON CHIEF MINISTER:

The latter because the question asks for company tax collected in the financial year in respect of amounts payable in that year and of course amounts can be payable in a very different year to the one from which the taxable income arises because, for example, if taxpayers have defaulted in submitting accounts and the Tax Office eventually catches up with them they raise assessments and they become payable in a year which has no connection with the basis period or anything else. So the answer is the second of the two scenarios described in the supplementary question; that they relate to much earlier. I had information, for example, of the nearly £10.5 million which I said related to other years; £5.2 million related to the year 1994/95; £3.2 million related to the year 1993/94 - I am rounding the figures to the nearest hundred thousand - £1.1 million related to 1992/93 and there are amounts going back all the way to 1988/89, although by that stage very little, £18,000 or £19,000.

NO. 58 OF 1997THE HON J J BOSSANO**INCOME TAX - COMPANY TAX**

Can Government state how much of the company tax collected in the present financial year up to October 1996 was in respect of amounts due in the current year and how much in respect of amounts due in respect of preceding years?

ANSWERTHE HON THE CHIEF MINISTER

The total amount of corporation tax collected up to October 1996 was £7,232,783. Of this, £578,814 was in respect of the current tax year 1996/97. £6,653,969 was in respect of assessments raised for other tax years.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1997

HON J J BOSSANO:

Could I ask the Chief Minister to provide a breakdown similar to the one he has just given us for 1994/95 and 1993/94 in respect of the £6.6 million?

HON CHIEF MINISTER:

Yes. That is, as I have already said, £578,814 in respect of 1996/97, rounding it to the nearest hundred thousand; £4.4 million for 1995/96; £1 million for 1994/95; £1 million for 1993/94, £200,000 for 1992/93, and then progressively down from £50,000 right down to £13,000 going back year by year to 1988/89.

NO. 59 OF 1997THE HON J J BOSSANO**GIBRALTAR PASSPORTS**

Can Government confirm whether the Spanish Government has claimed that the word "Gibraltar" on the cover of our passports fails to comply with the requirements of Annex 1B of the relevant 1981 EU Resolutions?

ANSWERTHE HON THE CHIEF MINISTER

At the Brussels Process meeting in Madrid on 22 January, Spain did claim that EU common format British passports issued in Gibraltar do not conform to the 1981 Intergovernmental Resolution on the common format.

However, the Foreign Secretary made clear that the passports do conform and that, in any case, the Resolution is not binding. He also stated that all EU member States, including Spain, and the European Commission have accepted these passports since they were introduced in 1992.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1997

HON J J BOSSANO:

Can the Government confirm therefore that in the light of that answer the reported Joint Commission between the United Kingdom officials and Spanish officials is not being set up to address this issue?

HON CHIEF MINISTER:

When the Government discovered that it was proposed to set up this Joint Commission I wrote to the Foreign Office, through the Governor, asking for a detailed exposition of the terms of reference of this Commission. In other words, I wanted to know whether the terms of reference would be what some press reports had said, namely, simply to look at the technical question of the 13 or 14 individuals who had British passports issued in Gibraltar but are not entitled to free circulation within the European Community which, as far as the Government are concerned, would be a perfectly acceptable technical enquiry, or whether as other sections of the media had reported in Spain, this was going to be a wide-ranging enquiry into whether or not all Gibraltar issued passports with the word "Gibraltar" conformed or not with the Directive. We have not yet received a formal reply on that in writing but it has been indicated to me that the British understanding of what was agreed was the former and not the latter. In other words, the limited enquiry.

HON J J BOSSANO:

Would the Government agree that whereas the former is a perfectly legitimate thing, the latter would not be because having cleared the format of the Community passport and made it available to the relevant authorities before it was issued, it would be unacceptable that we should now have to re-negotiate that with the Commission made up of Spanish representatives?

HON CHIEF MINISTER:

I confirm to the hon Member that that is the position of the Government. It would not be acceptable to the Government that ground should now be given to Spain on the format of British passports issued in Gibraltar as it has been issued since 1992 and our representations to the British Government are in that vein and we will certainly be vigilant to ensure that no ground is given in this area to the extent that we can prevent it.

NO. 60 OF 1997THE HON J J BOSSANO**GIBRALTAR COMPANIES IN WHICH THE SPANISH STATE HAVE AN INTEREST**

Can Government state what is their public policy in respect of companies seeking to trade in Gibraltar in which the Spanish State has a shareholding or interest?

ANSWEROTHE HON THE CHIEF MINISTER

The question raises an issue which is currently the subject of a judicial review being brought against the Gibraltar Government. The matter is therefore sub judice and the rules of the House prevent the Government from answering the question fully.

SUPPLEMENTARY TO QUESTION NO. 60 OF 1997

HON J J BOSSANO:

I do not think it has been answered at all never mind fully. Can the Government say whether they have taken advice themselves on the availability of having a public policy in respect of such companies?

HON CHIEF MINISTER:

The case which is the subject of the judicial review which is a case in which a company called A S Marrache and Sons Ltd of which a subsidiary of Tabacalera is a 50 per cent shareholder, has sought an application to import tobacco into Gibraltar so that it can then retail it and wholesale it from premises in Main Street in Gibraltar, raises many issues of public policy. The litigation is not being resisted on the basis implied in the question although certainly the issue raised in the question is an area that generally concerns the Government because of course the policy of the Government, as the hon Member knows, is to encourage mutual co-operation with Spain. The word "mutual" is as important as the word "co-operation" and we do not regard co-operation to be mutual if our markets are fully opened to their companies and theirs is not to ours, but that is not the basis on which the application has been considered nor the primary basis of the defence in the case which is on issues related to the Government's public policy in controlling the supply and exportation of tobacco.

HON J J BOSSANO:

My supplementary was not aimed at establishing what was the case or the basis for opposing the application but whether the Government had taken advice - I will not ask what the advice is - on what freedom it is capable of enjoying in the context of Community law in order to have a policy, whatever that policy may be, I am not asking him to say it either.

HON CHIEF MINISTER:

Yes, the Government have taken advice in every different area of this matter. For example, one of the issues which has been argued on behalf of A S Marrache and Sons Ltd is that Articles 30 to 36 of the Treaty of Rome relating to the free movement of goods applies to Gibraltar and the Government have both a political view and now legal advice, which I understand was also available to the previous Government, as to whether those Articles of the Treaty of Rome actually apply to Gibraltar or not. Many of the arguments raised by the applicant depend on those Articles applying. If they do not apply many of their arguments are completely invalid. So the Government have legal advice in all the areas upon which it seeks to rely in this case and in relation to our policy more broadly, as I have described it, and the Government are aware of what are the strengths and weaknesses in its position.

NO. 61 OF 1997

THE HON J J BOSSANO

IMPORTS AND EXPORTS

Can Government state what was the value of imports and exports in 1996, excluding petroleum products?

ANSWER

THE HON THE CHIEF MINISTER

The provisional 1996 figures for imports, excluding petroleum products, is estimated to be around £300 million and exports, also excluding petroleum products, is estimated at some £70 million.

NO. 62 OF 1997

THE HON J J BOSSANO

I&D FUND - EXPENDITURE

Can Government state how much of the amount provided in the Improvement and Development Fund, Head 104, Subhead 6, Minor Capital Works had been spent by December 1996 and how much it is estimated will be spent in the months up to end March 1997?

ANSWER

THE HON THE CHIEF MINISTER

A total of £312,000 was spent under the Improvement and Development Fund Head 104, Subhead 6, Minor Capital Works as at the end of December 1996. It is expected that the balance of £188,000 will have been either spent or committed by the end of this financial year.

SUPPLEMENTARY TO QUESTION NO. 62 OF 1997

HON J J BOSSANO:

Can Government confirm whether the refurbishment of the old Secretariat building is being charged to this subhead?

HON CHIEF MINISTER:

Such payments as have been made in respect of that project, according to the information I have in front of me in relation to the next question on the Order Paper, appear to have been charged to Subhead 4, Government Buildings.

NO. 63 OF 1997THE HON J J BOSSANO**I&D FUND - EXPENDITURE**

Can Government state how much of the amount provided in the Improvement and Development Fund, Head 104, Subhead 4, Government Buildings had been spent by December 1996 and how much it is estimated will be spent in the months up to end March 1997?

ANSWERTHE HON THE CHIEF MINISTER

A total of £200,000 was spent under the Improvement and Development Fund Head 104, Subhead 4, Government Buildings as at the end of December 1996. It is expected that the balance of £300,000 will have been either spent or committed by the end of this financial year.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1997

HON J J BOSSANO:

When the Government say that it is committed, if in fact, they are saying that the payments may not actually be made within this financial year. Does not that, in fact, allow it to be able to take on projects which we were previously indicated could not be done because the funds were not available?

HON CHIEF MINISTER:

Yes, I suppose it follows that if one spreads out the expenditure over two financial years then it enables one to start more projects in the first financial year than one otherwise could have done, I suppose that follows as a matter of logic. I think, it is important to remember that the new administration inherited a budget which was not of our making and that obviously there may have been provision for projects in that budget written in by those whose budget it was, namely, the Opposition Members. I think it is inevitable that a new administration will want to take a look at those and see whether there is any difference in priority, whether they want to proceed with some projects, whether they wish to give priority to others. Certainly, that exercise is taking place. It may well be that there are projects that would have proceeded by now had there not been a change of Government which have been delayed as a result of the change of Government. I am not saying that there are or that there are not but it would seem to me logical if there had been. For example, there is the project that we discussed in the last meeting of the House relating to the relocation of the Electricity Depot in Irish Town, which is the one that comes to my mind right now, but I am not conscious that the Government have cancelled any projects of which we had knowledge and were in the pipeline although some may well have been delayed in the implementation.

HON J J BOSSANO:

I accept entirely that it is the prerogative of the Government to have a different set of priorities but would the Chief Minister agree then that the issue is not that they wanted to do it but that there was insufficient money in the vote because in fact although they may have £300,000 committed, if they have actually spent £200,000 in nine months they are unlikely to spend the £300,000 in the remaining three months and therefore we are likely to see the vote showing an under-expenditure at the end of the financial year.

HON CHIEF MINISTER:

Yes, given the use of the supplementary reallocations vote, of course, the actual size of the vote has never been a constraining factor because as the hon Member knows, additional funds can be brought into this or any other Head if the Government wanted. But it is true that on the basis of the money spent so far the Government have not yet spent everything that was voted by the House for these subheads back in May or early June when we passed the budget, that is absolutely true.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

**29TH APRIL, 1997
NO. 64 TO NO. 160**

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ORAL

NO. 64 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL CARE

In providing secondary health care to the MOD can Government confirm whether the Gibraltar Health Authority's medical and nursing staff will be required to go to, or practice at the Royal Naval Hospital?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 65, 66, 67, 73 and 75 of 1997.

ORAL

NO. 65 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL HEALTH CARE

Can Government state how priority is decided in the provision of secondary health care between civilian and MOD personnel using the service?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 64, 66, 67, 73 and 75 of 1997.

ORAL

NO. 66 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - OPERATING THEATRES

Can Government confirm whether the theatre at the Royal Naval Hospital has the same full range of medical and other equipment as that which is available at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 64, 65, 67, 73 and 75 of 1997.

ORAL

NO. 67 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - INTERCHANGE OF PATIENTS

Can Government confirm whether civilian patients may be expected to be transferred or requested to attend the Royal Naval Hospital for medical operations or other type of medical interventions in their theatre?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 64, 65, 66, 73 and 75 of 1997.

NO. 68 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - NURSING REVIEW REPORT

When does the Government expect to make public the report of the nursing review?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government have received a report in relation to nursing issues. We are considering the report and its implications. It is not possible to give an indication at this stage as to when and how it will be made public.

SUPPLEMENTARY TO QUESTION NO. 68 OF 1997

HON MISS M I MONTEGRIFFO:

Can the Minister confirm when he received the report of the nursing review?

HON K AZOPARDI:

About four weeks ago.

HON MISS M I MONTEGRIFFO:

Can the Minister say whether the Government at this stage are committed to accepting all the recommendations of the nursing review report?

HON K AZOPARDI:

As I indicated in the answer I have just given, we are considering the report and its implications and at the moment we do not feel we are in a position where we can make any statement in relation to any recommendations that are made therein.

HON MISS M I MONTEGRIFFO:

I cannot hear very well because there is noise in the background. Is the answer to my question then no?

HON K AZOPARDI:

The answer is no, yes.

NO. 69 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - RELOCATION OF HEALTH CENTRE

Have the Government now come to a decision in relation to the relocation of the Health Centre?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No, Sir, Government are studying the feasibility of the various options and will after consideration take a final decision on this.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1997

HON MISS M I MONTEGRIFFO:

This is the sort of answer I have been getting from the Government since I first put the question nearly a year ago. Can the Government say what options they are looking at for the relocation of the Health Centre? Are there any options they are looking at?

HON K AZOPARDI:

As I indicated in answer to a supplementary by the Hon Mr Perez last time, there were three options put to the Government. The ICC was one option and we are considering the feasibility of those options. The fact that I have given that answer on occasion is because we have been for some time considering that and there is a wide consultation process to be undertaken. It is not something that can be taken rationally.

HON MISS M I MONTEGRIFFO:

The Minister has said that they are looking at three options, he has mentioned one, the ICC building. Can he actually tell the House which are the other two options?

MR SPEAKER:

If he wants to yes, certainly.

HON K AZOPARDI:

The fact that I mentioned the ICC last time was because it had been put as a direct question in a principal question. I have not consulted the other two people who put options to me as to whether they would mind that that commercial confidence be publicised today and so I think it would be inappropriate but if the hon Member wants to put a principal question to me next time I can revert to them and ask them whether they mind that that be publicised.

HON J C PEREZ:

Can the Minister confirm then that another option that is being looked at is Europort?

HON K AZOPARDI:

The Hon Member can think that but I cannot comment.

HON J L BALDACHINO:

Which means what?

HON CHIEF MINISTER:

Which means that the Government are not committed to making a decision as to whether we are going to move the Health Centre within six months, nine months, a year or at all and therefore the fact that the hon Opposition spokesman for health has asked this question now every time the House has met since the 16th May and gets the same answer is because this, which is a Government policy decision, has not yet been taken. In other words, we have considered the possibility of moving the Health Centre; we have looked into what options there would be for an alternative site if we did decide to move the Health Centre, but the decision on whether to move the Health Centre to any of the three sites that have been mentioned or to any other site has not yet been taken as a matter of definitive policy decision. So this is very much at the stage where the Government are not yet decided whether to move the building, but if it did move the building, one of the possibilities would be to the ICC. Another one that has been looked at in the context of that preliminary enquiry is indeed Europort but that has more or less been discarded from the Government's reckoning.

HON MISS M I MONTEGRIFFO:

I only put the question because every time that I ask this question I am being told by the Government that they are considering it. Can the Government confirm that their policy is in fact to relocate the Health Centre?

HON K AZOPARDI:

I mentioned some months ago that it is an important aspect of the decision making process that we would like to have a tourist development of the area and that the Health Centre is too small for our needs and so all indications lead us to the conclusion that it is extremely possible that a relocation will take place. Beyond that I think the Chief Minister has said precisely what the situation is at the moment.

HON MISS M I MONTEGRIFFO:

Can the Government confirm that as well one of the options is that the Health Centre might stay where it is?

HON K AZOPARDI:

Everything is possible but if that option were followed we might not necessarily be able to expand the service.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm what he means by expanding the service?

HON K AZOPARDI:

I mean recruiting more staff for the Health Centre, that is what I mean. I think it is simple and straightforward enough. The hon Member was Minister for Health Services for eight years so I am sure she appreciates that there is a constraint of space at all GHA facilities and also at the Health Centre and so if there is an expansion in the sense of recruitment of staff there is a limit to what we can do at the present site.

HON MISS M I MONTEGRIFFO:

Just to say on a point of order that I do not agree there is a constraint.

MR SPEAKER:

That is not a point of order.

HON MISS M I MONTEGRIFFO:

Clarification, Mr Speaker.

NO. 70 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - LEWIS STAGNETTO WARD

Has the Government now reached a decision as to whether or not Lewis Stagnetto Ward will remain in the Private Corridor?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1997

HON MISS M I MONTEGRIFFO:

This is the sort of answer I have been getting every time I have asked the question. I keep getting no and no and no and I keep telling the Minister, Mr Speaker, would he not consider that in view of the present resources at private corridor that it would be prudent to leave Lewis Stagnetto there and then relocate private wing within an area of the John Mackintosh Wing?

HON K AZOPARDI:

I have answered to that question and that suggestion when it has been put that Government are quite happy to consider that suggestion as a constructive suggestion by the hon Member but the point of me answering no to these questions is because I have always also said that we were not in a position yet where a decision need be taken because of the fact that Lewis Stagnetto is now in private corridor and what was Lewis Stagnetto is now the temporary kitchen and because there had to be a degree of refurbishment there was no need at the moment to take a decision. That is why I am answering in this way, it is not because I do not think there is any merit in what the hon Member has suggested, I do, and this is a matter that is being actively considered. But at the moment no decision needs to be taken. But let me assure the hon Member so that she does not have to ask me the question again; for the foreseeable future there will be no movement from old Lewis Stagnetto from the place where it is at the moment. Having said that, we also have to consider the constraints that the will of the late John Mackintosh places on the Health Authority and the Government as to having private facilities at St Bernard's in the future.

HON MISS M I MONTEGRIFFO:

I understand the constraints of the John Mackintosh will but I am glad that the Minister has actually confirmed to this House that he does find merit in my proposal.

MR SPEAKER:

I am quite sure from any proposal from you.

HON MISS M I MONTEGRIFFO:

Thank you, Mr Speaker.

NO. 71 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - POST OF CHIEF EXECUTIVE

Can Government state on what basis it has decided that the new post of Chief Executive for the Gibraltar Health Authority, should attract a salary of £55,000?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government's view is that the salary for Chief Executive should ensure that good quality potential candidates are attracted to apply. The range of salaries of commensurate posts in the NHS and in NHS Trusts was considered in assessing the level at which the salary should be set. An additional factor is that, as it is likely that a Chief Executive would, during this initial period of two years come from outside Gibraltar, the salary should compensate for the brevity of the contract and the displacement of the individual.

SUPPLEMENTARY TO QUESTION NO. 71 OF 1997

HON MISS M I MONTEGRIFFO:

Will the Minister confirm that the two local General Managers that the Gibraltar Health Authority have had during the period of eight years have not served the Gibraltar Health Authority well?

HON K AZOPARDI:

No, I will not confirm that. Neither will I confirm that the Health Authority has two General Managers. It seems that notwithstanding the fact that the hon Member was Minister for eight years she is not aware that one of them is called the General Manager and the other is called the Hospital Manager and their duties and roles are completely different. If the hon Member does not believe me she should check the 1987 Ordinance; it creates the General Manager and then it also creates the Hospital Manager, they are different posts, they have different roles, they have different responsibilities and they have different duties. I do not accept the premise of the hon Member's question. I have always found them loyal, I think they are excellent individuals and they are free to apply if they think it is appropriate that they should apply.

HON MISS M I MONTEGRIFFO:

I think the Minister has misunderstood the nature of my question. When I said that we had had two General Managers during the course of eight years, we have in fact had two General Managers serving the Gibraltar Health Authority. I do not want to engage into their names but I remember distinctly because I was there and he was not. I can assure the Minister that the Gibraltar Health Authority during the period of eight years have had two General Managers and both have been local Managers. I am asking the Minister if he would not consider that those, especially the present General Manager, is not capable of running the Health Service satisfactorily because that is what I found when I was in Government, that they were very satisfactory?

HON K AZOPARDI:

The hon Member is now trying to wriggle out of the premise of the question she put. *[Interruption]* Yes, indeed, the Gibraltar Health Authority has had two General Managers in its history but they have not been local, one of them was Mr Ralph Murray and he was hardly local.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker. I think that if he has mentioned a name I will need to mention those local General Managers who have served for the Health Authority; one was Dr John Cortes and the other one is the present one, Mr Ernest Lima. They have both served as General Managers and I think that the Minister has been misinformed.

HON K AZOPARDI:

Mr Ernest Lima, while I have been in office, has I repeat been excellent in the conduct of his duties. I do not accept, if there is an implication in the suggestion that I should believe that they are not up to the job, that is not the position at all. The post of Chief Executive has been advertised after close consultation with the present General Manager, he has not voiced any difficulty with that, indeed one of the issues that has come up during our discussions is that because the Medical Review Report highlights certain practices that would have to be implemented in Gibraltar of which none of the Managers at the Health Authority know much about because they have been NHS practices over the last three or four years, he is quite happy for that to take place. Having said that, should he apply he will of course be considered. I reiterate that I have no difficulty with that and I consider that he has served the Authority very well over the last few years.

HON MISS M I MONTEGRIFFO:

In that case if the Minister considers that he has served well the Authority why does he need to advertise for the Chief Executive post? Does he not understand that this present review that the Government have conducted does not require major changes within the Health Service, that it only requires the creation of posts and that could be adequately dealt with by local Managers?

The review does not only require the creation of posts. The review makes 98 recommendations some of which are that the management are under strength but a lot of them are fundamental recommendations of a medical and structural nature and it is just not filling in the posts. If the hon Member thinks that, then she has missed the points of the review and she should read it again. I do not accept that that is the basis of the review. It is certainly a recommendation that there needs to be a strengthening of the management and the creation of the structure that has been suggested is based on experiments in management and in clinical directorates that have been used in the NHS over many years and it is something which I think would be a key to the future of the Health Service but it is certainly not the only or indeed the most fundamental recommendation.

HON MISS M I MONTEGRIFFO:

Can I just tell the Minister that I have read the review and when he talks about major medical changes to the Gibraltar Health Authority's structure at the moment I tend to disagree with him. I would urge the Minister again to confirm to this House whether there is in fact a need and while he considers that need to bring over a Chief Executive from the United Kingdom.

HON CHIEF MINISTER:

The previous incumbents of the post of General Manager have done a perfectly good job within the constraints of their qualifications and indeed with the very limited constraints of the training for which the previous administration gave to them to equip them to undertake a fundamental job like the management of the Gibraltar Health Authority. As in so many areas of Gibraltar's public administration, the Government consider that both the existing local staff and the consumer of the service, in this case patients of the Gibraltar Health Authority, have much to benefit from a brief tour of duty in Gibraltar by an expert qualified Health Authority Executive who will be able not only to modernise the way the Gibraltar Health Services work but indeed to pass on the benefit of their training and experience to local people who will thereafter be even better qualified to take on that job themselves. I have no doubt that the Government's policy will result in a considerable improvement in the quality of health care to patients not least to release the existent General Manager to go off and do training courses whilst the Chief Executive is in place. That is the basis of the Government's policy. The hon Member must have heard that we have made it very clear that wherever we recruit somebody on contract to do a specialist job of this kind it is on condition that there is a local person understudying that person during that period of time and taking the opportunity to gain knowledge and experience for Gibraltar in these matters. We do not see this as a matter of constitutional retrograde steps. As far as we are concerned, it is not the case that Gibraltar has no more to learn by importing expertise from abroad in many, many areas of the way that the public service in Gibraltar delivers its services to the consumer. It is the Government policy to improve that, it is the Government policy to offer a considerable amount of training to our own local people so that as soon as possible these posts will be localised in the hands of individuals who have been given a fair opportunity to gain the necessary qualifications and experience to do the jobs which in the past have been thrust on them without the opportunity for training and experience.

HON MISS M I MONTEGRIFFO:

May I say that I do not agree with the Chief Minister. May I remind him that in 1987 the Gibraltar Health Authority recruited prior to our being in Government a General Manager from abroad. May I remind him that after three years in service a General Manager from Gibraltar took over and may I remind him that the Professor, one of whom wrote the first report of the review of the medical services, commended the performance of our General Managers so I think it is a question that he has less faith in our people than what we have.

MR SPEAKER:

But what is the question.

HON MISS M I MONTEGRIFFO:

The question is does he have less faith in our people than what we have?

HON CHIEF MINISTER:

Not only do I not have less faith in our people but indeed our people do not have less faith in themselves because let me tell the House that all the people who are affected locally by all this new approach to the importation of experience that this Government pursue, fully support the Government's initiatives because they see in it opportunities for themselves in the future as opportunities to enhance their own skills and their own qualifications. So this is not a threat to anybody. This is something that the people who are most affected by it actually welcome and the Government welcome it as well.

HON MISS M I MONTEGRIFFO:

He has not answered my question, Mr Speaker.

MR SPEAKER:

The one who has got to answer your question is really the Minister for the Environment and Health, I know here the practice is everyone answers. It is a supplementary to him.

HON J J BOSSANO:

If the Chief Minister makes a lengthy Ministerial statement in answer to a supplementary, presumably we will have to come back with 200 questions the next time round, if we are not able to follow things out now.

MR SPEAKER:

Really the supplementary must be to the Minister, but anyhow if he wants, the Chief Minister is perfectly entitled to answer.

HON J J BOSSANO:

I only wish to ask questions about the things that he has said but if I am not able to now then I will put x number of questions next time.

MR SPEAKER:

No, what I am saying is, it is not allowed in the House of Commons, it is allowed in this House because in the past it has been allowed, so ask it.

HON J J BOSSANO:

Are the Government then saying that the reason why they want to bring somebody from the National Health Service in the United Kingdom is that they want to follow the changes that have been introduced in the United Kingdom over the last 15 years which presumably is where we are not keeping up with them?

HON CHIEF MINISTER:

No, Sir.

HON J J BOSSANO:

Do the Government not consider that in fact a Chief Executive recruited from a trust in the United Kingdom will in fact be implementing policies which have been directed by political philosophy which created the trust in the first place?

HON CHIEF MINISTER:

This Chief Executive will implement the policies established by the Government of Gibraltar.

HON J J BOSSANO:

Then if he is going to carry out the policies that the Government of Gibraltar decide why is it that we need somebody from the United Kingdom to carry out those policies if the decision is going to be taken here?

HON CHIEF MINISTER:

The policy of the Government of Gibraltar is not to privatise the Health Service through Trusts or otherwise but to keep it to the public domain and he will not be allowed to operate without those parameters.

HON J J BOSSANO:

I welcome the fact that that is the policy of the Government of Gibraltar which we totally support but the point that I am making, Mr Speaker, is do the Government not appreciate that the experience that the man will bring to Gibraltar is the experience of doing something different to that? Would the Government not agree that in the

case of Gibraltar the Head of the Administration, for example, has no control over the nursing staff which constitutes the bulk of the employees and how then does he relate a salary of £55,000 to what is going to be a Head of Department when one has less administrative staff than any other Government department where the equivalent responsibility is £15,000 less?

HON K AZOPARDI:

One of the important factors that we take into account, let me say initially that it is not the Government that made the recommendations, it is the Review Report that made the recommendations and one of the Review Reports recommendations is that a Chief Executive should be engaged. One does not buy a dog and bark oneself, we engaged those experts to give us recommendations and they did so and one of the recommendations is that we should get a Chief Executive. In relation to the point that the Leader of the Opposition makes in relation to the salary; one of the important factors that we see developing over the next few years is that we will create a more self-standing body which will be known as the Health Authority. It was created by Ordinance back in 1987 but in reality it has for many years not really departed and fulfilled the statutory duties that it had to under that Ordinance and we wanted to create a more self-standing body known as the Health Authority to fulfil those functions. So it is essential that the Chief Executive not only has control of the 30-odd clericals that may work within the Health Authority but should have a wide span of administrative financial and budgetary control and is and remains accountable to the Minister of the day but he or she will have to have a strategy-making team to develop health care in Gibraltar, not on a day-to-day basis but on a long-term basis. The range of salaries of Chief Executives in the UK is from £50,000 to £90,000. The top of the salary scale obviously the salary range depends on the size of the particular Health Authority. The Health Authority in Gibraltar is on the smaller end of the scale and so one would expect us to be on the smaller end of the scale. It is also true that the average salary for Chief Executives in the UK is £64,000 and so this salary that we are providing in our job advertisement is lower than that but we are confident that that will attract the right applicants for the job and for that applicant to give that structure of management that exists today and will exist after the other managers are recruited, he or she will give them a degree of experience and management expertise that is essential in developing health care in Gibraltar and we are pleased to implement that recommendation. That was not a recommendation dreamt up by this Minister or any Minister on this side, but it was a recommendation put to us by the experts that we commissioned to undertake that Review Report.

HON J J BOSSANO:

On what basis does the Minister think that two doctors employed in the Health Service are experts on the administration of Health Trusts in the United Kingdom?

HON CHIEF MINISTER:

I do not know how qualified two doctors are to qualify what is best for the administration of the Health Service but surely the hon Member must recognise that they are more qualified than he or I. I do not see what he thinks qualifies him and me to sit here debating about what is best for the administration of the Health Authority but that people who are actually working in it and people who are recognised consultants in Health Authority management issues are not qualified.

The fact of the matter is that this Government, perhaps unlike the previous one, seek professional advice, evaluates it and then either takes it or do not take it for a good reason but we do not question the competence of people who we ourselves appoint to advise on this very matter.

HON J J BOSSANO:

That may well be the case but the point is that just like they can take or not take it, we can agree or disagree or question or not question. So the answer to his question which he should not be asking, is that we are asking the questions to him because we cannot address it to the civil servants to whom we already put the views when they interviewed us in making the report. Can the Minister for the Environment and Health confirm that in fact there is no Health Trust with as small a population or as small a budget as the Gibraltar Health Authority in the United Kingdom, even at the bottom of the range?

HON K AZOPARDI:

I do not have the scale of population of the sizes of Health Authorities in the United Kingdom but this is a matter on which neither he or I could answer properly, it would be a question of obtaining statistics. But there are similar Health Authorities in size to that of Gibraltar.

HON J J BOSSANO:

The Minister must know that there are no Health Authorities in the United Kingdom, they are either Health Trusts because it is the break-up of the National Health Service that we are talking about and they were broken up into much bigger units than the equivalent of Gibraltar and he has told the House that we are at the bottom of a range and I am suggesting to him that the information is incorrect, that we are below the bottom of the range. Can he check that information and confirm it at a future date?

HON CHIEF MINISTER:

What the Government do not need a future date to confirm is this, I can only assume that the Leader of the Opposition is rather undisguisedly trying to raise the spectre of the possibility of the Government considering privatising the Health Service or any part of it through the medium..... [*HON J J BOSSANO: I have already welcomed the assurance that that will not happen.*] of a Trust. The Government are not recruiting an expert on Health Trusts; the Government do not want an expert on Health Trusts because the Government have no intention of setting up a Health Trust in Gibraltar of the sort or any other variety like the ones that happened in the United Kingdom. The Government are committed to the Gibraltar Health Authority and to keeping the Health Authority within the public ownership. What the Government have recruited for is for an experienced Health Authority Chief Executive. It may or may not be that his last job was in a Health Trust but that will be completely irrelevant to the skills that the Government are seeking.

HON J J BOSSANO:

Let me just, for the record, say that the assertion by the Chief Minister that I am trying to give an impression that they are wanting to privatise the Health Service is complete nonsense since two minutes ago I welcomed the assurance that that was not the intention and I said we fully supported that view of the Government. It appears from the last answer that we are not looking therefore to recruiting a Chief Executive from within some area of the Health Service of the United Kingdom. Can that now be confirmed because that is the answer I have just been given?

HON K AZOPARDI:

The closing date for applications is the 2 May. We will have to see who applies for that post, I am not aware of anyone who has applied and we will allow the process of job selection to progress on that basis. The successful applicant will implement the policies of the Government of Gibraltar in the health care field, fullstop. Whether they come with experience in different areas is immaterial, they will fulfil those policies of this Government but of course health care management experience generally will be useful to this post.

HON J J BOSSANO:

Is a condition of the ability to apply previous experience of doing the job of Chief Executive in a Health Trust in the United Kingdom or is that not a condition that the applicant has to meet?

MR SPEAKER:

This will be the last question and the last answer.

HON K AZOPARDI:

No it is not a pre-condition.

MR SPEAKER:

I am very lax on questions and answers even if you do not believe me but I am very lax. In point of fact you can only ask questions and you cannot make statements but I will continue with my laxity even if you do not believe me. Next question.

NO. 72 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - FORECAST OUTTURN OF REVENUE AND EXPENDITURE

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The forecast outturn of revenue of expenditure of the GHA in respect of financial year 1996/97 by item is as follows:

RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDING 31 MARCH 1997

Receipts

Grant from SAF	7,510,070.79	
Group Practice Medical Scheme	14,306,496.49	
Hospital Fees	61,531.22	
Laboratory Fees	9,138.00	
Other Receipts	<u>277,744.52</u>	22,164,981.02

Payments

Personal Emoluments AA	6,952,047.31	
Overtime B	1,088,241.92	
Allowances C	1,364,701.84	
Gratuities D	<u>139,693.60</u>	
Total Personal Emoluments	9,544,684.67	
General Office Expenses	38,131.52	
Running Costs of Motor Vehicles	4,751.62	
Electricity and Water	167,773.63	
Provisions	228,929.84	
Laundry Expenses	259,234.10	
Hardware Uniform Linen	80,855.33	
Dressing and Medical Gases	423,534.58	
GPMS Prescriptions	4,765,414.12	
Medical & Surgical Equipment	127,410.94	
Patients Appliances	48,681.33	
Fuel	30,080.70	
Funeral Expenses	7,149.00	
Medical Books	8,884.99	
Wages	1,095,895.79	
Cleaning Expenses	42,620.49	

Courses of Training	14,988.24	
Expenses of Visiting Consultants	63,708.98	
Official Visits Abroad	5,569.85	
Sponsored Patients	1,867,874.21	
Printing and Stationary	25,587.96	
Telephone Service	91,637.95	
Drugs & Pharmaceuticals	819,349.67	
Medical & Surgical Appliances	203,563.07	
Official Entertainment	1,544.85	
Employers Share of Conts to SIS	639,742.58	
Relief Cover	363,539.33	
Professional Study Leave	17,648.36	
Recruitment/Contractual	283,656.57	
Ex-Gratia Payments	6,391.23	
Cash Losses	24.79	
New Equipment	399,324.91	
Minor Works	472,892.42	
Extraordinary Funds	<u>13,903.40</u>	22,164,981.02
	NET RECEIPTS(PAYMENTS)	0.00

ORAL

NO. 73 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL HEALTH CARE

Can Government state when the trial period of the agreement they have reached with the MOD in providing them with secondary health care commenced and when it is due to terminate?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 64, 65, 66, 67 and 75 of 1997.

NO. 74 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - PERSONAL EMOLUMENTS ADMINISTRATIVE GRADES

Can Government state what is the cost of the personal emoluments of the administrative grades in the expenditure of the Gibraltar Health Authority for the financial year 1996/97?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The cost in personal emoluments for such grades in 1996/97 was £650,233.79.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1997

HON J J BOSSANO:

Can the Minister confirm that with the proposed changes in the administration of the Health Authority it is envisaged that the cost of the administrative grades will rise as a proportion of the personal emoluments in the Health Service?

HON K AZOPARDI:

Yes, Sir.

NO. 75 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - TREATMENT OF PATIENTS AT RNH

Can Government state what type of medical operations or interventions will be undertaken at the Royal Naval Hospital during the trial period of the agreement?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

As described in the Ministerial statement given in this House on 1 April 1997, the trial period on assimilation of MOD secondary care will commence on 1 May 1997. The trial will run for a period of nine months and will therefore end on 31 January 1998 unless extended by agreement before then.

To monitor the trial period a liaison committee has been formed between GHA and the MOD. This will provide the forum for GHA health and management professionals to discuss the workings of the trial period and any day-to-day issues that may arise.

Through its involvement in the liaison committee, GHA health professionals and management will decide whether and if so which GHA staff will on occasion treat patients at the Royal Naval Hospital and what type of operations or treatment is rendered at RNH during the trial period. While discussions have concentrated on the use of the RNH theatre for day case surgery, for example, Government believes that the specific question of the types of treatment delivered in the various facilities is best left to the health professionals to decide without strict pre-conditions to ensure the full maximisation of the facilities available.

Patients may be requested to attend RNH for treatment or surgical care that they are to receive.

There is to be no distinction in the way health care is provided to local entitled and MOD entitled patients; priority of treatment will therefore depend on the assessment of clinical need by the relevant medical practitioner.

It is a term of the agreement that the standard of the RNH theatre be maintained to the satisfaction of the liaison committee. This will therefore be closely monitored by GHA through its representatives on the committee.

SUPPLEMENTARY TO QUESTION NOS. 64, 65, 66, 67, 73 AND 75 OF 1997.

HON MISS M I MONTEGRIFFO:

As I think I have asked the Minister several questions and he has replied them all in one go, I need to really digest what he has answered. I think he is really saying yes to most of the questions that I have asked him. For example, when he says that there is a liaison committee and that he is leaving it to the liaison committee to decide what type of operations will be performed there, can he confirm whether the Government, for example, as one of my questions puts it to him, is satisfied with the range of medical equipment in the RNH?

HON K AZOPARDI:

What I have said is that because these are medical matters and because it is essential to have health input into all these questions insofar as adequacy of treatment, facilities and equipment is concerned, the Government believes it is most appropriate to leave it to the liaison committee. The liaison committee will ensure, under the terms of the agreement, that the RNH facilities and theatre is maintained to a proper standard and so therefore they must decide those questions and I am satisfied, if that is what the hon Member is asking me, that that is the best that should happen in the circumstances. I do not think that it should be left to Ministerial input in these decisions, these are medical health questions where I think it would be inappropriate for anyone else to have any degree of input.

HON MISS M I MONTEGRIFFO:

Fine, Mr Speaker, I accept that answer but he still has not answered fully Question No. 66. Could the Minister confirm whether the theatre at the Royal Naval Hospital has the same full range of medical and other equipment as that which is available at St Bernard's Hospital? Can he confirm that?

HON K AZOPARDI:

I suppose the answer to that then must be no but purely for the reason that it is not going to undertake the same element and the same type of surgical operations as the St Bernard's theatre undertakes. Historically, for example, the RNH theatre has never undertaken substantial orthopaedic operations whereas the St Bernard's theatre has. In St Bernard's, for example, has a special operating orthopaedic table, the RNH theatre does not; it is not envisaged that the RNH will do the same level of operations as St Bernard's can do, that is why we have said in the Ministerial statement that we intended to carry out day case surgery in principle at RNH but beyond that, the exact type or number of operations that are sent to RNH will be left to the liaison committee where I think they should have the input into that particular decision.

HON MISS M I MONTEGRIFFO:

It is a little bit clearer now, Mr Speaker. So what the Minister is saying is that no, the theatre at the RNH has not got the full range of the medical equipment but what he is saying is that patients would be operated or intervened medically according to what the liaison committee think is fit in accordance with the equipment that is available at the RNH. Can the Minister confirm whether the staff.....

HON K AZOPARDI:

If the hon Member would give way.

HON MISS M I MONTEGRIFFO:

Can I just ask this question in case I forget, Mr Speaker. Can the Minister confirm whether the medical or nursing staff that will be required to go to the RNH will be given adequate medical cover?

HON K AZOPARDI:

What I did say in relation to the previous question is, I am satisfied that it will have full facilities and equipment in relation to the operations that will be carried out there. I would not want the impression to be cast by the hon Member's question that I am not satisfied that it has full or adequate facilities. The liaison committee will have to be satisfied that it has adequate facilities and equipment if any operations indeed are going to be carried out at RNH. In relation to the issue of medical cover, if any staff are displaced to RNH for particular operations it will be because they used to carry out the operations, for example, at St Bernard's and therefore no cover will be required, it is just a freeing up of the operating theatre that will happen. But in the event that staff is used that ordinarily would be used then of course we will have to examine the issue of cover but that is precisely why also, under the agreement, we are going to get a consultant anaesthetist, a surgeon and a theatre team, to assist in using both theatres adequately.

HON MISS M I MONTEGRIFFO:

In answer to another question that I put to the Minister, can he confirm that during the trial period of the agreement that the Government will engage in any further negotiations with the MOD prior to the termination of the agreement?

HON K AZOPARDI:

Part of the reason for the trial period is for us to gauge if this assimilation of secondary care could work as a permanent arrangement and it is just to see in practice how this is going to work. While the trial period is happening, I intend to pursue discussions with the MOD to see whether a permanent arrangement is possible.

HON MISS M I MONTEGRIFFO:

I know that the Minister has said that he will try and pursue the matter but can he give more specific details or more of an indication of the type of agreement that they would wish to reach with the MOD at the end of the trial period?

HON K AZOPARDI:

I think given all the factors that have been discussed before, I think the hon Member will appreciate that these discussions are sensitive and I do not think it would be appropriate, at the moment, as the trial period has not even commenced itself, to give an indication of what the Government aspire to. Indeed it would reveal what the aspirations of the Government are publicly and I do not think that that would be appropriate. So the position is that we will await developments, we will continue in our discussions and we will see how the trial period works.

HON MISS M I MONTEGRIFFO:

Will the Minister at least concede that if they reach a further more concrete agreement with the MOD that the resources at St Bernard's Hospital will need to be enhanced and further improved?

HON K AZOPARDI:

I concede nothing of the kind but certainly it will be a matter that will have to be looked at. The strain that any possible permanent arrangement has on the resources and facilities of St Bernard's will lead us to look at that matter if a permanent arrangement is possible.

HON J L BALDACHINO:

Can the Minister confirm that the staff from the Gibraltar Health Authority who will be working in conjunction with the Royal Naval Hospital and patients would need to pay some sort of insurance by being in MOD property?

HON K AZOPARDI:

If the hon Member is referring to RNH premises, that is how I have understood his question, we have not accepted a handover of RNH premises and so therefore they must continue to look after those premises. I do not exactly understand what the hon Member is getting at, perhaps he can clarify his question.

HON J L BALDACHINO:

I will clarify that for the Minister. When civilians normally use any MOD facilities one of the conditions is that they must be insured, whether it is in sport or anything else, is this the case for the Royal Naval Hospital?

HON K AZOPARDI:

Apart from the normal insurance arrangements that GHA has in relation to its facilities no discussions of that type have been entered into and so the answer to that is no.

HON J L BALDACHINO:

So in that sense the staff and the patients who will be using the Royal Naval Hospital will be fully covered by the insurance that they normally have, is that correct?

HON K AZOPARDI:

The staff using RNH are not covered by precise insurance arrangements but it is a term of the agreement that if there is an element of liability on the part of RNH there is an indemnity to the Gibraltar Health Authority which of course will be passed on to that particular employee.

HON J L BALDACHINO:

The other thing if I may ask, seeing that the Royal Naval Hospital does not have the same facilities for operations as the Gibraltar Health Authority, then logically, it would follow that MOD personnel would have been sent to the United Kingdom for that treatment. Will that create a burden on our operating facilities in the GHA?

HON K AZOPARDI:

It is not anticipated that that will be the case because the fact that we are getting a theatre team, a surgeon and an anaesthetist and the use of another theatre at RNH for day care surgery will in fact, it is envisaged will do quite the opposite and release time for operations to be undertaken on public patients. I should add also that while MOD personnel may have been sent to UK in the past, they may be in future but it is also a term of the agreement that MOD will not have access to the sponsored patient referral scheme and so it will not cause I think a strain on those resources.

NO. 76 OF 1997

THE HON J GABAY

GIBRALTAR HERITAGE TRUST - ANNUAL REPORT

Will the Hon Minister for Heritage inform the House when it can expect the Gibraltar Heritage Trust's Annual Report?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government expect that the Gibraltar Heritage Trust Annual Audit Report for 1996/97 will be prepared and laid in the House of Assembly in accordance with the provisions of the Gibraltar Heritage Trust Ordinance of 1989.

The Principal Auditor is awaiting information from the Trust to enable the 1995/96 audit report to be finalised and laid before the House.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1997

HON J GABAY:

I ask this question because at this particular moment in time I feel that it would be important to assess the contents of the report in terms of the expectations of the Trust in terms of the forthcoming legislation and in terms of the financial arrangements that they might wish. Therefore might it not be a good idea if the Minister were to consult the Trust and urge them that it is important at this point?

HON K AZOPARDI:

I spoke to the trustee who is liaising with the Principal Auditor just today; he assures me that the Principal Auditor is awaiting information from the Trust and that he is expediting that task and I am sure we all share in the enthusiasm to receive that annual report.

NO. 77 OF 1997

THE HON J GABAY

KING'S BASTION

What is the Government's preferred option in respect of the former Electricity Generating Station at King's Bastion?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government do not yet have a preferred option.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1997

HON J GABAY:

Usually we are treated with the same answer where advanced planning is concerned. The Government have been in office for a year already. I would like to ask the Minister, in view of the opportunity given to the public on the surface of things to give their opinion with regard to the Generating Station and what is to be done with it, well it appears quite laudable on the surface but would the Minister not agree that there has been virtually a unanimous opinion in the past that that monstrosity should be demolished in view of the importance of King's Bastion as a historic site? Furthermore, bearing in mind the Minister's reply in the past that it is a great priority of his, the uncluttering of the walls, it would seem to me a tendentious suggestion to the people to come up with all sorts of alternatives that might work against the importance of the demolishing of the building?

HON K AZOPARDI:

I suppose that unanimity was there when the hon Member was Chairman of the Heritage Trust. I do not know if there was such unanimity in the past. The point is that we have asked for submissions to be tendered or to be placed before the Government so that we can gauge what the public opinion is in relation to the former Electricity Generating Station. The closing date is not yet upon us. But without wanting to pre-empt the conclusions of that public consultation, let me assure the hon Member that there is not such a degree of unanimity as he suspects.

HON J GABAY:

As I said in my statement earlier on, I think that the question of consultation as handled by this Government is a very suspect process, an extremely suspect process. The Chief Minister with his usual kittle may entertain the House but I can assure the Minister

that his master's voice is the hallmark of what he previously has said that consultation does not mean granting permission, of course we all know this is a foregone conclusion. We get the feeling that they are working towards this plan and the process of consultation in a most ineffective way and this is brought to bear in their answers.

MR SPEAKER:

What is the question?

HON J GABAY:

Should they not be genuinely consulting and seeking advice and not presenting the impression that it is a democratic exercise when in fact it is not? I will raise the matter again later on in some other instances.

HON CHIEF MINISTER:

I really do not understand how the hon Member has the gall as a member of the GSLP to deliver that diatribe to this House. It was his Government, probably whilst he was Chairman of the Heritage Trust, that demolished the north gate of the dockyard during a weekend so that no one could hear it, for him to question the quality of this Government's consultative process when his party in Government did not have one at all, is the height of hypocrisy. The fact of the matter is that the hon Member cannot criticise the Government for not consulting and at the same time criticise the Government for consulting the Heritage Trust when the Opposition did not used to, and we consult public opinion when the Opposition..... *[Interruption]* Well, I do not remember the hon Member making a terrible fuss about the demolition, for example, of the north gate of the dockyard.

HON J GABAY:

Talking about diatribes, the great specialist of diatribes in Gibraltar seems to be the Chief Minister. Secondly, I did struggle very forcefully with the previous administration with regard to heritage, probably the Chief Minister was not aware of this. When we want to rake up the past, if he feels that because I did not put up a sufficiently strong opposition to the Government at the time, then may I say, am I therefore being accused really of just simply subscribing to something different? Let me remind the Chief Minister that if we are to probe into the past it will be even more ridiculous for the Chief Minister to stand up in the defence of Gibraltar when in the past he was involved with the Party for the Autonomy of Gibraltar.

HON CHIEF MINISTER:

The hon Member can probe into my past just as much as he likes. The difference is that what they have been peddling about my past has not been true and what I am now peddling about his past is true, that is the difference.

MR SPEAKER:

You have got an answer and then one question and one answer. I am being lenient, you do not believe me but I am.

HON J GABAY:

To equate a difference of opinion in matters of heritage with a disastrous opinion as to the survival of Gibraltar and its process of self determination is as ridiculous as most of the things that the Chief Minister stands for.

MR SPEAKER:

Have you got a question for the Minister?

HON J GABAY:

Would he not agree?

HON K AZOPARDI:

No, Sir, we certainly would not agree and let me add, because the hon Member makes the point that he very effectively tried to lobby for heritage issues behind the scenes with the previous administration, well this effective lobbying cannot have been that effective because after the destruction of the northern gate of the dockyard came the destruction of part of a wall of the Moorish Castle, where was he then?

NO. 78 OF 1997

THE HON J L BALDACHINO

MOSQUE BUILDING SITE - SAFETY

Can Government state how many visits were carried out by the Government Safety Officer to the Mosque building site prior to the fatal accident of the Moroccan worker?

ANSWER

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

Visits by the Factory Inspector to the Mosque building site, since commencement of the works have been a total of 139 visits.

These were 57 from June 1995 to 16 May 1996 and 82 with effect from 17 May 1996 onwards.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1997

HON J L BALDACHINO:

So I take it then from those visits the Factory Inspector actually did not see anything that was contrary to the safety of the workers?

HON J J NETTO:

If the hon Member wishes to know that kind of information he ought to give me some notice of it and I would gladly reply to it.

HON J L BALDACHINO:

I think that it follows that if the Inspector carried out certain inspections in the 100-odd visits, the Minister should have at least the answer where if the inspection found anything that was wrong with the Mosque or not. If he has not got the information will he be willing to pass it on to me?

HON J J NETTO:

Well, I am willing of course to contact the Factory Inspector and try to find the information, as I said before, with notice.

HON J L BALDACHINO:

Therefore the Minister after the fatal accident did not take it upon himself to find out if the Factory Inspector had found anything that was contrary to the law being done in that building site, is that the case?

HON CHIEF MINISTER:

The Minister is not the Police in Gibraltar. It is not the Minister's job to see whether there was some breach of the law in relation to the Factories Ordinance which may or may not have resulted in the death of a worker. The Government could have called a public enquiry into the matter but have not done so.

HON A ISOLA:

Might I ask if the Minister has made any enquiry as to the incident itself? Is he satisfied with procedures put in place prior to this incident happening, which would comfort the other workers and ensure that it does not happen again?

MR SPEAKER:

The only thing I am worried about is that we have not got the Attorney-General here. Has a Coroner's Inquest taken place, if not the matter on this supplementary, is sub judice.

HON CHIEF MINISTER:

I am assuming that the hon Members are not in their supplementaries necessarily linking the breaches, to which they are referring in questions, with the cause of death. I had assumed that that was not the case because certainly, as far as we are concerned, no such connection has been established.

MR SPEAKER:

We do not know because an Inquest has not taken place.

HON A ISOLA:

The question was, are Government satisfied that the place is safe to work in order to ensure that the same thing does not happen again? Obviously there is no need to wait for the Coroner's Inquiry to have that risk, if it is there at all.

HON J J NETTO:

I can assume that the site must be safe when the Factory Inspector, within his own powers as the Ordinance specifies, has allowed the construction to continue to take place. Had he not been satisfied, of course it is in his powers to actually postpone the construction whilst some remedial work, to make sure that the site is safe, is undertaken. Therefore we can assume that if he has not stopped the construction the site is safe.

HON J L BALDACHINO:

I understand that that might be the position from the Factory Inspector. It might also be the position of the Factory Inspector that when he does an actual inspection he might call upon the contractor or the developer to rectify whatever he finds that is wrong in a certain period. What I am asking is, very simple and I understand that the Minister has not got the answer with him, if in any inspection that he carried out he saw that there was something wrong which he himself said had to be rectified and probably it has not been rectified during the period that the accident occurred. That is what I am trying to find out. I understand that the Minister has not got the answer with him but will he pass it on to me if that was the case?

HON CHIEF MINISTER:

Well, if that information is available, if there are such incidents and if the Government are advised that it is proper to pass it over from a legal point of view in terms of the Factories Ordinance then yes, certainly the Government will pass it on to the hon Member in those circumstances.

HON J L BALDACHINO:

I am grateful to the Chief Minister for that answer.

NO. 79 OF 1997THE HON J L BALDACHINO**MOSQUE BUILDING SITE - FATAL ACCIDENT**

Can Government state if the Moroccan national who had the fatal accident at the Mosque building site had -

- (a) an open contract registered with the ETB
- (b) insurance stamp contributions up to date
- (c) a legal work permit
- (d) a valid residence permit?

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

The Moroccan national who had the fatal accident at the Mosque did not have an open contract registered with the ETB. He was registered with us as unemployed on the 28 June 1994. His last social insurance contribution was back on the 5 June 1994. He did not have a legal work permit and had a renewable residence permit last renewed on 24 February 1997 valid until 24 March 1997.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1997

HON J L BALDACHINO:

Will the Government be taking action against the employer in this case?

HON J J NETTO:

Government are collecting all the various reports, some of which have already been taken over to the Attorney-General's Chambers for us to take legal advice and take the appropriate action that needs to be taken.

HON J J BOSSANO:

Will the Minister confirm that in fact on the basis of the answer that he has given this is a self-evident case of the employment of illegal labour which is so difficult to pin down and prove in other cases, is it not?

HON J J NETTO:

Yes.

HON J J BOSSANO:

Therefore given the clear commitment to take action when it is possible to prove that there is employment of illegal labour presumably it will be the Government's desire to take the action if they find that it is possible to proceed?

HON J J NETTO:

Yes, if that is the advice from the Attorney-General's Chambers.

ORAL

NO. 80 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - VACANT UNITS

Can Government state how many of the 51 pre-war vacant housing units have now been refurbished and allocated?

ANSWER

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

Answered together with Question No. 81 of 1997.

NO. 81 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - VACANT UNITS

Can Government state how many of the 64 post-war vacant housing units have now been refurbished and allocated?

ANSWER

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

With regard to pre-war housing units we have had two refurbished and allocated, one materials supplied to tenant and allocated, one unit has been added to accommodation and allocated, and one refurbished but not allocated.

In relation to post-war units, 33 flats have been allocated of which 20 have been refurbished; 13 have been allocated on self-help basis, that is, materials supplied to tenants; seven have been refurbished and are in the process of being allocated; and one has been designated for emergency use.

SUPPLEMENTARY TO QUESTION NOS. 80 AND 81 OF 1997

HON J L BALDACHINO:

On the question of post-war that have been allocated to applicants in the housing waiting list, that they have decided that they would refurbish, that was done according to the answer that I was given in this House?

HON H CORBY:

Yes, that is correct.

HON J L BALDACHINO:

They went down the housing waiting list without by-passing anybody in the housing waiting list or were any used for decanting?

HON H CORBY:

I can tell the hon Member that when houses come into the stock some are given to the housing waiting list, others for decanting, we have had very bad weather as such, and also for medical cases when there is a need.

NO. 82 OF 1997

THE HON J L BALDACHINO

PRE-FAB BLOCK - DEMOLITION

Can Government state what has been the cost of demolishing the pre-fab block, broken down in manpower and other expenditure?

ANSWER

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

The total cost of demolishing the pre-fab block has been £7,700 on wages. No other expenses have been incurred.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1997

HON J L BALDACHINO:

To which Head has this been charged to?

HON J J NETTO:

I have not got this information readily available but if he so wishes I can provide that information subsequently.

HON J L BALDACHINO:

I would be glad if the Minister could provide that information for me.

NO. 83 OF 1997THE HON J L BALDACHINO**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 and over on the 31 March 1997, showing the numbers receiving:-

- (a) unemployment benefit
- (b) social assistance
- (c) no payment?

ANSWER

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

The numbers of male and female unemployed Gibraltarians aged 18 and over on 31 March 1997 is as follows:-

	<u>MALES</u>	<u>FEMALES</u>	<u>TOTAL</u>
Receiving unemployment benefit	77	50	127
Receiving social assistance	145	65	210
No payment	<u>28</u>	<u>32</u>	<u>60</u>
TOTAL	<u>250</u>	<u>147</u>	<u>397</u>

SUPPLEMENTARY TO QUESTION NO. 83 OF 1997

HON J J BOSSANO:

Can the Minister say whether the group with no payment are persons who have been so long unemployed that they have actually exhausted their entitlement to benefit and that is why they are not receiving any payment?

HON J J NETTO:

I have not got this information with me because we do not supply it. It really comes under my hon Colleague and I do not know whether he has got the information available or not, if not obviously we can find out.

HON J J BOSSANO:

Is it the policy of the Government to provide as an alternative to social assistance or in the cases of the long-term unemployed who have no payment the possibility of taking up employment on community projects?

HON CHIEF MINISTER:

The Government presently have no policy similar to the one that the hon Member has just described. The Government do not see community projects as being something that can offer employment to everybody who cannot find employment elsewhere. So the answer is that whilst the Government will keep the position under review, there is no policy to offer a position in relation to community projects or on community projects to everybody who cannot find a job elsewhere.

HON J J BOSSANO:

Is it not the case, in fact, that when the concept of community projects was introduced it was welcomed by the members then sitting in the Opposition as a way of mitigating the problem of the longer term unemployed who were having difficulty in obtaining alternative and does he not think that there is a need to cater for a certain category of persons, who having been out of work for a very long time, find it more difficult to get back into the labour market unless some way of easing them back into the labour market is devised?

HON CHIEF MINISTER:

Indeed, and I think that the present Community Projects Limited is much better than SOS Limited was at integrating people properly into the mainstream of economic life in Gibraltar. It is what we regard as an enhanced model for the delivery of real training, real discipline and real skills to that number of people which presently is about 240, in Gibraltar Community Projects and whilst the Government have a manifesto commitment during this term to make available to everybody under the age of 21 an apprenticeship or other training opportunity and whilst the Government are devoting considerable resources and will devote more resources to training people and to giving people the opportunity to equip themselves to take a place in the real economy, the Government cannot offer full subsidised employment to everybody who cannot find a job. Indeed that was not the policy of the previous Government otherwise there would not have been 400 unemployed Gibraltarians at the time of the last election.

HON J J BOSSANO:

That is not my question.

MR SPEAKER:

That is his answer.

HON J J BOSSANO:

If the Chief Minister insists on answering something different, then I will listen patiently and come back with the question to which I am trying to obtain an answer and that is, if indeed it is the policy of the Government, however much or less enhanced they may consider the present system to be, to produce a flow of people from Community Projects into the labour market equipped with better prospects of employment, does it not mean that that vehicle will be taking people in as well as releasing people out?

HON CHIEF MINISTER:

Well, there is a high probability that that will turn out to be the case. In other words, if we see that it really does work as a transitional stage, that it is really a way into the labour market and that it is possible to get people out of the top, then the Government would be much more inclined to taking people in as people go out. But what the Government cannot do, and I think this is in keeping with how it used to operate before, is simply to keep on taking people in at the bottom without people going out at the top because then there is no incentive to going out at the top because everybody assumes that it is a Government job for life.

ORAL

NO. 84 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets have been engaged by the ETB in each month since 1 February 1997?

ANSWER

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

Answered together with Question No. 85 of 1997.

NO. 85 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets were in employment with the ETB at the end of February 1997?

ANSWER

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

Vocational cadets engaged by the ETB in each month since 1 February 1997 to the 22 April 1997 is as follows:-

February	22
March	19
April	17

Vocational cadets in employment with the ETB at the end of February 1997 were 332.

NO. 86 OF 1997

THE HON J L BALDACHINO

ETB - UNREGISTERED LABOUR

How many cases of employers using unregistered labour have been taken up by the ETB in the financial year 1996/97 and what steps have been taken against such employers?

ANSWER

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

In the financial year 1995/96 there were 93 inspections undertaken. Eight employers were fined a total of £3,010 of which three have paid fines amounting to £650. No action has been taken against the remaining five other offending employers, as the previous administration did not wish to pursue the matter any further.

In the financial year 1996/97 there were 58 inspections undertaking. Thirty-one employers were fined a total of £8,120 of which 13 have paid fines amounting to £2,240. In future, legal action will be taken against offending employers.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1997

HON J J BOSSANO:

Can the Minister explain why in future and why not at present in the case of the ones who have not paid?

HON J J NETTO:

It is very simple because the Leader of the Opposition when he was the Chief Minister gave direct instructions to the ETB not to pursue any legal matters in this respect or others.

HON J J BOSSANO:

I do not know what is the source of the Minister's information or what instructions I may or may not have given and I certainly do not think he has got the right to make statements like that. Certainly when I came into office in 1988 I was not privy to any instructions given by any previous Government of Gibraltar, I do not know what he has got his hands on or fabricated for all I know since he got there. But my question is, of the 58 inspections he has told us that there were 31 cases of which 13 had paid. The difference between the 13 and the 31 is unaccounted for. Is something going to be done about those?

HON J J NETTO:

In relation to the stories which the Leader of the Opposition seems to be concerned, I shall take him back to the 10 April 1995 in which it seems that it must have been quite an active day in terms of faxes being sent between No. 6 Convent Place and the Employment and Training Board. We have, for instance, this first one which was written by the then Personal Assistant to the then Chief Minister to the then Minister for Employment and Training, the Hon Mr Baldachino, in which he says, "The Chief Minister would like you to know that in future the ETB cannot approach the law draftsman or anyone else for legal advice. All matters of this nature should be addressed to the Chief Minister". On that same day the then Personal Assistant to the then Chief Minister wrote again and said, "The Chief Minister would like you to be aware that he does not want any matter, legal or otherwise, to be referred in future to the law draftsman". On the 29 March 1995 again the then PA to the then Chief Minister said, "The Chief Minister says that the position is very clear. The Attorney-General is not the ETB lawyer and therefore cases must not be referred to him." Therefore, Mr Speaker, in order to pursue the whole range of legal advice that we need, if the ETB is not in a position to get advice from the Attorney-General's Chambers or from anybody else under the direct instructions from the then Chief Minister, can he then explain to us how a labour inspector would undertake and prosecute cases coming down from No. 6 Convent Place into the courtyard and taking the actions of a lawyer and prosecuting and cross-examining alleged offending employers. These instructions are written in plain English and if these were the instructions, it was not possible, under this issue or any other issue, to be taken by the ETB seriously and that is why employers are in a paradise or engaging illegal labour because at the end of the day they knew that the ETB was constrained by the then Chief Minister in not pursuing legal matters.

HON J J BOSSANO:

I think it is an absolute scandal that here we are at Question Time and instead of the Minister answering what he has been responsible for since May, he chooses to abuse access to privileged information of 1995 to make accusations against me. He has got no obligation, whatever I may have said in 1995 as Chief Minister, to be still working to those faxes in 1997. I am asking him as a Member of the Opposition to explain what he is doing now and that is what he is required to give answers, information about what is happening now.

HON CHIEF MINISTER:

On a point of order. What is a scandal is that the hon Member, having been caught red-handed, should not immediately withdraw the allegation that he had previously made that the Minister for Employment was fabricating information. Well, he was not fabricating it because it is there. The fact that he did not know that he had the letter is another matter. It is not an abuse of privileged information because the hon Member will be aware that he was careful to reconstruct the public administration so that many things were taken outside the realms of the civil service and therefore outside the realms of General Orders and that correspondence does not come from privileged civil service files, it comes from the files of the Employment and Training Board which is not

part of the civil service, which is part of the Gibraltar Development Corporation and which is not bound by what he now claims, quite wrongly, are privileged files. So he should withdraw both, the allegation of fabrication and the allegation of abuse of privileged information.

HON J J BOSSANO:

Not only do I not withdraw, what I want to do is accuse the Chief Minister and the Minister for Employment of having their conduct in public affairs by spending their time in taping people's conversations and snooping into two years old correspondence instead of getting on with the job of carrying out their role as Ministers which is what they have been elected to do and letting us do the role of Opposition which we have been elected to do and they do not seem to be capable of doing it.

[Interruption from the Public Gallery]

HON CHIEF MINISTER:

We can do it very well. I beg your pardon, Mr Speaker.

MR SPEAKER:

Any activity from the Gallery and out you go. You are here listening but not taking part. Carry on.

HON CHIEF MINISTER:

Both the tapes and what the Minister for Employment has just read out in this House prove that the Opposition Member cannot be trusted to not mislead this House and to not betray the economic and political interests of Gibraltar in favour of his own political personal ambitions. That is what the hon Member has shown.

HON J J BOSSANO:

The economic interests of Gibraltar are so well protected that the Minister, as the budget will show this year, is throwing money away as if it was running out of fashion when he was lying to people a year ago telling them we were facing bankruptcy. When are we going to get honest answers to honest questions without political innuendoes? Every time we ask a question about what is happening today we get an answer about what happened two years ago and it is converted into a party political broadcast. The Minister downgraded the conduct of politics in this House in Opposition and continues to do it in Government.

HON CHIEF MINISTER:

Let me tell the House that if this Government, which I do not accept, are as rampant as the hon Member suggests in reminding the now Opposition what they used to do when they were in Government, let me say that the master of that was him because if he cares to read Hansard between 1988 and 1991 it was part of every answer that he

used to give to the then AACR Opposition who would question him when he had just been elected into Government and he did it masterfully and it is now the third instance of duplicity that we have now witnessed in this House today from the hon Member. That he should launch into that tirade against us for supposedly doing what he used to do to the AACR when they were in Opposition after he had been elected into Government, frankly is just another example of duplicity. He can have honest political answers to his questions. The honest political answer is that unlike what used to be the case when he had the responsibility to do it, those that are statutorily responsible for pursuing illegal labour will now have both the resources, the training and the political instructions to do their job without political interference and the Government are more than entitled in pointing out to the Opposition Members in quite rightly holding the Government of the day to account, but although the Government is doing something, public opinion should be aware that they did not do it when they had the opportunity to do it. That is not dishonest politics, that is perfectly honest politics and the Government will continue to practice it.

HON J J BOSSANO:

As far as we are concerned, the Chief Minister does not know the meaning of the word honesty. Honesty for him is whatever it suits him to say at whatever occasion to whatever audience he thinks will give him most votes which is the only thing he cares about. The question we are asking is to try and find out what it is that they are doing and they are perfectly entitled, when the record shows what they have done, to compare their record with what went on before but that does not give him the right to accuse people of duplicity in an answer to a simple question of how many cases have been taken against employers. He abuses the privilege of answering questions in this House to make a statement whenever he wants and he is reducing the whole question of time in the House from being a point of obtaining information to becoming a continuation of the election campaign.

MR SPEAKER:

Let the Minister answer the last question and that is the end.

HON CHIEF MINISTER:

Mr Speaker, with the greatest of respect, what the Leader of the Opposition cannot do is to pretend that it is reducing the standards of this House simply not to allow him to get away with pure hypocrisy. The hon Member seems to think that he can have spent eight years in Government, have eliminated the labour inspectorate of the Government' and then come to this House and suggest that this Government is not doing enough. Well, the answer to his question is that for a start the Government have already advertised to recruit for three labour inspectors which he had removed.

HON J J BOSSANO:

We have not suggested, with due respect, anything, we have asked a question.

MR SPEAKER:

We shall have one supplementary and an answer and that is the end. This question has got out of hand and I should have stopped it. Carry on.

HON J J BOSSANO:

Mr Speaker, I agree that you should have stopped me but the point is, do the Government not realise that we are not suggesting that they are not doing enough or doing too much or doing less than we did or doing anything else. We are trying to find out what it is that they are doing and then, if need be, we will make an evaluation of how effective or ineffective they are being. If the Minister is so concerned about the position in the last eight years, has he taken the trouble to find out whether in fact the effectiveness of the prosecution of illegal labour was any different prior to 1988 than what it was subsequent to 1988? If he thinks that every time I put a question to him it shows I am a hypocrite then I can tell him that I think he is even more of a hypocrite every time he answers.

HON J J NETTO:

The Leader of the Opposition can rest assured that this Government will take action unlike them.

HON J L BALDACHINO:

The only thing that I would like to ask the Minister is if not the Attorney-General's Chambers, who will be prosecuting the employers?

HON CHIEF MINISTER:

In Gibraltar only the Attorney-General prosecutes for breaches of the law.

NO. 87 OF 1997

THE HON J C PEREZ

VARYL BEGG ESTATE - CAR PARK

When does Government expect the Varyl Begg car park by Europort Avenue to be completed, and will these parking bays be rented to Varyl Begg tenants for a nominal fee?

ANSWER

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

Since the hon Member last asked this question back in September 1996, the works that have been completed are:-

- (a) resurfacing
- (b) line marking
- (c) sign posting.

The following needs to be carried out or completed:-

- (1) all the footpaths within the new parking area need to be completed.
- (2) perimeter footpaths need ramps to be paved with tactile slabs.
- (3) on all ramps the kerbs need to be laid flush with the finished road surface.
- (4) drainage - these channels are silted up and need cleaning. Parts of the channel do not have any grating and the gratings on other sections need to be replaced with proper and safe grating covers.

Government regard the completion of the works as a priority. I am not however in a position to give a specific date, because of Government inability to implement its policy to refurbish Estates as stated in Government Press Release of the 25 April 1997.

Finally, I can confirm that the parking bays will be rented to the Varyl Begg tenants for a nominal fee.

SUPPLEMENTARY TO QUESTION NO. 87 OF 1997

HON J C PEREZ:

Given that the project commenced before the general election last May and was well advanced by the time we went to a general election, does the Minister not think that a year has passed and that that is sufficient time for the car park to have been completed? Does the Minister not recognise that the people who he claims in his press release are in dispute with the Government have nothing to do with the work of the car park, that this is done by the road section of the DTI who are not involved in the dispute he claims in his press release on the car park?

HON J J NETTO:

The hon Member does not seem to know what he is talking about and I will give him one such example of that. For instance, the question of the gratings for the channels, the drain channels which I was referring to before, that was subcontracted to Rock Development, needless to say, by the previous administration without any tender process. This subcontracting of manufacturing and supplying the gratings, and this is the receipt, Mr Speaker, we have a situation where Rock Development manufactured 220 reinforced channels one metre long costing £85, a total worth of £18,700. Because of the problems that we have had and the comments by the Highway Engineer, we have had to seek advice from a Quantity Surveyor in DTI and basically what the professional has said is that in his judgement the price that we would have paid for the quality of the channels that were produced by Rock Development, he would not have paid more than £20 despite the fact that the Government paid £85 per channel and despite the fact that the quality is so poor indeed that we are now finding ourselves in a situation that we are going to have to provide new channels. This is symptomatic of the problems that are laid within Buildings and Works and that is that within their period of term of Government there was a total lack of control of financial resources, there was total unaccountability as far it came to supply and provide information for labour and materials and that, as hon Members know perfectly well, is quite enshrined in the Price Waterhouse Report in March 1993 which they kept quiet and secret away from the Opposition, which they kept away from the media and they kept quiet from the Tenants Association. And the same with other reports from previous Principal Auditors who again and again, year after year have complained about the lack of control exercised in the period when the Hon Mr Baldachino was the Minister for Buildings and Works and for which he never did anything.

HON J C PEREZ:

Does the Minister....

HON J L BALDACHINO:

On a point of order.

MR SPEAKER:

There is a point of order.

HON J L BALDACHINO:

Mr Speaker, on a point of order. The Minister is like a parrot which repeats in this House exactly the same thing at Question Time. The only thing is that what he does not know is that the time is near when we can have a debate and then I will answer him exactly the same, "Did the people who are doing the Airport go out to tender? Governor's Meadow which was given to Amey, did they go out to tender?" Maybe he is not so clean as he thinks he is.

MR SPEAKER:

That is not a point of order.

HON J C PEREZ:

Does the Minister not realise that if indeed the Department of Trade and Industry subcontracted part of the work to a contractor that it is still the Department of Trade and Industry that did it and that if the work started over a year ago no amount of excuses of financial investigations by the Minister is going to convince me that that is the reason why the car park is not started. Why does the Minister not face to the fact that they have not been on top of a job and that they have not given the resources necessary for that car park to be completed and had he had that information available he surely would have given to me that information in September and not come today with the excuses that he has come?

HON J J NETTO:

Once again the hon Member does not seem to know what he is talking about. The fact of the matter is that for the last eight years the GSLP Government kept, if one wants to classify the problems of work on the basis of social overtime, bonuses being estimated by junior ranking professionals, as opposed to what should have been done. The fact of the matter is that I continuously receive complaints by tenants and Tenants' Associations basically saying to me, "Mr Netto I have been waiting for a year, I have been waiting for five years, I have been waiting for 10 years". This here in my hand, Mr Speaker, is only major works by each particular section or depot; the four of them that we have in the department. This is not the full story. Added to this we have the pre-war and post-war houses which people are in dire need to be allocated those houses and of course the minor works.....

HON J C PEREZ:

Mr Speaker, on a point of order. The Minister is not answering the question.

HON J J NETTO:

They were carrying out the programme on the basis of total unaccountability on the basis of overtime. Overtime is something of the past, I have said it, I have put a stop to it. I am now putting into action the recommendation that they should have put into action in 1993.

HON J C PEREZ:

The Minister does not know what he is talking about. He is not responsible for the works in the car park. Col Britto was and Mr Holliday is today the Minister responsible for the DTI section responsible. Everything he is talking about is related to his direct political interference in the affairs of the Department of Buildings and Works. I am asking the people who started the work in the car park who were the DTI when we were in office and they have not been involved in anything at all with Mr Netto, they have a completely different Minister. Why is it that the car park has been there for over a year and it has still not been completed? Are there insufficient resources? Have not all the resources been put into that work? It has nothing to do whatsoever with the answers that we have got here.

MR SPEAKER:

There is one thing I want to say. The first is I cannot oblige a Member of the Government to answer the question as you would like, they are perfectly able to answer it as they like or not to answer it at all that is part of the rules. Secondly, start using the honourable.

HON J L BALDACHINO:

Mr Speaker, I will start using the honourable when the Minister behaves honourably and he.....

MR SPEAKER:

In this House at all times you have got to address one another as honourable, however they behave. It is for me to take action if they behave badly.

HON J L BALDACHINO:

Yes, Mr Speaker, but I have got a good memory and the one who started calling people Mr instead of honourable was the Minister.

MR SPEAKER:

Maybe. This does not apply only to you, it applies to everyone.

HON J L BALDACHINO:

The Minister said that it will be on a nominal fee, is it compatible with other parking areas in Gibraltar which are Government owned?

HON J J NETTO:

I am not aware of what the nominal fee in other areas are. I will find out and I will see whether it is in line with them or not.

HON J C PEREZ:

Is the Minister already in negotiations with the Varyl Begg Tenants' Association in order to negotiate what that nominal fee should be? I welcome the change of heart of the Minister from September to now when he said he was going to do changes and he was not going to permit it, but since the Varyl Begg Tenants' Association have come out publicly urging for the parkings to be allotted to them, is he in negotiation with the Varyl Begg Tenants' Association in order to negotiate the fee for the parking bays?

HON J J NETTO:

My understanding is that that has already been undertaken. I would not say negotiation but definitely consultation between us and the Varyl Begg Tenants' Association in this matter and indeed in the general refurbishment of the estate, yes.

ORAL

NO. 88 OF 1997

THE HON A ISOLA

MAIN STREET BEAUTIFICATION

Have Government taken a final decision on the proposed extension of the repaving of areas in and around the Main Street area?

ANSWER

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

Government have not yet taken a final decision on the question of beautification of further parts of the old town. Different options for an extension to the present scheme are being worked on and it is anticipated that a public announcement will be made before the conclusion of the present scheme.

It is intended that the proposed extension of the scheme should cover the section of Main Street from Library Street to Governor's Lane, Irish Town and the side streets which come off the beautified section of Main Street.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1997

HON A ISOLA:

So a decision has been taken to extend it, it is just a question of what the extension will be?

HON J J HOLLIDAY:

That is correct.

NO. 89 OF 1997

THE HON A ISOLA

MEDITERRANEAN YACHT RACE

What is the cost directly or indirectly to the Government of hosting a leg of the Round of the Mediterranean Yacht Race?

ANSWER

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

There are two aspects to the Round the Mediterranean Yacht Race. Firstly, Gibraltar is a port of call for this event, and secondly, there is an opportunity for a Gibraltar sponsored yacht to be entered in the Race. Gibraltar's participation as a port of call is not dependent on there being a Gibraltar sponsored yacht in the Race.

The maximum cost of being a port of call for this event is estimated by the organisers to be 50,000 US dollars. This figure includes the cost of items like mooring facilities at Marinas, low cost accommodation for crew members, race organisers and international television crews, local promotion of the Race, the organising of a prize giving ceremony, etc.

Government intend to allocate a maximum of £15,000 towards the cost of this event as sponsorship and support from the Marina Association and hotels should cover the balance.

Government would welcome a Gibraltar yacht entry in this Race. However, the cost of this is £140,000. This will have to be covered from commercial sponsorship. Government will not underwrite the cost of a Gibraltar entry in this Race.

NO. 90 OF 1997

THE HON A ISOLA

HOTEL INDUSTRY - REDUNDANCIES

Can Government state whether they have been informed by any hotels of possible redundancies this year and if so, which hotels and what numbers of redundancies?

ANSWER

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

Government have not been informed of any such redundancies.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1997

HON A ISOLA:

In the general discussions that have been going on which the Minister has informed us about in relation to general assistance package, I think he called it, for the hotels, has that been a question that has been raised in the negotiations and are Government putting any conditions at all on the hotels in respect of which they will be receiving those funds from Government by way of assistance?

HON J J HOLLIDAY:

I am not too sure whether the question is actually relevant to the first part but I can inform the House that certain conditions have been laid on hotels as part of the hotel assistance package and one of these would obviously be to maintain the minimum staff levels as they exist today.

HON A ISOLA:

What is the duration of the assistance?

HON J J HOLLIDAY:

I am sorry, could he repeat that again?

HON A ISOLA:

Will that be for the duration of the financial assistance?

HON J J HOLLIDAY:

That is correct. Although the intention is that as the programme comes into place and, hopefully, our tourism policy starts to take successful effects, the number of people employed in the hotels will be increased.

HON CHIEF MINISTER:

Perhaps I should add that some of the works envisaged involve expansion of facilities and it is envisaged that those will throw up additional new job opportunities. The Government are not so much just content with the maintenance of the existence of employment levels, the Government envisage that there will be enhanced employment levels as a result of the deployment of the financial assistance and the new business and the new facilities that that will facilitate, but that remains to be seen.

HON A ISOLA:

Although it remains to what they envisage, insofar as the conditions they intend to place those will be limited to the numbers they have at the moment. If they are not going to put a condition that they will employ more people, is the condition then that they will not reduce the complement to what they have at the moment, is that right?

HON J J HOLLIDAY:

In my negotiations with the Hotel Association obviously one of the conditions is that the present level will be maintained and that this will not be reduced even at the initial stage because some of the hotels are in trouble at the moment and what we do not want is to have an initial downward turn in employment. Our negotiations with the hotels clearly state that the increased activities in the hotels will generate additional employment and, in fact, part of the assistance will be in the training of local personnel in the hotel industry which will hopefully generate employment for these people within this sector.

HON A ISOLA;

Can I just ask what Government foresee as happening in the event of any of these conditions being broken?

HON J J HOLLIDAY:

They are not really conditions.

HON CHIEF MINISTER:

Can I just clarify, this assistance has not yet been delivered, so it is not a question of conditions that could yet have been broken. Part of the information that the hotels have had to submit to the Government, for the Government to consider the extent of the assistance in the new funding support has been, how do they envisage that the works that they want to do with this money will enhance employment opportunities. That is one of the factors that the Government have taken into account when deciding which projects of all the ones that the hotels wanted to do, which projects to support and how much money or the extent of the Government's financial support for them. So the Government's approach is very much driven by the desire to see these schemes deliver additional employment. But it is not a condition that they would employ so many by such and such a date.

HON A ISOLA:

The question is not whether it will be a condition that any jobs created as a result of the assistance must be maintained. The question is will there be a condition that there will be no redundancies, that the complement at present will be maintained?

HON CHIEF MINISTER:

Yes, the Government do not envisage giving financial support to the hotels that do not have that degree of confidence in their own operation to sustain levels of employment which they have been sustaining during bad times. The Government are not willing to support operations in which the operators do not themselves have confidence.

HON J J BOSSANO:

Is there a specific requirement that there will be no redundancies in a particular hotel from the level of employment at the starting of the granting of the aid? There may be the expectation that there will be higher employment but is there, as a condition, that there will not be a reduction at least?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

I asked the question earlier, I asked the Minister what will happen if the condition is broken? The answer I got at the time was that there are no conditions but obviously now there are in respect of that level. Do the Government envisage anything happening in the event if this condition is broken?

HON CHIEF MINISTER:

There is still some work to be done on the structure for the delivery of this support. The hon Member should not assume that this support is in the form of cash handouts and certainly such support as was given is very rightly to be secured. This is not a question of writing a cheque and sending it in the post and hanging around to see whether anything is produced. We have not gone into the detail, the detail is not a long way off now and the hon Member will see that the detail of the scheme is calculated to ensure an ability to monitor and to police it and to see that the taxpayer gets value for whatever is invested in this.

ORAL

NO. 91 OF 1997

THE HON A ISOLA

BA FLIGHT GIB/GATWICK (16 AUGUST 1996)

When were Government informed of the difficulties with the BA Flight Gibraltar/Gatwick of 16 August 1996 and have Government taken any steps to satisfy themselves of the matters arising from the incident?

ANSWER

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

Government were informed on 3 March 1997 of an incident in which the 16 August 1996 flight from Gibraltar to Gatwick was involved.

Government took the necessary steps to obtain copies of the internal GB Airways reports on the incident which include the GB Airways Engineering Report and the GB Airways Air Safety Report, together with copies of the Occurrence Report filed with the Civil Aviation Authority. These reports do not indicate that there were any difficulties. What happened was that the captain of the flight in question failed to operate in accordance with the procedure laid down in the airline's operations manuals. This failure led to an internal disciplinary hearing which was conducted by the airline.

Government are satisfied that this was an isolated incident, which was blown out of proportion as a result of a sensational and inaccurate press report which was published in the 2 March 1997 edition of the newspaper "The Mail on Sunday".

NO. 92 OF 1997

THE HON A ISOLA

TOURISM MINISTRY - NEW POSTS

When will the Tourist Board make public the details of the successful applicants for the new position advertised of Commercial Director, Products Manager and Marketing Manager and what are the terms of engagement?

ANSWER

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

The selection process for the recruitment of a Commercial Director of Tourism, a Product Manager and a Sales and Marketing Manager has not yet concluded. Following short listing of applicants, interviews have commenced and will be concluded shortly. The names of the successful applicants will be made public as soon as successful candidates have been selected.

The terms of engagement will be finalised once the successful applicants are offered employment. These terms will depend on the experience and standing of the individuals.

SUPPLEMENTARY TO QUESTION NO. 92 OF 1997

HON A ISOLA:

When do Government envisage being in a position to make the announcement?

HON J J HOLLIDAY:

I expect that this will happen before the end of May.

HON J J BOSSANO:

Can I ask the Minister whether the applicants who are being interviewed are local or not?

HON A ISOLA:

This is dealt with in a subsequent question, Mr Speaker.

NO. 93 OF 1997

THE HON A ISOLA

BEACHES - BATHING SEASON

By when do Government intend to have each of Gibraltar's beaches available for the bathing season?

ANSWER

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

Government intend to have all beaches ready for the start of the bathing season on Friday 13 June 1997.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1997

HON J C PEREZ:

I presume that excludes Camp Bay or is there any development on Camp Bay which will allow it to be open on the 13 June as well?

HON J J HOLLIDAY:

The report from the consultants in respect of Camp Bay that have been received giving recommendations on the work required for the stabilisation of the cliff says that in order to allow Camp Bay to be opened to the public during the summer, some advance work will need to be carried out. A hoarding is being constructed along part of Camp Bay Terrace in order to demarcate an exclusive zone for safety of the public. Alternative temporary toilet and changing room facilities will be provided. The restaurant access will be available from the north end via the first tunnel from Rosia Bay and traffic will be allowed through Keightley Way Tunnel on a two-way basis from the south. The permanent stabilisation work will commence after the summer.

HON J C PEREZ:

So we can take it that those facilities will be available by the same date as the other beaches?

HON J J HOLLIDAY:

That is correct.

NO. 94 OF 1997THE HON A ISOLA**TOURISM MINISTRY - NEW POSTS**

How many applications have been received for each of the posts advertised by the Tourist Board and how many applications for each are from residents of Gibraltar?

ANSWER

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

The number of applications received for these three posts are as follows:

	Total Applications	Applications from Gibraltarians or Gibraltar residents
Commercial Director of Tourism	92	16
Product Manager	47	47
Sales & Marketing Manager	55	55
Unspecified Applications	<u>3</u>	<u>3</u>
Total Applications	<u>197</u>	<u>121</u>

Some of the applicants asked to be considered for more than one post. Therefore all told, there were 169 applicants of whom 88 are Gibraltarian or resident in Gibraltar. Some of the Gibraltarian applicants are resident abroad.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1997

HON A ISOLA:

Am I right in saying that in respect of the Product Manager and the Sales and Marketing Manager those vacancies were only advertised in Gibraltar?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

In respect of these positions, how many interviews have been given or what is the short list which are being interviewed consist of, how many people are we talking about?

HON J J HOLLIDAY:

The interviews in respect of the short list that was prepared from people who had applied from the UK has now been completed. One person has been short listed. There are interviews to be conducted locally and once the first set of interviews have been completed the short list will carry forward to a second.

HON A ISOLA:

Just in respect of the Commercial Director, how many of the people short listed or interviewed are Gibraltarians or residents in Gibraltar?

HON J J HOLLIDAY:

I am not absolutely sure but I think the short list is six locals. There were 76 applications from the UK, five were actually interviewed, one has been short listed for a second interview.

NO. 95 OF 1997

THE HON A ISOLA

CANCELLATION OF SCHEDULED FLIGHTS

How many flights have been cancelled on the London/Gibraltar route since the 26 March 1997 and are Government aware of any further cancellations up to the 30 June 1997 by the current sole carrier?

ANSWER

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

The only flight cancellations were on 26 March and 21 April 1997. On 26 March 1997, the flight from London/Gibraltar/Casablanca had to be diverted to Malaga because of adverse weather conditions. On 21 April 1997, the London/Gatwick/Gibraltar flight had to be cancelled due to a security problem in London airports on that day. On the same day the London Heathrow to Gibraltar flight had to be diverted to Malaga due to adverse weather conditions.

No disruptions to the published schedules are projected between now and the end of June 1997.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1997

HON A ISOLA:

Other than the on-coming Monarch flights that start this week, have Government made any representations to the present carrier to increase the number of scheduled flights coming to Gibraltar?

HON J J HOLLIDAY:

This is an issue that was recently discussed with the Chairman and the Managing Director of GB Airways by myself and we had been assured that every effort is being made in order to increase the capacity on the London/Gibraltar route. However, this will be subject obviously to demand once they are able to assess the impact of Monarch on the route. However the current published schedule will not suffer any disruption.

HON A ISOLA:

Is the Minister aware that with effect from 6 April to 15 April there was not a single seat available on any of the flights being carried out by the scheduled carrier and is he also aware that two or three years ago we had an average of 26 flights per week and that at the moment we have 13 flights a week, five or six of which are travelling on to Morocco and therefore a part of that plane and the capacity of it is being taken up by passengers going to Morocco?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

Is the Minister in a position to give any hope of any increases in the number of flights coming other than the Monarch flights?

HON J J HOLLIDAY:

That is precisely why I have had meetings with the Chairman and Managing Director of GB Airways to try and see whether we can increase the capacity on the route. Additionally, obviously, Monarch coming on the route will actually alleviate part of the supply and demand concerns that the hon Member is expressing in the House today.

ORAL

NO. 96 OF 1997

THE HON J C PEREZ

Question withdrawn.

NO. 97 OF 1997THE HON J L BALDACHINO**GOVERNMENT HOUSING - MEDICAL CASES**

Can Government state how many housing applicants have been recommended as medical cases by the Medical Advisory Board broken down in the different categories and dates of recommendation and at present awaiting allocation?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are a total of 108 persons who have been medically categorised by the Medical Advisory Board. Of these, 49 have been categorised 'A'; 27 have been categorised 'B' and 32 have been categorised 'C'.

The dates when they were categorised are as follows:-

MEDICAL A			
	Date		
Case 1	13-Aug-93	Case 22	31-Jan-96
Case 2	11-Jan-94	Case 23	28-Feb-96
Case 3	17-Mar-94	Case 24	28-Feb-96
Case 4	21-Apr-94	Case 25	19-Mar-96
Case 5	21-Apr-94	Case 26	19-Mar-96
Case 6	24-May-94	Case 27	27-Mar-96
Case 7	24-May-94	Case 28	27-Mar-96
Case 8	28-Sep-94	Case 29	27-Mar-96
Case 9	26-Oct-94	Case 30	27-Mar-96
Case 10	26-Oct-94	Case 31	27-Mar-96
Case 11	17-Dec-94	Case 32	08-May-96
Case 12	17-Dec-94	Case 33	08-May-96
Case 13	17-Dec-94	Case 34	17-May-96
Case 14	25-Jan-95	Case 35	18-May-96
Case 15	17-May-95	Case 36	04-Sep-96
Case 16	28-Jun-95	Case 37	04-Sep-96
Case 17	20-Sep-95	Case 38	04-Sep-96
Case 18	20-Sep-95	Case 39	04-Nov-96
Case 19	20-Sep-95	Case 40	16-Dec-96
Case 20	25-Oct-95	Case 41	16-Dec-96
Case 21	25-Oct-95	Case 42	17-Feb-97
		Case 43	17-Feb-97
		Case 44	11-Mar-97
		Case 45	11-Mar-97
		Case 46	11-Mar-97
		Case 47	11-Mar-97
		Case 48	14-Apr-97
		Case 49	14-Apr-97

MEDICAL B

	Date
Case 1	10-Jan-91
Case 2	13-Aug-93
Case 3	01-Sep-93
Case 4	28-Sep-94
Case 5	28-Sep-94
Case 6	26-Oct-94
Case 7	07-Dec-94
Case 8	28-Jun-95
Case 9	28-Jun-95
Case 10	28-Feb-96
Case 11	27-Mar-96
Case 12	08-May-96
Case 13	08-May-96
Case 14	04-Sep-96
Case 15	04-Sep-96
Case 16	04-Sep-96
Case 17	04-Nov-96
Case 18	04-Nov-96
Case 19	04-Nov-96
Case 20	04-Nov-96
Case 21	16-Dec-96
Case 22	13-Jan-97
Case 23	12-Feb-97
Case 24	17-Feb-97
Case 25	17-Feb-97
Case 26	17-Feb-97
Case 27	17-Feb-97

MEDICAL C

	Date
Case 1	16-Sep-92
Case 2	21-Apr-94
Case 3	28-Sep-94
Case 4	28-Sep-94
Case 5	28-Sep-94
Case 6	26-Oct-94
Case 7	17-Dec-94
Case 8	28-Jun-95
Case 9	20-Sep-95
Case 10	25-Oct-95
Case 11	29-Nov-95
Case 12	31-Jan-96
Case 13	31-Jan-96
Case 14	28-Feb-96
Case 15	28-Feb-96
Case 16	19-Jun-96
Case 17	04-Sep-96
Case 18	04-Sep-96
Case 19	04-Sep-96
Case 20	04-Sep-96
Case 21	04-Sep-96
Case 22	04-Sep-96
Case 23	04-Sep-96
Case 24	04-Sep-96
Case 25	04-Sep-96
Case 26	04-Sep-96
Case 27	13-Jan-97
Case 28	17-Feb-97
Case 29	11-Mar-97
Case 30	11-Mar-97
Case 31	14-Apr-97
Case 32	14-Apr-97

SUPPLEMENTARY TO QUESTION NO. 97 OF 1997

HON J L BALDACHINO:

I would just like to ask, Mr Speaker, even though people who may be medically recommended, is it correct to assume that not necessarily they will be allocated accommodation according to the time of the recommendation? In other words, it is not something that the person who has been the longest recommended will actually get the accommodation, is that the case?

HON H CORBY:

It depends on the merits of the case. There might be a position where a person comes into the Medical 'A' category and it is a very, very great injury that he has probably his legs have been amputated, that would take precedence over other people who have been there for a longer time.

NO. 98 OF 1997THE HON J L BALDACHINO**GOVERNMENT HOUSING - SOCIAL CASES**

Can Government state how many housing applicants have been recommended by the Housing Advisory Committee as social cases, and their dates of recommendation, and at present awaiting allocation?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

There are presently 64 persons who have been categorised by the Housing Advisory Committee as social cases.

These can be broken down into 28 Social 'A'; 19 Social 'B' and 17 Social 'C'.

The dates when they were categorised are as follows:

SOCIAL A

	Date		
CASE 1	23-Sep-93		
CASE 2	15-Nov-94		
CASE 3	27-Jun-95	CASE 17	11-Jun-96
CASE 4	05-Dec-95	CASE 18	11-Jun-96
CASE 5	05-Dec-95	CASE 19	26-Jun-96
CASE 6	05-Dec-95	CASE 20	16-Nov-96
CASE 7	12-Dec-95	CASE 21	21-Nov-96
CASE 8	16-Jan-96	CASE 22	21-Nov-96
CASE 9	23-Mar-96	CASE 23	06-Jan-97
CASE 10	16-Apr-96	CASE 24	16-Jan-97
CASE 11	16-Apr-96	CASE 25	17-Mar-97
CASE 12	16-Apr-96	CASE 26	21-Apr-97
CASE 13	16-Apr-96	CASE 27	21-Apr-97
CASE 14	20-May-96	CASE 28	21-Apr-97
CASE 15	20-May-96		
CASE 16	20-May-96		

SOCIAL B

	Date
Case 1	13-Dec-94
Case 2	22-Mar-95
Case 3	25-Apr-95
Case 4	05-Dec-95
Case 5	05-Dec-95
Case 6	16-Apr-96
Case 7	20-May-96
Case 8	20-May-96
Case 9	20-May-96
Case 10	20-May-96
Case 11	11-Jun-96
Case 12	03-Sep-96
Case 13	03-Sep-96
Case 14	08-Oct-96
Case 15	08-Oct-96
Case 16	08-Oct-96
Case 17	08-Oct-96
Case 18	21-Nov-96
Case 19	20-Feb-97

SOCIAL C

	Date
Case 1	10-Oct-94
Case 2	17-Jan-95
Case 3	17-Jan-95
Case 4	23-May-95
Case 5	11-Jun-96
Case 6	11-Jun-96
Case 7	03-Sep-96
Case 8	08-Oct-96
Case 9	08-Oct-96
Case 10	08-Oct-96
Case 11	21-Nov-96
Case 12	12-Dec-96
Case 13	12-Dec-96
Case 14	12-Dec-96
Case 15	12-Dec-96
Case 16	16-Jan-97
Case 17	20-Feb-97

SUPPLEMENTARY TO QUESTION NO. 98 OF 1997

HON J L BALDACHINO:

May I ask the Minister, those who have been recommended about three years ago, they must have been offered something, is it that they have refused or is it that they are still waiting for an offer?

HON H CORBY:

In some cases they have refused and in others they are still waiting for an offer but at times we offer them accommodation, they do not like it, so they do not take it up. It is twofold, they either refuse it or no offer has been made, it depends on the merit of the case insofar as the medical cases are concerned as well.

HON J L BALDACHINO:

Is it the case that when somebody is socially recommended it does not necessarily mean that they will have to be offered a flat according to their room requirements?

HON H CORBY:

What we normally do is, if the person has children, then we take that into account but we normally try to tailor the house for the composition of the family as far as that is concerned.

HON J L BALDACHINO:

What I am saying is, if somebody has been recommended for a reason other than their requirement for housing, on the social cases is it that they have a social problem which is something which, for example, if they have a problem of housing or they have been waiting for housing it means that they would normally be in the normal housing waiting list. So in the social case is it the social aspect that is being recommended? For example, the Minister stated that in medical cases they considered the person on the merit of the case and what I am saying is, Mr Speaker, is this also considered under the medical case and therefore if the Housing Department does not have an adequate housing proposition they could be offered something else to take away the social problem that they may have?

HON H CORBY:

Yes, that is correct. If a person will accept not their requirements but let us say that there is a lady with a child and we can offer her a one bedroom flat, we do that as well.

NO. 99 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - MEDICAL ADVISORY BOARD

Can Government state how many Government tenants have been recommended by the Housing Medical Advisory Board for an exchange:

- (a) stating their present housing units in room composition and those required if not the same
- (b) date of recommendation
- (c) how many of these reside in pre-war accommodation and at present waiting accommodation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

It is not the responsibility of the Medical Advisory Board, under the Housing Allocation Scheme (Revised 1994), to recommend an exchange.

The terms of the Medical Advisory Board are:-

- (1) to examine medical evidence presented by applicants and to -
 - (a) award medical points to a maximum of 200 points per application; or
 - (b) recommend the placing of the applicant on a Medical Category list;
- (2) to advise the Housing Allocation Committee on the allocation of flats to urgent cases under the Medical Category priorities;
- (3) to recommend on special medical requirements of any applicant;
- (4) to recommend on any other special matters referred to it by the Housing Allocation Committee.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1997

HON J L BALDACHINO:

I am afraid I differ with the Minister because before anybody can be classified for an exchange on medical grounds he obviously has to go to the Medical Board. That is the Board that will classify who is a medically categorised person or not.

HON H CORBY:

Yes, but what happens is that the Medical Board categorises people on (a), (b) and (c). Then this is taken to the Housing Allocation Committee and on the merits of the case the flats are allocated. The Medical Board does not itself recommend to allocate flats, it is up to the Housing Allocation Committee taking into account the medical side of the matter. I think mainly the question was phrased wrongly. The hon Member wants an answer to another question which he is asking. Let me tell him that the Medical Board only categorises on (a), (b) or (c); it is the Housing Allocation committee which then allocates the flats.

HON J L BALDACHINO:

I am afraid I do not agree with the Minister that the question that has been presented is wrong. It is true of all the cases, not just for an exchange, it is also true what the Minister has said on people who are medically categorised apart from the exchanges. Under the Housing (Special Powers) Ordinance the Committee that has the power to allocate is the Housing Allocation Committee and no other Committee, the others are advisory committees. It would be true that the Allocation Committee in some cases might delegate those powers to the Medical Board but the question is, first before the Housing Allocation Committee can make a decision where somebody exchanges or is allocated on medical grounds he has to go to the Medical Advisory Board which is what my question states. Therefore what I am asking, Mr Speaker, is simply that. After being recommended by the Housing Advisory Board for an exchange can the Minister state how many of those have the same room composition just for the exchange, others might require less or others might require more, that is what I am asking and the date of recommendation and how many of those reside in pre-war accommodation? I think the question is quite clear within the ambit of the Housing (Special Powers) Ordinance.

HON H CORBY:

The question says, "Can Government state how many Government tenants have been recommended by the Housing Medical Advisory Board for an exchange" and it is nil because they just categorise people in (a), (b) and (c) and then it goes to the Housing Allocation Committee. If the hon Member is saying that he wants to know which of the Housing Allocation Committee designated several flats to I will not be able to give him that information because I have not got it at hand at the moment.

HON J L BALDACHINO:

My question is, how many have been recommended by the Medical Advisory Board for an exchange, it does not necessarily mean that the Housing Allocation Committee will then decide to allocate them a house, that is what I have asked. If the Minister has not got the information I am prepared to wait until he has that information?

NO. 100 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - ALLOCATION OF POST -WAR FLATS

Can Government state how many post-war flats have been allocated from 1 November 1996 to date to:

- (a) the housing waiting list, divided into room composition
- (b) on medical grounds including exchanges and their first dates of recommendation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As from 1 November 1996 there have been 15 allocations made to the housing waiting list. This can be broken down as follows:-

Bedsitters	7
2RKB	2
3RKB	3
3/4RKB	2
4RKB	1

Seven allocations on medical grounds have also been made and the dates when these persons were medically categorised are as follows:-

Case 1	18 June 1993
Case 2	5 April 1995
Case 3	31 January 1996
Case 4	28 February 1996
Case 5	8 May 1996
Case 6	4 November 1996
Case 7	17 February 1997

SUPPLEMENTARY TO QUESTION NO. 100 OF 1997

HON J L BALDACHINO:

May I ask the Minister if those that have had their flat exchanged on medical grounds, those that are exchanges are not taken away from the percentage that normally the Housing Allocation Committee allocates to medical cases, is that the case?

HON H CORBY:

That is correct.

NO. 101 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - ALLOCATION OF PRE-WAR FLATS

Can Government state how many pre-war housing units have been allocated from 1 November 1996 to date, stating the first date of recommendation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

From 1 November 1996 to date there have been five allocations of pre-war housing. The dates when these persons were socially categorised are as follows:

Case 1	21 March 1995
Case 2	8 October 1996
Case 3	12 December 1996
Case 4	20 February 1997
Case 5	20 February 1997

NO. 102 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - HOUSING APPLICANTS

Can Government state how many housing applicants there are including those who have still not met the two year qualification period, broken down into different room requirements?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The number of housing applicants, including those who have still not met the two year qualifying period, broken down into different room requirements is as follows:-

1RKB	163 applicants
2RKB	53 applicants
3RKB	158 applicants
4RKB	106 applicants
5RKB	21 applicants
6RKB	4 applicants

NO. 103 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

How many of the social insurance cards issued in 1996 have been returned since 7 February 1997?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Since 7 February 1997, 3,532 social insurance cards issued in 1996 have been returned for exchange.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1997

HON R MOR:

Can the Minister then confirm that there must be something like 350 to be returned?

HON H CORBY:

What I can say to the hon Member is that the total number of 1996 insurance cards exchanged as at 1 January 1997 is 11,532. The total number of 1995 insurance cards exchanged at the close of business on 20 June 1996 was 11,698 so the figure is more or less in accordance.

HON R MOR:

From the previous question that I brought to the House it was said that 11,972 insurance cards had been issued in 1996 and what the Minister is now saying is that something like 11,500 have been returned so there is still a balance of something like 400 to be returned.

HON H CORBY:

That is correct.

NO. 104 OF 1997

THE HON R MOR

ILLEGAL RUSSIAN IMMIGRANTS

What is the latest position regarding the illegal Russian immigrants who were previously held in custody?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The latest position is that one of the five Russians has left Gibraltar, as stowaway on a yacht. The remaining four who have been refused political asylum in the United Kingdom have been issued with renewable monthly residence permits following the revocation of the removal and detention orders by His Excellency the Governor.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1997

HON R MOR:

That one of the illegal immigrants has stowed away in a ship, is that a solution by the Foreign Office or by the GSD Government?

HON CHIEF MINISTER:

No, but it is a very good one.

HON J J BOSSANO:

Is it not the case that at the time of the temporary permits this was as a result of the judgement that was made when the case went to court and this judgement was reversed on appeal, was not the explanation given at the time that the need for a temporary permit was because of the judgement requiring the removal of the detention orders?

HON CHIEF MINISTER:

The United Kingdom Government have denied the application for political asylum to these Russian individuals as have other countries to which they had applied. The reality then is that they are here and the United Kingdom will not take them in either as people to whom they grant asylum or to people whom they detain. In other words, they are not prepared to accept them into the UK either on a detained basis or as people that they accept into the UK and grant them asylum. They are therefore here and if they are here it can no longer be said that they are here pending an application for political asylum in the United Kingdom or in Canada because that is no longer the case. All applications for political asylum have been entertained and rejected and therefore there is no way

for them to be physically removed from Gibraltar because Gibraltar lacks the jurisdiction to repatriate them in any way. In other words, the United Kingdom Government who would have to do that on Gibraltar's behalf have declined to give them asylum but at the same time says that they cannot be sent home because they are in danger of persecution. So they are here and we are stuck with them and there is no way that we can lawfully remove them from Gibraltar by act of the Government of Gibraltar. Therefore the Government of Gibraltar have taken the view that it would not be morally defensible to have such people permanently in Gibraltar with a detention and deportation order hanging over their heads, nor on the other hand, are the Government of Gibraltar willing to allow the United Kingdom Government to make such decisions in a way that leaves the problem and the resourced burden to Gibraltar to provide for these people on a permanent basis, not because it is these five, but because of course it would become an asylum-seekers charter to come to Gibraltar, the Home Office will not let them into the UK and that means they can stay in Gibraltar. Therefore they are on a monthly renewable permit which is the least significant form of regularisation of their presence in Gibraltar. In other words, it is the only way of making their presence in Gibraltar not lawful without giving them the sort of rights which we cannot give them because we cannot give it to everybody that ends up in Gibraltar illegally as these gentlemen arrived. So that is the position. It is far from satisfactory both the way the problem originally arose and the way in which the asylum applications have been subsequently handled and the consequences to Gibraltar of the Home Office deciding that they will neither take them into UK nor allow them to be repatriated to their home, therefore leaving Gibraltar with the problem, is a highly unsatisfactory situation. It is the product of the division of powers in the Constitution, not one that we can do anything about but this is the unsatisfactory result of all those unsatisfactory processes.

HON J J BOSSANO:

Does it not follow that if they seem to keep on getting monthly renewable permits and decide not to stowaway then they are going to be here for a very long time?

HON CHIEF MINISTER:

Indeed, Mr Speaker, that is true. The Government have not yet been able to identify any alternative and there is no mechanism available to the Government of Gibraltar by law to deal with the situation. We cannot prevent them from remaining physically in Gibraltar given the decision that the Home Office has made and there is no alternative, therefore, but to regularise their presence here. They cannot be permanently subject to a detention order in Moorish Castle forever. The Government have decided that in those circumstances the only thing that was reasonably available to the Government was to leave them to their liberty and to their wits and to provide themselves as best they can. But the Government of Gibraltar have made it clear to the United Kingdom Government that in all circumstances the Government of Gibraltar was not willing to give them priority for housing, priority for social security benefits or access to social security benefits because that would create a precedent that this community could not sustain.

HON J J BOSSANO:

Presumably if they have got monthly permits of residence but not work permits then they are either surviving on charity or working illegally?

HON CHIEF MINISTER:

Given that they have monthly residence permits they are theoretically at liberty to seek employment and to obtain approval for a contract of employment from the ETB and it would pose a difficult moral question about whether the Government can allow people to stay in Gibraltar on a completely permanent basis and forever deny them the ability to keep body and soul together. Therefore it is not impossible, it is not inconceivable at some stage, that the Government are going to have to allow these people access to the labour market because it is not a defensible position that the Government allow them to stay in Gibraltar because we cannot do anything about that, deny them access to social security or social assistance or any form of State support and deny them also the ability to fend for themselves. That is not the position in which the Government would be willing to see these four people remain indefinitely. The Government do not rule out the possibility of allowing them to regularise any employment situation which they can find.

HON J J BOSSANO:

Is it not effectively the risk precisely the one that the Government want to avoid, with which we agree, which is that it gets around presumably because people send messages to other people who are obviously desperate to get out of very difficult circumstances in other parts of the world, that when they get here eventually through the passage of time they get legitimised? Given precisely the constitutional divide is this not something that the UK should be required to accept responsibility for, after all if we look at the letter of the law even legitimate labour from abroad is still in the division of powers the UK responsibility?

HON CHIEF MINISTER:

Indeed the Government have asked the Government of the UK to take responsibility by taking them into the UK where they can either be given asylum or otherwise held in an adequate form of detention which we do not have in Gibraltar. If that is what the hon Member understands by taking responsibility then the UK Government have declined to take that responsibility because they have refused to accept them into the UK physically in any form or other and in addition to that, they have declined to have them sent back home because they fear that they will be persecuted. So they are in Gibraltar physically and the rest of it is not something for which the Gibraltar Government can pass responsibility. I cannot pass responsibility to the UK Government for allowing them to find a job in Gibraltar or not. The Government have got to live with the consequences of that decision by the Home Office in respect of which the Government have made very clear our discontent. I think and indeed I recognise that the danger that the hon Member has described exists but at the end of the day there has to be an element of

conscience and morality in the administration and everything cannot be driven by the fear of precedent and what the Government are trying to do is a compromise between not being unjustifiably harsh on these men on the one hand whilst not opening the floodgates and creating an asylum-seekers charter on the other and we may or may not get it right but there is certainly a need to balance those conflicting priorities.

HON J J BOSSANO:

Presumably the Government would be able to repatriate them if they went voluntarily or would the UK be able to stop that?

HON CHIEF MINISTER:

Well, the Government are not holding them in Gibraltar. If they wish to leave, of course they do not have valid travel documents, so in leaving Gibraltar would require them to enter some other country illegally and without travel documents. One of them has chosen that route. I can recommend a very good restaurant on the Costa del Sol to the remaining four if they want to go and have dinner there and I am certainly quite happy to pay the dinner bill but so far none of them have shown any inclination to leave Gibraltar by any of the physical means available to them.

HON J J BOSSANO:

What I am suggesting is if in fact it is a question of delivering them at public expense to their country of origin given that the Government have said that the UK fears for their safety politically notwithstanding that they will not give them political asylum, presumably if any one of the four decided to take the risk of going back home would there be anything to stop the Government providing them with the wherewithal to get there?

HON CHIEF MINISTER:

No, and the Government, in those circumstances, might well be persuaded to provide them with the wherewithal to do that but they have not so far indicated nor has anybody on their behalf indicated, that they would leave Gibraltar if provided with the means to do so. That, of course, also creates the danger of a precedent that in effect Gibraltar becomes known as a sort of finance for people on their travels. Yes, if such a request were made then I think the Government would seriously entertain it.

HON H CORBY:

The other problem in repatriating them back to their place of residence is that on the way to their country of residence presumably the plane must stop, let us say, at Heathrow and then they can ask for political asylum that way. That is one of the stepping stones that they found.

NO. 105 OF 1997THE HON R MOR**SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the number of pensions being paid or with entitlement to payment in March 1997 from the Closed Long-Term Benefits Fund giving a breakdown of pre-1969 Spanish pensions and locally funded pensions showing the number of Gibraltarians, Moroccans and other nationalities?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

In March 1997 there were a total of 13,859 pensioners with entitlement to payment from the Closed Long-Term Benefits Fund. The breakdown is as follows:-

Pre-1969 Spanish pensioners	8,521
British pensioners (Gibraltar and UK nationals)	4,364
Moroccan pensioners	756
Other nationalities	<u>218</u>
Total	<u>13,859</u>

ORAL

NO. 106 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 60 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 107 to 115 of 1997.

ORAL

NO. 107 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 61 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 and 108 to 115 of 1997.

ORAL

NO. 108 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 62 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106, 107 and 109 to 115 of 1997.

ORAL

NO. 109 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 63 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 108 and 110 to 115 of 1997.

ORAL

NO. 110 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 64 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 109 and 111 to 115 of 1997.

ORAL

NO. 111 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 60 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 110 and 112 to 115 of 1997.

ORAL

NO. 112 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 61 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 111 and 113 to 115 of 1997.

ORAL

NO. 113 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 62 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 112 and 114 to 115 of 1997.

ORAL

NO. 114 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 63 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 113 and 115 of 1997.

NO. 115 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 64 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As the hon Member must know, since he was Minister for Social Security prior to 16 May 1996, the information that he seeks is not readily available.

Unfortunately the records of the Department of Social Services have not been computerised by the previous Government. This means that to provide the information requested there would need to be a manual inspection of approximately 15,000 record files.

Furthermore, the questions distinguish between Gibraltarians and non-Gibraltarians and this is an additional difficulty because, again as the hon Member must know, insurance records of Gibraltar contributors are kept together with those of UK nationals.

The problem is made worse by the fact that the last five yearly actuarial review was carried out in 1985. None was carried out during the eight years of office of the GSLP administration.

The Government must regret therefore that it is not able to provide the information requested without incurring unreasonable and disproportionate expenditure and effort.

SUPPLEMENTARY TO QUESTION NOS. 106 TO 115 OF 1997

HON R MOR:

First of all I think I have to take up the issue with the Minister. The records were in fact computerised. All the information that I have been able to get during all the years have been through the records being computerised. So I think it is absolute nonsense to say that the records are not computerised now.

HON CHIEF MINISTER:

If the records of the Social Security Department are computerised in a way that enables this question to be answered, nobody in the staff of the Social Security Department is aware of that because this is the information that they have given to the Government to answer to the hon Member. So it seems an extraordinary situation.

HON R MOR:

I was able to get a lot of the information from the computers, we had a connection when the computer was at the City Hall and all the records have been made available to us.

HON H CORBY:

The information that they have is that it is not computerised and nothing has been done insofar as the actuarial reviews during the last eight years that they were there. There is no information in the computers that we can take out. This is the information I have from my staff at the Department of Social Services.

HON R MOR:

What is the connection of having an actuarial review and knowing who will be 61 or 62 and how many we are going to have. There is absolutely no connection at all with that, whether we have had an actuarial review on the Social Insurance Scheme or not.

HON CHIEF MINISTER:

Only that at least an actuarial review which the law requires to take place every five years provides this information. So if one had been done at the last three or four years, for example, I might not be able to tell you what the information is today but at least I can tell you what it was on the date of the last actuarial review. It is because of the absence of the actuarial review that we cannot even give the hon Member out-of-date information which is what we would then have given the hon Member.

HON J J BOSSANO:

In fact, when the Government said that the problem of reducing the pensionable age for males from 1998 was one that cost £3 million if it was done in one go, this was pure guesswork because apparently if they have not got the information to give the answer they did not have the information to arrive at the costing?

HON CHIEF MINISTER:

That exact question is on the Order Paper. We can deal with it then but the position that the Leader of the Opposition is describing, in fact, is not correct because he will learn when we answer the question that is on the Order Paper on that matter, the basis upon which that figure was arrived at in relation to the cost of equalising pensionable age would not be available to provide this information.

HON J J BOSSANO:

Can the Chief Minister say whether in fact the Department still produces a breakdown of persons in insurable employment which distinguishes between British and non-British; a summary of the position, is that still produced by the Department? It used to be done on an annual basis.

HON CHIEF MINISTER:

I believe that that information is available from the Employment Statistics, not from the social security records but from the records of the Employment and Training Board.

HON J J BOSSANO:

Is it not the case that the Employment Survey is based on PAYE records and that independent of the PAYE records are not necessarily agreeing with them, the social insurance records produced a summary showing the British, which includes the Gibraltarians of course, and the non-British composition of the persons in insurable employment on an annual basis, is that not the case?

HON CHIEF MINISTER:

The information that we have is that that is not the case because the insurance records of British people, that is to say, UK and Gibraltarians are kept together and they are not separated annually or kept separately.

HON J J BOSSANO:

I am saying that, I am saying is it not the case that what they do produce and what is available or maybe they have stopped producing it, is a breakdown showing British, inclusive of Gibraltarians, and non-British. Is that information still produced?

HON CHIEF MINISTER:

Yes, British inclusive of Gibraltarians.

HON J J BOSSANO:

And on the basis of that information which gives the British, inclusive of Gibraltarians, in insurable employment and given the figures that are available to the Government on the age distribution of the population, which is published in the Census, is it not possible to produce a reasonably accurate figure of the number in each age group without having to count the 15,000 individual cards?

HON CHIEF MINISTER:

No, it is not, it would be a complete guesstimate of the sort that the hon Member can make just as easily as the Government.

HON J J BOSSANO:

I may have to make it in the absence of any information. Is it not the case.....

HON CHIEF MINISTER:

By next year we hope to be able to give him the information because the Department will have been properly computerised.

HON J J BOSSANO:

We will wait and see how successful they are. But in the absence of not having to wait another year, is it not possible to give an approximation which will be very close to the figures based on the information that is currently available?

HON CHIEF MINISTER:

Not without investing a disproportionate and unreasonable expenditure and effort but of course it is physically possible, it would have been physically possible to have given him the exact information but that is not the basis upon which Oppositions can ask questions because the hon Member knows that it is not just reasonable to have civil servants working day after day after day simply to provide information which is not reasonably available and the hon Member knows that that is the basis upon which questions have not been answered in this and in other Parliaments on many occasions.

NO. 116 OF 1997THE HON R MOR**PRISON - NUMBER OF INMATES**

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

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

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

Gibraltarian	14
British (UK)	6
Spanish	5
Moroccan	3
French	1
Belgian	<u>1</u>
Total	<u>30</u>

SUPPLEMENTARY TO QUESTION NO. 116 OF 1997

HON R MOR:

Does the Government accept that there seems to be an increase in the Gibraltarian inmate population at the prison during the last year?

HON H CORBY:

It is not up to me to say whether there are more Gibraltarians being caught by the Police than they were three months ago or two months ago. These are the Gibraltarians we have in prison, tomorrow we might have 20 but it does not follow that there has been an increase in crime, maybe there has been an increase in Police action and detection.

HON R MOR:

Let me say that when I first asked this question in June 1996 there were five Gibraltarian inmates, on the 25 November there were 15, on the 30 February there were 11 and on the 29 April, which is today, there are 14.

HON CHIEF MINISTER:

It is self-evident and incontrovertible reality that 14 is more than five so clearly there are now more Gibraltarians in prison if there are now 14 than there were when there were only five. The point that the hon Member was trying to make and he will remember that we had a little debate about this and I assume that it is the same point that he is trying to make here, is to give the impression which is certainly what he tried to do last time if not this time, and that is that because the Gibraltar population in prison was rising that therefore this meant that there was now more breakdown or more crime or less law and order, as he put it then, than is now the case. We are very proud of the fact that we are giving much more resources to the judiciary and to the police than used to be the case but we have not still make it so efficient that people in prison on 29 May 1997 are unlikely to have committed their offences for which they have been incarcerated after the 16 May 1996. So we are still talking about crimes committed whilst the hon Member was responsible for the number of people in the Moorish Castle.

HON R MOR:

We take note that the Government are proud of having more Gibraltarians in prison.

HON CHIEF MINISTER:

The hon Gentleman has to have some intellectual rigour if not very much. The hon Member is not proud that there are more Gibraltarians in prison, the hon Member is proud that the system for law and order in Gibraltar and the judiciary in Gibraltar are now working much, much more efficiently and effectively than they used to be working because there are now more resources available to it.

HON R MOR:

So is the Government implying that the judiciary was less efficient before?

HON CHIEF MINISTER:

Well, the detection of crime is of course a matter for the Police. The incarceration of people is a matter for the courts. It is a fact that the resources available to the courts of Gibraltar are enhanced now and that means that the system for the administration of justice is much quicker. But it is not so much more quick yet that any of these figures are as a result of the judicial process having moved that quick. Of course I can tell the House that the rate of crime detection has probably increased because there are now many more police officers with much more resources at their disposal. So if the hon Member is seeking to suggest that these 14 Gibraltarians who are all, let us face it,

convicted by juries, that these Gibraltarians who have been incarcerated are the result of a more efficient judiciary or a more efficient police I cannot say. All I have said is that the police and the judiciary are now and will continue to be, especially in the case of the judiciary it is probably true to say that the police have had more enhanced resources so far than the courts but the courts are going to have enhanced resources as well and that that will certainly mean that the rate of detection of crime and the rate at which cases, both civil and criminal, move through our law courts will be enhanced. That is something about which the Government are very proud.

NO. 117 OF 1997THE HON R MOR**SOCIAL SECURITY - SELF-EMPLOYED INSURANCE CARDS**

Since the 14 February 1997, how many self-employed social insurance cards have been issued broken down as follows:

- (a) Gibraltarians
- (b) UK nationals
- (c) other EU nationals
- (d) non-EU nationals?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

Eleven new self-employed social insurance cards have been issued since 14 February 1997. This can be broken down as follows:-

- | | | |
|-----|---------------|-----|
| (a) | Gibraltarians | 6 |
| (b) | UK nationals | 4 |
| (c) | other EEC | 1 |
| (d) | other non-EEC | Nil |

SUPPLEMENTARY TO QUESTION NO. 117 OF 1997

HON R MOR:

When consideration is given to UK nationals is the criteria used that they should be resident in Gibraltar?

HON CHIEF MINISTER:

The hon Member knows that such criteria would not be legal.

HON J J BOSSANO:

How then is it legal to advertise vacancies and require residence in Gibraltar which if the Minister recalls was a supplementary I asked him in the previous meeting of the House and which he finally did not give me an answer on. Surely it must be equally legal to do one as the other?

HON CHIEF MINISTER:

The hon Member must know that the rules to which I have referred do not apply to employment in the public service and that the civil service of all the Member States are

allowed to employ and to insist on employment people who are resident within their countries indeed in respect of some jobs that are national it is done for the public sector. Insofar as the private sector advertisements are concerned, I cannot answer for that, the law is what it is and it is up to people to comply with it.

HON J J BOSSANO:

Is it not the case that the advert to which I referred was in fact Gibraltar Community Projects Ltd, I do not know whether that is the public sector and would the Minister not check, in fact, whether his information is correct and that the reservation of posts are for nationals of the Member State and not a question of residence?

HON CHIEF MINISTER:

It may well be but in either case the view that the Government have taken of Government controlled companies is that these jobs are advertised on that basis and if anybody wishes to challenge the legality of that practice then, of course, the Government will have to defend ourselves but we see no reason why we should voluntarily extend tax funded employment to people who are not resident in Gibraltar.

HON J J BOSSANO:

I am not suggesting that the Government should do anything other than what they are doing or otherwise. What I am asking is, how can he rhetorically ask us that they cannot do it for self-employed because self-employed are entitled to self-employed cards and yet they are not concerned whether it is legal or illegal to do it in the case of employees. Surely if they are so concerned about observing the law, is it the same law or is it not the same law?

HON CHIEF MINISTER:

No, it is not the same law. One is a matter of what the Government choose to do as employer and the other is a matter of what the Government permit as the public administration responsible for the administration of the Control of Employment Ordinance, they are two completely different functions. In one case we are an employer and we purport to employ whomever we please and if in our employment procedures we commit an illegality then somebody should challenge us on it. In the case of self-employed persons and insurance cards, which is what the question relates to, there is no act of the Government except whether we accept the insurance card registration. The Government are playing two completely different functions in both the situations that the hon Member has sought to compare, I do not think there is any parallel between the two functions.

HON J J BOSSANO:

Have the Government got the responsibility to ensure the observance of Community law by employers in Gibraltar or not as a Government responsibility? If there is an employer in Gibraltar that is not complying with community law then whose job is it to make them comply, is it the Government's or not?

HON CHIEF MINISTER:

No, it is not. The Government's responsibility is to ensure that laws are brought to this House which put the laws of Gibraltar in the condition that they need to be under our EU obligations and therefore the Government make policy decisions about what the laws should be and once the laws have been promulgated by this House, having been brought here by the Government pursuant to our policies, the Police are then responsible and not the Government, the Police are then responsible for investigations of possible breaches of the law and then the Attorney-General is responsible for deciding whether such people should be prosecuted. This is not the case of criminal behaviour. In the case of statutes which impose administrative obligations, it is true that, for example, the Factories Ordinance or the Employment Ordinance, it is true that the Government equip themselves with an inspectorate to ensure that those laws are complied with but not out of any obligation, simply out of a sense of policy because the Government have an interest in ensuring that those particular laws which normally deal either with public revenue or safety matters, are complied with. The Government are not responsible for ensuring that citizens comply with the law. Citizens are responsible themselves to comply with the law and they risk prosecution if they do not comply with it.

HON J L BALDACHINO:

Can the Minister clarify something for me? Do they have a criteria on who they can grant self-employment status or not?

HON CHIEF MINISTER:

Can the hon Member repeat the question as I missed the first half?

HON J L BALDACHINO:

The question is, do the Government have a criteria where, immaterial of nationality, to whom they will grant self-employed status?

HON CHIEF MINISTER:

In the case of EU nationals which following the repeal of the 1 July law now includes UK nationals, the Government have no need for criteria because no such criteria would be valid. These people have a right of establishment here. In respect of non-EU nationals of which the hon Member will see that there are none, then of course if an application were made the Government would consider such people would have to obtain residence permits and the Government would make an assessment on the basis of their contribution to the economy. But certainly it is not the Government's position that every non-EU national who would like to set up in Gibraltar on a self-employed basis would be allowed to do so. That would certainly not be the Government's attitude.

HON J L BALDACHINO:

My understanding then is that anybody who is a Gibraltarian, a UK national or EU national who would apply for self-employed status would be granted?

HON CHIEF MINISTER:

One does not apply for self-employed status, one goes along to the Social Insurance Office and one asks for a social insurance card and one registers. Fortunately in this democracy people with a right of establishment do not have to come and ask the Government permission to start themselves up in business. I cannot understand why the hon Member is confusing these concepts. The question relates to registration for social insurance purposes, it talks about social insurance cards, that is not the point of which control is exercised of the sort that he is, I think, alluding to. He must know that that comes at the level of the Employment and Training Board.

HON R MOR:

If I may draw the House's attention to Question No. 151 of 1996 on the 26 November, during a supplementary I asked, "What criteria are the Government using to allow self-employed?" and the answer was, "The criteria at the moment is that used by the previous administration".

HON CHIEF MINISTER:

I am glad to see that in this area the previous administration's commitment to adherence to the law is as strong as ours.

HON J J BOSSANO:

Have there been any applications from Gibraltarians for self-employed insurance cards which have been refused?

HON CHIEF MINISTER:

I might need notice of that question but there is nobody on the Government benches right now who has knowledge of any such case.

HON J J BOSSANO:

So would the Government agree that if, in fact, people are required to meet some requirements, some standards or some criteria then it would be useful to know what those are if there are any?

HON CHIEF MINISTER:

Either they are self-employed or not. Registration for social insurance purposes is a necessity which follows from being in employment or in self-employment and therefore anyone who is in lawful employment or lawfully in self-employment has a statutory obligation to register for social insurance purposes. Therefore when they go along to register for social insurance purposes nobody says, "Well no you cannot have a card because I have got to decide". That exercise, in the case of employed persons comes earlier; in the case of self-employed persons I do not know that the people in that department purport to exercise such a function. Of course, it could be that the result is

that there are people trading as self-employed people in Gibraltar illegally but they would have to be illegal immigrants first. In other words, their presence in Gibraltar would have to be legal because they would not have a residence permit which they would need if they are non-EU nationals. So there would have to be a series of illegalities for a non-EU person to be self-employed in Gibraltar in the circumstances that the hon Member, unless we are at cross purposes.

HON J J BOSSANO:

The question is not about non-EU nationals. I am saying if a Gibraltarish wishes to set himself up as self-employed then he normally goes to the DLSS not because he is already working and he wants to regularise his position but if he wants to go about doing it. Do the Government have requirements that have to be met so that people can be registered as being self-employed and issued with a card?

HON CHIEF MINISTER:

No, none whatsoever. There is a requirement under a completely different Ordinance for such Gibraltarishs to register under the Business, Trades and Professions Regulations but there is no control or no criteria imposed on Gibraltarishs who wish to set themselves up in business at the time that they go and ask to comply with their statutory obligation to register for social insurance purposes, of course not.

NO. 118 OF 1997

THE HON R MOR

SOCIAL SECURITY - PENSIONABLE AGE

On what basis has the estimated cost been calculated for reducing male pensionable age to 60 in the current year to arrive at the amount of £3 million?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The average number of male persons reaching pensionable age at 65 is around 170 per annum. On this basis, around 850 males would be entitled to a pension if equalisation at 60 were introduced in a given year.

Taking an average pension of £65 per week the total cost to the pension fund would be around £3 million.

SUPPLEMENTARY TO QUESTION NO. 118 OF 1997

HON R MOR:

If one has a figure of those people reaching 65 why is it that they have not got a figure for those reaching 64, 63, 62 and 61?

HON CHIEF MINISTER:

We know that they reach the age of 65 because they knock on the window at the Social Security Office and ask to be paid a pension.

HON J J BOSSANO:

The figure of 850 males as the cost of reducing pensions to the age of 60 is an extrapolation from the fact that 170 reach 65. Is there an indication of how many of those 170 are Gibraltarians or British inclusive of Gibraltarians and how many are not?

HON CHIEF MINISTER:

There is an indirect source of indication which is comparing that figure, the figure which annually reach pensionable age and collect a pension by comparing that figure with the number of people that roughly annually become entitled to start collecting Community Care, by comparing those figures it is possible by a process of deduction to work out the answer that the hon Member seeks.

NO. 119 OF 1997

THE HON R MOR

SOCIAL SECURITY - INCOMPLETE CONTRIBUTION RECORDS

Have Government now completed the exercise which they announced in 1996 on establishing how many insured persons were prevented from contributing to social insurance because of the £500 earnings limit?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government have not yet completed the exercise of identifying how many persons have incomplete contribution records because they were prevented from contributing because of the £500 earnings limit, nor how much would be the cost of paying all such persons a full pension. However the organiser of a group of affected persons has recently submitted to Government a list containing 101 names.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1997

HON J J BOSSANO:

I take it that the Government will take a policy decision on whether they are able to reopen the opportunity for these people to be brought in once they have assessed whether it is just the 101 or there are more?

HON CHIEF MINISTER:

Yes, there is then also the question of calculating the cost because, of course, they have all got different amounts of incompleteness.

NO. 120 OF 1997

THE HON R MOR

SOCIAL SECURITY - INCOMPLETE PAYMENT RECORDS

Can Government confirm that provisions in the Social Security (Closed Long-Term Benefits and Scheme) Ordinance and the Social Security (Open Long-Term Benefits and Scheme) Ordinance will allow for regulations to be introduced enabling deficient contribution records to be made up?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government are reviewing the position of pensioners with incomplete payment records in respect of periods of work in Gibraltar during which contribution was not compulsory or possible. Government will in due course introduce whatever statutory provisions are necessary to implement whatever action we may decide to take in this respect.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1997

HON R MOR:

Do the Government accept that it can be done through the Closed and Open Schemes by Regulation?

HON CHIEF MINISTER:

I cannot give an answer to that question. I think the question is whether there is enabling power in the Ordinance that would enable that registration, that is a purely legalistic question. If it exists, it exists, and if it does not, it will be put in or alternatively we would do it by primary legislation but I cannot now answer the question whether the section that enables the making of regulations would enable such regulations to be made ultra vires to the Ordinance.

HON J J BOSSANO:

Then in fact it is not that the Government when preparing the Ordinance that was brought to the House deliberately had in mind having an enabling provision there which they would use in the future? That policy decision was not taken at that stage?

HON CHIEF MINISTER:

The hon Member knows that the Government have made a different policy decision which impacts on his question which is that for a completely different set of reasons we wanted the legislation to be the same as the old one and there were no exceptions made to that. It was not that we made a conscience decision not to put this power for any reason.

NO. 121 OF 1997

THE HON R MOR

SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND

Can Government state what was the balance of the Closed Long-Term Benefits Fund as at the 31 March 1997, showing the amount from UK and local funds and the expenditure in 1996/97, in payment to former Spanish workers and to pensioners from local funds?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The forecast balance of the Closed Long-Term Benefits Fund as at 31 March 1997 is £7.5 million.

Receipts from UK totalled £6.1 million from which payments to Spanish pensioners were made totalling £5.9 million.

Payments of local pensions totalled £4.2 million.

Other receipts of the Fund totalled £11.6 million which includes a transfer from the Transitional Interim Payments Fund of £11.3 million.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1997

HON R MOR:

As I understand from what the Minister has said, £5.9 million have been paid to Spanish pensioners during 1996/97 is that correct? If I may refer to Question No. 50 of 1997, during a supplementary the matter was raised as to how much the Junta de Andalucia was claiming that they had advanced to Spanish pensioners and the Chief Minister said, yes that he knew the figure and he quoted three and a half billion pesetas, and he continued saying, "which I understand is about £40 million, depending on exchange rates". If the Junta at the very most have advanced £6 million for each year, at the very, very most because that includes all the Spanish pensioners, it is not possible that they could have advanced £40 million in three years. Do the Government have any explanation for that?

HON CHIEF MINISTER:

The Government neither have nor need an explanation. What figure the Junta de Andalucia wants to claim it has paid is a matter entirely for them and that is complete inconsequence to the Government. So I note that the mathematical calculation that the hon Member has made and it would seem to put into some doubt the figure that the Junta de Andalucia has published both to me and in the Spanish press but one way or the other, whether the Spanish figure is right or wrong, it is completely inconsequential to Gibraltar because we could only ever be talking at the most of what these people would have been entitled to collect from the

Gibraltar fund. If the Junta de Andalucia is inflating the claim of what they have claimed to have paid well this is terrible but I do not see that it is any of the hon Member's business or indeed mine.

HON J J BOSSANO:

I take it from that reply that in fact the Government are not involved in any way in making payments direct to the Junta de Andalucia, from the answer that has been given, in respect of past advances made to Spanish pensioners and that therefore Spanish pensioners coming here will collect what is due to them retrospectively and it is up to them to make whatever arrangements they want to make with the Junta?

HON CHIEF MINISTER:

Yes, before I answer the Leader of the Opposition's supplementary, one of the possible explanations for the mathematical conundrum that the hon Member has put his finger on is, of course, that the Closed Long-Term Benefits Fund has not existed for a full 12 months period and this is an answer to the question of in effect how much has been paid out of the Closed Long-Term Benefits Fund from the date that it commenced, which I think is from memory 1 October 1996 to 31 March 1997, which is what the question asks. In other words, the answer is not the total amount paid out in pensions because that is not what the question asks. The question asks how much had been paid out of the Closed Long-Term Benefits Fund which, of course, did not come into existence until the 1 October 1996. In answer to the Leader of the Opposition's supplementary, it has got to be borne in mind that any payment that may be made to the Junta de Andalucia in repayment of payments that they may have made to ex-Spanish pensioners would be made out of United Kingdom money and not out of Gibraltar money and therefore it would be a matter entirely for the United Kingdom to calculate how much would need to be paid out, to whom it would pay it out, whether it would pay it out and what the pre-conditions might be for paying it out. So this is not a Gibraltar exercise; in any way, it may well be that if the United Kingdom Government decide to do all those things they may ask Gibraltar's administrative machinery to do it for them as an administrative act but we have not yet arrived at that stage and what I have indicated to the Junta de Andalucia is that if the United Kingdom Government agreed to pay it directly to them then Gibraltar's administration would be willing to co-operate administratively. But it would always be with the United Kingdom money given that these are Spanish pensioners. This is arrears of Spanish pensioners and this is a matter for the United Kingdom Government and not the Gibraltar Government.

HON J J BOSSANO:

At present what is happening is that in accordance with the provisions of the Closed Scheme Spanish pensioners can come along and claim retrospective payments to the middle of 1993, is that not the case?

HON CHIEF MINISTER:

Theoretically they would be at liberty to do so. For some inexplicable reason they have not and I can only assume that they are under instructions from their own administration not to do so but, certainly, they have that entitlement under the laws of Gibraltar.

NO. 122 OF 1997

THE HON J J BOSSANO

SOCIAL SECURITY - SOCIAL ASSISTANCE FUND

Can Government state what is the forecast outturn of the Social Assistance Fund in 1996/97 giving a breakdown of income and expenditure items?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The receipts of the Fund are forecast at £16.9 million and the payments at £11 million.

Taking into account the balance of £0.5 million brought forward from the previous year, the forecast closing balance of the Social Assistance Fund at the end of the financial year 1996/97 is £6.4 million. I have got the details here.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1997

HON J J BOSSANO:

Has the Minister got the details there? I have got the details that were given in Question No. 73 of 1996, but I want the up-to-date figures.

HON H CORBY:

Is it necessary for me to read them?

HON J J BOSSANO:

Until I hear or read the answer I do not know. Estimated outturn in respect of the grant issued to the Gibraltar Health Authority is shown at £7.3 million and in answer to Question No. 73 it was estimated to be £9 million. Is there a particular reason for the fact that it is less than was originally expected?

HON CHIEF MINISTER:

One possibility may be that the previous answer was a Health Authority forecast whereas this is a Treasury exercise. This is the account, so this is what was needed by way of Social Assistance Fund subsidy in fact, so this is the real figure and the previous one was an inaccurate estimate.

HON K AZOPARDI:

Yes, the figure that I gave earlier was an estimate, it was given to me by the General Manager of the Health Authority with the caveat that it might be inaccurate because it was based, as the Leader of the Opposition knows, the contribution from

the Social Assistance Fund comes from pure grant to the Health Authority and a figure representative of a sum proportionate to the unemployed, for example, and it was a figure which he gave to me with the caveat that it might be inaccurate because the Financial and Development Secretary's Department was assessing the number of unemployed and I am sure that that figure, no doubt, is more accurate than the figure he passed on to me as a rough estimate without having had the guidance of the Financial and Development Secretary's Department. So I suspect that the figure that my hon Friend, the Minister for Social Affairs, has just given is the more accurate figure but that, no doubt, will be seen once the accounts are audited and then laid before the House as the Health Authority Ordinance requires.

HON J J BOSSANO:

I was not comparing the £7.5 million that he gave in an earlier answer to the £7.3 million; I was comparing it with the answer to Question No. 73 of 1996 when the anticipated requirement for the year would be £9 million and, of course, there is quite a substantial difference between £9 million and £7.3 million. Since, in fact, the cost of the Health Authority appears to be as expected in the region of £22 million, the requirement for £9 million apparently is no longer there if there is only a need for £7.3 million, it must be presumably because receipts from other sources are higher than expected, is that the case? Is this a residual figure?

HON CHIEF MINISTER:

No, because the provision that was given in the answer to the previous question earlier on in 1996 was a comparison with the budget of the Health Authority. If the hon Member remembers what the budget of the Health Authority was, it was in fact a lower figure than the outturn, when he sees the accounts of the Health Authority. So there has not been £1.5 million, or whatever the difference of the mathematics is, there has not been that amount of reduction in expenditure in the Health Authority nor has there been any such equivalent amount of increase in alternative sources of revenue to the Health Authority. This is just the usual comparison between outturn and as compared to original estimate. All it proves is that the original estimate was an over-estimate and that often happens, especially in the Health Authority.

HON J J BOSSANO:

If in fact the Minister is accurate in saying that it was assumed that £9 million would be required at the time the budget was produced and the final figure is higher than the budget and the receipts from other sources have not gone up, then the mathematics of it do not make sense because either it is because they spent less money than they expected or because they have received more money than they expected that they find that they do not need the £9 million after all.

HON K AZOPARDI:

I do not have the figures in front of me so the Leader of the Opposition will bear with me as I say this but the House was told when I made that estimate that the estimate of expenditure at the time was, I think, just over £23 million and so there is obviously

an £800,000-odd difference and therefore deduction from the sum of money that is required from the Social Assistance Fund to the Health Authority and so that caters for a great bulk of the reduction from the £9 million. There may be a slight increase from other sources like, for example, the GPMS, I do not know what I said was the estimated revenue from the GPMS last time but I suspect again it might be slightly under, £13.6 million, well that together with the reduced final figure that we have in expenditure covers the point of the difference between the £9 million and the £7.3 million.

NO. 123 OF 1997

THE HON J GABAY

EDUCATION: STUDENT TEACHERS

Will the hon Minister for Education state how many teachers undergoing training will be completing their studies by September 1997 and how many will be absorbed by the Department of Education?

ANSWER

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

We have 14 students undergoing training and finishing at the end of this term who have submitted applications in response to the Government's advert for qualified teachers.

All these applicants have been interviewed by the Public Service Commission, together with other applicants, and all the 14 have been wait listed to cover any vacancies that may arise within their relevant specialism and levels. At the moment within the established complement we can envisage four full-time and one part-time vacancies, as a result of teachers who have retired or are due for retirement by the end of this academic year.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1997

HON J GABAY:

Just simply adding to the useful information that has been given by the Minister, might it not be a good idea in fact in order not to disappoint and lose some of these younger teachers that will have trained as qualified teachers, to consider how many teachers are on supply that might be moved out of the way since many of them are retired teachers on pension, so that to open the door even more to these young newcomers and perhaps even in some cases to promote early retirement?

HON DR B A LINARES:

I agree entirely with the suggestions and I am grateful for them. They are options that are currently being analysed and studied by the Department in order to maximise the chances, as he put it, of these new and enthusiastic qualified teachers of obtaining employment within the Department.

NO. 124 OF 1997

THE HON J GABAY

EDUCATION: CO-OPERATION WITH MANCOMUNIDAD DE MUNICIPIOS

Will the Minister for Education describe the results of the Government's initiatives on co-operation with the Campo Area on educational matters?

ANSWER

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

One of the three working commissions established between the Gibraltar Government and the Mancomunidad de Municipios with a view to inter-regional co-operation is concerned with matters related to Education, Culture and Youth.

The Commission has met formally on one occasion and consequent to this, informal contacts have been regularly maintained by officials on both sides. The formal meeting consisted of a long working session based on an exchange of information about the systems, structures and operations which make up the educational and cultural provision on both sides of the frontier.

As a result of these exchanges, a number of practical activities have also taken place. The Ayuntamiento of La Linea has offered us a Calendario of Educational Events and Activities in which our school children and teachers are welcome to participate - some of these may well be taken on board by particular schools in Gibraltar at the appropriate level in their time tabling for the next academic year.

On our part we have organised for school children in La Linea, educational tours of Gibraltar highlighting our history and our heritage. Seventeen schools from La Linea have availed themselves of this facility and it has proved an extremely popular venture which on all accounts has led to a better understanding among the youth over the frontier of our unique history and identity.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1997

HON J GABAY:

It is quite clear from the report given that not much has been achieved on this front. Would the Minister, in fact, not consider that under the present climate of hostility that such attempts, however enthusiastic, to establish a relationship would be doomed to failure and following upon that the comments made by the Mayor of La Linea recorded in the Chronicle of today, do they not also give the impression that very little importance is attached to these contacts which we tend to be promoting and to which they do not respond fully and possibly it might have been a little naive to enter into them with such enthusiasm?

HON CHIEF MINISTER:

No, the hon Member does not describe the situation with which the Government can agree. The Government of Gibraltar's willingness to offer facilities in Gibraltar to school children from Spain does not depend on the quality of the behaviour of politicians on the Spanish side and that is one of the things which I think differentiates us from many people on the other side and it is a distinction of which the Government are proud and which the Government intend to continue to maintain.

HON J GABAY:

Perhaps then the Chief Minister might be able to consider that it could have an adverse effect inasmuch as it could be interpreted on the other side as some sort of mendicant appeasement on our side. Under normal circumstances of course we would all like this sort of mutual co-operation on educational matters but does it not seem ridiculous that whilst we are hugging the children coming over from their side, at the very frontier ours are forbidden entry on a collective passport? I totally agree that it is a very noble approach but may not this intensify the hostility of Spain since it takes it as a point of weakness on our part and as I refer again the comment by Senor Pons reflects this?

HON CHIEF MINISTER:

No. Of course this is a matter of judgement and implicit in the hon Member's supplementary, is his judgement on the matter but this is a matter of judgement. It is not the Government's judgement that making school exchange facilities available to Spanish school children and other manifestations of local co-operation not just in relation to the field of education. It is not the Government's view that that is capable of constituting appeasement. Frankly, we think that every time that we allow a set of Spanish school children into Gibraltar in a civilised, democratic, responsible, European way and the Spaniards then cause problems for a group of our school children in an undemocratic, uncivilised, un-European way, Gibraltar climbs one notch higher the ladder of the moral high ground generally in the matter of its political disputes involving Spain. We think, frankly, that the qualitative difference that the people of Gibraltar can deploy in favour of innocent Spanish citizens notwithstanding the degree of harassment and oppression to which we are subjected at the hands of the Spanish State is something which makes the people of Gibraltar bigger than the Government of Spain and we think that that is something from which Gibraltar gains rather than loses both politically and internationally.

HON J GABAY:

I was not doubting the major premise that has been referred to by the Chief Minister, far from it. The point I am trying to stress is that by giving it at a very high level of Government at its early stages such enormous importance, such great enthusiasm was bound, in a way, to create expectations on the other side that were unwarranted and therefore the feeling is that they appear to be feeling that they are making a concession to us. I see that that is rather dangerous, that is the point I am making.

HON CHIEF MINISTER:

Well, of course I cannot answer for unreasonable expectations that other people may develop but if anybody in Spain thought that our willingness to exchange school trips and otherwise co-operate at this level in the sense that the relationship between the Mancomunidad de Municipios and the Government of Gibraltar, that any of our willingness to do that reflected any degree of willingness to bend on the fundamental political questions affecting Gibraltar and its future, then they were very ill-advised to form any such expectations which do not flow naturally. We have always distinguished between our position in respect of local co-operation and our position in respect of matters such as sovereignty and other matters of that kind. So if they have developed such false expectations it cannot be because we have not been totally clear about the distinction which we make between the two things and which indeed they claim that they were able to about the two things. I cannot honestly answer with any certainty whether there are dashed expectations but if there are it is not expectations that they were entitled to come to by any comment or act of the Government.

NO. 125 OF 1997

THE HON J GABAY

EDUCATION: SAFETY OF PUPILS

Will the Minister for Education take steps to ensure the safety of the pupils as well as the orderly flow of traffic at South Barracks School and at the intersection of Bomb House Lane across to the Holy Trinity Cathedral?

ANSWER

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

No representations have been made to my Department which indicate any notable variation in the flow of traffic or the safety hazards in these particular areas since 16 May 1996 when this administration came into office.

However, this rather belated concern demonstrated by the Opposition will certainly be taken on board by our Department and I have already instructed that the matter be referred to the Traffic Commission to advise accordingly so that we can address any difficulties in those areas as efficiently as we have done in connection with the access to the new schools in the New Camp complex and in the access to St Paul's School from the Westside Estate.

SUPPLEMENTARY TO QUESTION NO. 125 OF 1997

HON J GABAY:

I appreciate the steps taken and they are important. The only point I had in mind with regards to the South Barracks School is that there is a long lay-by which unfortunately is not being used efficiently, it would appear that the Traffic Warden deals with the zebra crossing and the rest is left to its own disorderly condition and it does not control the flow of traffic and it does pose a slight danger.

HON DR B A LINARES:

I agree with that. I have personal experience of that because often last year I would take my daughter to the nursery school in South Barracks and I think the essential problem was that the lay-by was not being fully used by some parents, they would actually prefer to stop in the road, drop the children and therefore block the passage to everybody else. I agree that that should be somehow corrected.

NO. 126 OF 1997

THE HON J GABAY

MAY FESTIVAL

Are the Government in a position to explain why this year so little is heard of the May Festival?

ANSWER

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

The simple explanation why it has not been possible to organise a significant and worthwhile May Festival this year is that, in all frankness, over recent years during the previous administration the Festival has been allowed to degenerate to the point where those who may and can contribute to it have been entirely demoralised and demotivated. It has, I confess, not been possible to redress this situation quickly enough to restore the Festival in May this year. However, I can assure the Opposition Member that plans are being made for most of the events and activities that would normally be scheduled for May to take place in early September.

We feel it is appropriate that at this time of the year when we celebrate very specially our Gibraltarian identity and way of life, we should express this in terms of our cultural and artistic patrimony.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1997

HON J GABAY:

It does not seem to be all that long ago that on a particular occasion the Minister for Education was congratulating the former Minister for Education for his enormous contribution in the field of culture, now it appears that he is responsible for the degeneration. Be that as it may, is it not the duty of the Government, in fact, to seek renewal instead of concentrating all the time in what happened before? The question that I would like to raise is, is it not regrettable that the Government have not found the opportunity in the course of a year to inspire the movement and to be able to do something to continue this Festival that has existed, I believe, since 1989, and is an expression of the culture of Gibraltar?

HON DR B A LINARES:

I assure the hon Member that this Minister responsible for Culture is committed to developing the Festival as one of the many expressions of our cultural patrimony. I can inform the House that this will be done in a holistic way, in a rational and total planned co-ordinated manner. For this purpose we are on the point of reconstituting the Arts Council which will have the following defined objectives: To advise Government on public funding of the arts in Gibraltar; to work with individuals and groups involved in the arts and cultural activities; to extend the audience for and participation in the arts; to sustain and encourage the best possible standards of artistic practice; to maximise investment in the arts; to help artists and arts

organisations achieve organisational viability; to build partnership with the business sector and others to extend strategic support for the arts; to build working relationships with other authorities abroad; to widen the scope of artistic and cultural activities in Gibraltar, one of the practical results that I hope will emanate from the Arts Council and which will satisfy, I am sure, the Opposition Member, will be revitalising the Festival of the Arts in Gibraltar at some appropriate time in the calendar year.

HON J GABAY:

Would it not have been preferable to see to the continuation of something that was working well than again to define aims and establish commissions and talk-shops which is never really a replacement for positive action?

HON DR B A LINARES:

It is a question of style and I do confess and admit that my style is not ad hoc....., it is not a question of a hodgepodge of events as they come but actually placing everything in a co-ordinated manner and whether I am right or wrong that is the way I operate and I feel it is within the context of a developmental programme established by an Arts Council that our festivities and our expression of culture will be so much more significant and meaningful.

NO. 127 OF 1997

THE HON J GABAY

EDUCATION: OFSTED REPORT

Will the Minister for Education make available to this House the Report it has received from Ofsted Inspectors in their assessment of our schools' provision for children with special needs?

ANSWER

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

We have now received a draft report from the Special Educational Needs Auditors who recently assessed our provision for children with special educational needs. This draft report includes the main findings and recommendations. The audit team have suggested that their report be the subject of wide, professional consultation with relevant parties, such as educational advisers, head teachers, the teachers union etc, and in this consultative process I would be very pleased to include my hon Friend opposite.

At the end of this consultation process and in the light of it, the Government will decide whether publication or otherwise is the best way forward in order to achieve, what I am sure the hon Member will agree, is our common aim: to improve in this important area of special needs our children's education.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1997

HON J GABAY:

Just simply, Mr Speaker, to single out the main point. I do sincerely hope that the report will be published and that we shall all have in the House the opportunity to comment, not on a selective basis but probably on the entirety of the report as it affects our children.

HON DR B A LINARES:

I hope I have made myself clear but I have not promised to publish the report. I have said that only in the light of a study professionally and technically, this is a very technical document, we will then assess whether it is effective and the best way forward to publish in total the report. I do not want the hon Member to go away with any misconception of my position.

HON J GABAY:

This may well be the source of our worries in the sense that technical reports should be aired, particularly in the House, so that we do not resort simply to quoting technicians, experts and specialists and so forth and avoid taking the responsibilities that we are here to take in this House.

HON DR B A LINARES:

Airing a report is not necessarily why publication opening itself to misinterpretation, I have I think very generously included the hon Member as a Member of the House and as a Member of the Opposition to share in this consultative process and I hope and I think that at the end of the day reaching a consensus as to the best way forward to operate and implement the recommendations in this report.

NO. 128 OF 1997THE HON J GABAY**EDUCATION: ST PETER'S SCHOOL**

Will the Minister for Education assure the villagers of Catalan Bay that it will not close down St Peter's School?

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

The Government have already given formal notice to the parents of children in St Peter's School that as from September this year, the start of a new academic year, the children will be integrated in Notre Dame School or in other established first schools that the parents may choose.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1997

HON J GABAY:

Obviously in this particular case, unfortunately, action has been taken rather quickly. Is the Minister however not aware that the decision runs counter to the unanimous decision of the Parents' Association of St Peter's School and of the wider community of Catalan Bay? Furthermore, given the thinness of the arguments given on grounds of safety and education, can he blame the committee for feeling that there is some unexplained ulterior motive in this move?

HON DR B A LINARES:

I think in order to avoid indulging in a nebulous debate with vague value judgements which can only lead, and I mean this seriously, to confusion in a very emotive situation I think the best contribution I can make to the House in this respect is to focus on the essential and educational grounds on which the Government have taken this, to some extent, painful decision because to break with tradition is always painful. The Government's duty is to ensure that the national curriculum is delivered in all our schools and to all our children including the children of Catalan Bay. This is a statutory and legal requirement. It is also, we believe, in the best interests of the children. The national curriculum as far as years 1 to 3 are concerned, consist of a study of the following subjects:- mathematics, English, science, known as the core subjects; design technology, information technology, history, geography, music, art, physical education, which are known as the other foundation subjects. Religious education forms part of what is called the basic curriculum. This means that for the first time our legislation forces schools to teach all these areas, the situation where what was taught in individual schools was decided by the head teacher has gone. Each subject has associated with it - (1) attainment targets which really define the objectives to be taught, different subjects have different numbers of attainment targets; (2) programmes of study which explain in some very close detail the content to be taught at every stage; (3) assessment procedures which enable teachers to assess children's progress against national levels of attainment as defined by the

level descriptions. Although, Mr Speaker, there is no prescription as to the time to be spent per week in teaching each subject, the national curriculum orders, revised recently by Sir Ron Dearing, were written with certain times allocations in mind. It follows that a specific time needs to be spent on teaching all these subjects. In addition there are what are called post-curricula fields - health education, environmental education, careers education which need to be included as part of the overall curriculum. All this needs much planning especially as the curriculum needs to be designed to ensure continuity, progression and breadth without forgetting the difficult matter of differentiation, that is, teaching at the appropriate level according to the children's abilities. The latter implies constant monitoring of children's progress by employing appropriate assessment techniques. In a small school like St Peter's it is physically, mentally and professionally impossible for two persons, the head teacher and the other teacher, to plan and deliver adequately all these aspects and requirements of the national curriculum. The problem of delivery is compounded further by the need in this school for what is called vertical grouping, that is two different age groups have to be combined into one teaching group, where a teacher may face a very wide range of abilities as well as age. Co-ordination of all national curriculum subjects to ensure that middle schools receive as coherent in terms of subject coverage a group of children as possible is done by what we have constituted as national curriculum working groups. There is one working group for each curriculum subject. These groups are made up of representatives from all schools who meet regularly and frequently. Each one of these is a teacher who has been assigned that specific responsibility to plan the scheme of work for the subject and in the main these are promoted teachers with an allowance specifically given to take charge of this subject. Again, it would be totally unreasonable, whereas impossible, to expect two teachers, one of whom is unpromoted anyway, to attend all meetings of all these groups and be able to cope and register and assimilate the volume of planning which regularly issues from all these groups. In conclusion, Mr Speaker, the Department of Education is legally bound, as a statutory requirement, to ensure that the national curriculum is planned, implemented, delivered and properly assessed in all our schools. It is clear to the Department's Educational Advisers and indeed outside expert inspectors that this is not possible within the constraints of a small school such as St Peter's. To perpetuate this situation would not only be breaking the law but to act in detriment of the educational advancement of the children of Catalan Bay. The Department of Education has therefore decided to integrate these children in Notre Dame School where they will greatly benefit from the wider resources and the stimulating academic experience that only a large school can offer. Although lacking in practical experience of these matters, and I say so with respect, not given his intellectual acumen, the hon Member may understand the rational and the educational argument I have presented to this House. I trust, and I am sure he will not dishonourably by-pass these arguments simply to make cheap political capital out of this emotive situation.

HON J GABAY:

Forgetting the last reference of cheap political propaganda, I think we should all thank the Minister for Education for pointing out to us in no uncertain manner what an incredible bureaucracy the national curriculum has become when we are dealing with children from the ages of four to eight, anybody would have thought he was talking about university level education. But be that as it may, perhaps one of the great dangers, if you will allow me to extend myself a little, is to interpret this as if it were doctrinal and dogmatic and to give the parents of Catalan Bay the impression

that he has given them that some terrible disaster awaits them unless they are subjected to the totality of this dogma. The reality, in fact, is quite different. If the Minister had been down to Catalan Bay and discussed the matter with the parents he would have realised, first, that they do not accept his assessment that children have received a substandard education for the last few years. Secondly, they do not accept either the grounds of safety which it appears the Minister has left out today. But perhaps the most important thing is this, the parents were trying to point out the tremendous importance of the little church and the little school and their club as threads of a very closely-knit community, to talk about education to exclude what a community school means within the only village that we have in Gibraltar is rather absurd, all political differences apart. The process of consultation as well has distressed the parents, there has in fact and they have told the Minister this, there has been no consultation at all, they have received a dicta, there were only two meetings; one of them was to discuss the move to the social club and the other one was more or less simply to state the Minister's case about the divinely appointed national curriculum and the terrible dangers of not adhering to it to the letter of the law. One thing that saddens them is the lack of appreciation of the fact that the village has an identity of its own, it is an extended family and that one of the pillars of that identity happens to be the school and that there is a very important relationship between church, social club and school. In fact, I would like to remind the Chief Minister that had it not been because the parents were actually involved in communion services, *[Interruption]* Mr Speaker has decided to be kind.

MR SPEAKER:

You are coming to it.

HON J GABAY:

I hope it is comparable to what we have already heard. So to bring this wonderful question to an end, let me just simply say that they would have come here to see the Chief Minister to plead with him to spare the community school.

HON DR B A LINARES:

Mr Speaker, the Opposition Member, with respect, has indulged in precisely the type of value judgements and nebulous concepts that I think I seriously believe should be avoided now between professionals and focusing on the essential aspects. But there are three, because he said quite a lot, but I can pick up, first of all, is the question of the national curriculum. Whether he likes it or not and I respect people who do not like it, it is a matter of legal obligation. It is established in Gibraltar through the 1990 Regulations, by the previous administration, as a result of wide consultation among all the professionals and parents who naturally saw that in spite of all this bureaucracy and there have been many complaints about those aspects, in fact as the House knows, Sir Ron Dearing was contracted precisely to prune and try to bring the more feasible and viable operational manner the heavily bureaucratic and administrative aspects of the national curriculum. So I respect those opinions but I come back to the essential concept, that it is required by law, by the Education Ordinance, National Curriculum Regulations 1990. Why did the parents, why did the professionals at the time, why did the Government at the time feel that it was a good thing to establish this legislation? I can tell the House very simply because by tradition the education of Gibraltar has been modelled, one might say sometimes by necessity but it has been modelled on the British system of education and the

national curriculum, as the House knows, is established in Britain with all its warts as the system of education in Britain and it was important that in Gibraltar we should model ourselves; we did tailor many of the aspects to our own needs but we did feel that substantially we should model our system of education on the British system because otherwise many of us who have benefited from higher education in Britain, this does not come out of the blue, it comes going through the whole curriculum process that starts with first schools like St Peter's and then with our 'A' levels that give us the pass to higher education in UK, British higher education institutions and universities. So the people naturally and instinctively saw, the professionals and parents, that the national curriculum, warts and all, and I do sympathise with some of the criticisms that the hon Member has made, was important for Gibraltar and established it as a matter of law from the age of five to 16 and there we have got it and it is the duty of this Government to see that it is implemented and established in all our schools. That is the question on the national curriculum. On the question of consultation, well he saw me looking at a dictionary in the lobby some time ago, what I was looking for was the Latin root of the word consultation and I found that it comes from the Latin word "consulare" which actually is further rooted in the word "consul", it means to rule as a consul and in the context of the Roman Republic to rule as a consul was not a very democratic process. Consultation is linked essentially to a process of government, it does not mean consultation that the decision is abrogated by those who are consularly appointed to Government. Consultation, let me put it in short, is a means of good government, it is not a substitute for good government. Then there is the question of tradition. I said before that I sympathised and I understand the attachment, the feelings, the sentiments of the people in Catalan Bay as a coherent community to their institution, to their school, to their church, I have shared all that for many years, I assure the hon Member. But traditions, whether we like them or not, do go, for better or for worse, they do go and we see that in many aspects of social life. In education, for instance, I can think of the tradition of the Christian Brothers. They went, they gave way to local professionals. I can think of the tradition of the Grammar School that both the Opposition Member and I would relish but the Grammar School went and gave place to Comprehensive. May I inform the House, by the way, that this year we mark the 25th Anniversary of the start of Comprehensive in Gibraltar. The Department of Education is now preparing to mark this appropriately. But there is the Dockyard School, I am sure that some of the Members of this House will also, with nostalgia, remember the Dockyard School. The Dockyard School went with the dockyard. May I say, another tradition relished by many people in Gibraltar is Governor's Meadow School at Alameda Estate which exactly at the same time as St Peter's School is being closed down by the Government in September because of the need of demographic movements that need to be accommodated and that is happening this year. So that is so much my argument in answering the hon Member's appeal to tradition. Mr Speaker, I thank you for indulging also in an extensive answer.

MR SPEAKER:

You are not going to answer, are you?

HON J GABAY:

Mr Speaker, since we are being treated to longer speeches that I have been making maybe I am allowed just a couple of minutes. Firstly, in the review of the educational system that we have been treated to there seems to be a certain fatalism that things happen, that these doctrines of education are totally fundamental that they cannot

be questioned and at the same time anything to do with the meaning of the family, the extended society. All the various pillars that give it cohesion, these are to be discounted as pure nostalgia, things that we look at in the past but unfortunately the world changes. Fortunately the world changes precisely because of that attitude, it is almost like the theology of the inevitable. Thank you, Mr Speaker.

HON J L BALDACHINO:

The Minister said that Governor's Meadow also fell within the same parameters as St Peter's but there is a difference. The Minister knows that the parents of Governor's Meadow are in favour of the move and that must have been taken into consideration by the Minister when he made the decision of moving.

HON J GABAY:

I was saying that in the context of tradition. That also the tradition of Governor's Meadow in Alameda Parade in those pre-fabs that go back to the time when Humphries was constructed and all that, carries the weight of tradition and nostalgia feeling but that is being eliminated now because of demographic necessity.

MR SPEAKER:

That is the end now.

HON CHIEF MINISTER:

Yes, absolutely the end.

MR SPEAKER:

Do not be controversial please. The Leader of the Opposition wants to say something.

HON J J BOSSANO:

I want to ask some specific questions.

MR SPEAKER:

All right.

HON J J BOSSANO:

Can I ask the Minister from the explanation he has given here, in fact, does it follow that the question of the safety of the school which was the original reason given is totally irrelevant and that the Government would have wanted to shift the school and close it down even if there had been no rockfall?

HON CHIEF MINISTER:

The decision taken on educational grounds to close the school would have sooner or later been taken regardless of the question of rockfalls. But the question of the rockfall has in effect brought the matter to a head sooner than it might because there

are now questions of reprovision, there are now questions of relocation, there are now questions of, well do we want 20 children sitting at the foot of a mountain which the parents say they would regard as unsafe even if the experts declare it safe, and in the context of all those issues it was logical for the Government not to grapple with such considerations if in any case it was contemplating the closure of the school. Certainly what the hon Member suggests is true; the problems of the rockfall is not the reason why the school is being closed although it is the reason why the school is being closed at this precise point in time.

Whilst I am on my feet, Mr Speaker, I have just one observation to make in relation to the point made by the hon Opposition Spokesman for Education when he referred to the village having an identity of its own. The identity of Catalan Bay Village does not depend on them being able to send their children to a first school in the village just as the identity of Catalan Bay is not diluted by the fact that before they have been to St Peter's First School they left the village to go to a Nursery School and after they come back to the village to go to a First School, they then go out of the village again later on in life to go to a Middle School and that then they stay out of the village to go to the Comprehensive School. Given that three out of their four stages of the educational process is outside of the physical confines of the village, I can see no argument to suggest that this is an attack on the separate identity such as it might be of the Catalan Bay Village.

MR SPEAKER:

We will adjourn for 10 minutes.

The House recessed at 7.30 pm.

The House resumed at 7.45 pm.

HON J J BOSSANO:

Can I ask, in relation to the fact that to some extent the timing of the closure at this point in time, whether or not it would have been an inevitable decision in the future, has been triggered by the problem created in the school, does that not mean in fact that the legal obligation which apparently has been there since 1990, is not of such a nature that the Government are compelled to close the school? That is to say, if they have got that flexibility to have decided to do it later rather than earlier it cannot be as rigid as the Minister was saying?

MR SPEAKER:

I will call on the Chief Minister and if he gives the answer I suppose that is the end of this.

HON J J BOSSANO:

Well, I wanted to ask, Mr Speaker, whether in fact since 1990, given that the whole purpose of the exercise of the national curriculum is as the Minister has stated, that it is the ground level of a projection so that people eventually get to 'A' levels and enter tertiary education in UK, is there any evidence that the pupils that have not apparently been given the widest exposure to the national curriculum have done less well by being in the Catalan Bay School than they have done, is there any

indication of that? If it was possible for the Minister to demonstrate to the parents that their children would benefit academically and that they have been missing out, presumably some of the objections would not be there anymore?

MR SPEAKER:

I have given leave for the Leader of the Opposition to ask a question. There will be one and final answer.

HON DR B A LINARES:

The Leader of the Opposition knows as a statistician that when one has a very reduced sum it is very difficult to detect the significant pattern in any form of survey. My answer to his question, in fact, in terms about how the children have fared educationally is to say that some children in Catalan Bay have done very well; others have been average and others have been very poor over the years. That is not the point. The point is that within the framework, within the provision of the national curriculum perhaps all of them would have done even better.

NO. 129 OF 1997THE HON MISS M I MONTEGRIFFO**GASA : ALLOCATION OF ADDITIONAL LAND**

Can Government state whether they have received any representations from the Gibraltar Amateur Swimming Association for the allocation of an additional area of land next to their existing swimming pool, for the construction of their premises, since September 1996?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government received representations from the Gibraltar Amateur Swimming Association requesting the allocation of an additional area of land next to their existing plot in order to construct club house premises.

Government considered and approved GASA's request and have already communicated this to GASA.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1997

HON MISS M I MONTEGRIFFO:

Just for information purposes, can the Minister say when he actually received the request?

HON LT-COL E M BRITTO:

No, Mr Speaker, I do not have that information at hand.

HON MISS M I MONTEGRIFFO:

Again, in order to be able to evaluate the extent of the land that they have requested, can the Minister say exactly how much land they have requested from the present Government? They did request land from us and we did agree to give it to them in principle, I just wanted to compare exactly whether it is the same square metres that they asked of us.

HON P C MONTEGRIFFO:

I cannot help the hon Member about specific metre sizes but the area of land in question is essentially a strip of land to the north of their current site so that they would have the ability to construct an element of further aspect to their clubhouse and it would also allow for the potential extension of the swimming pool to a longer length in the future. They preferred an extension towards the north rather than another area so as to facilitate the possible extension out rather than anything else.

HON MISS M I MONTEGRIFFO:

Will the Minister agree to write a letter and explain exactly what we are talking about insofar as the area is concerned and what will be made available to GASA and the conditions?

HON P C MONTEGRIFFO:

Absolutely. I am happy to provide or my hon Colleague perhaps can provide the details of the decision taken by the Government on this matter and the precise area of land in question.

NO. 130 OF 1997HON MISS M I MONTEGRIFFO:**GIFSA : FINANCIAL ASSISTANCE**

Are the Government prepared to meet the cost of the funds required by GIFSA in order to attend a meeting of the International Federation in Luxembourg next month, in which they will present their application for membership?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government have already provided substantial financial assistance to the Gibraltar Federation of Sea Anglers in order to enable them to attend the World Congress of the International Sea Fishing Federation, (FIPS), to be held in Luxembourg next month, at which Gibraltar's application for membership will be considered. Advice and resources have also been made available to GIFSA by the Sports Department to assist them in their endeavours.

SUPPLEMENTARY TO QUESTION NO. 130 OF 1997

HON MISS M I MONTEGRIFFO:

Fine, but I do not think that the Minister has answered my question. He has said that substantial resources and funds are being provided. What I am asking the Government and the Minister for Sport specifically is to say whether they are prepared to meet all the costs or the funds required for them to attend the meeting at Luxembourg?

HON CHIEF MINISTER:

The Government are willing to meet the cost of a reasonable size delegation and we have provided them with all that they have asked us for but if a particular association wants to send a larger delegation than is strictly necessary to represent those interests of Gibraltar that the Government think worthy of financial support, then it is not fair to saddle the taxpayer with the additional costs. So we cannot say that we are going to provide all the costs because that requires a value judgement on the size of the delegation in this particular case.

HON MISS M I MONTEGRIFFO:

As I understand it, I think we are talking about four members of GIFSA to represent Gibraltar and we are talking about a very important event where the Spanish Government are lending support to their Federation in order to try and stop Gibraltar from being accepted by the International Federation. Do the Government not accept that in view of the importance of this venture that we are talking about a couple of thousands of pounds it is peanuts compared to the budget of the Gibraltar Government and that they should be prepared to fund the costs of those people who GIFSA now believe are required when we are talking about a situation where

they will have to represent their case in a meeting where over 30 members of the European Union will be represented.

HON LT-COL E M BRITTO:

Essentially the Government do not share that view, let me explain. The Government have agreed to fund the total cost of what it thinks is a reasonable delegation and that is two persons. The requirements of this sort of nature that are put before us have to be equated and valued against the requirements and the requests of other associations for similar projects. We have the GFA on a similar quest with FIFA and this is something, as the hon Member knows, that has happened in the past and will no doubt happen in the future. As the hon Member also knows it has been the policy both under her Government and continued up to now by this Government, to give funds to sporting associations to the order of a maximum of 50 per cent of the amount requested. In this particular case, depending which way one focuses the argument, 50 per cent of the cost of four people has been given which would meet the requirements of GIFSA for 100 per cent of the cost of a delegation of two people has been given which is what the Government consider is adequate for this sort of venture. If one accepts that an association can decide that four is appropriate, then on the next occasion the next event might be even more important for Gibraltar so one would then say that they do not want four, they need eight so where does one draw the line? We think two is enough and that is what has been funded.

HON MISS M I MONTEGRIFFO:

But I wish to remind the Minister that the actual funding is not coming out of the actual grant given to associations or clubs for sporting events. As I believe because I have received the minutes from the Sports Advisory Council, the grant has been given by the Government from another subhead within the Government budget. Therefore I urge the Government, because I like flying the Gibraltar flag, to reconsider their position because it is an extremely important event where the Spanish Government are assisting their federation in their attempt to stop Gibraltar and therefore I continue with my point that this is extremely important and that I would hope that the Government, in view that we are talking about a couple of thousands of pounds, whether they are willing to meet the extra costs involved in what the association locally believe is necessary to get them to Luxembourg.

HON LT-COL E M BRITTO:

What funds the Government decide to debit eventually for this particular project is irrelevant. What is relevant is the principle and the principle is that the Government are not prepared to fund a delegation of four people.

HON J L BALDACHINO:

I understand that the principle that the Minister has just stated is the principle that is used to fund sporting events. What my hon Colleague is trying to impress on the Government is that this is a case where there is a federation which is asking to be admitted into the Federation and there is an objection from the Spanish Federation which is supported wholeheartedly, because I have seen the letter, by the Spanish Government. What we are asking the Government is in that case, seeing that this is something extra than what it normally be a sporting event, which is what the

principle applies to, if they are prepared just to give the extra £2,000 that are required?

HON LT-COL E M BRITTO:

We could argue this forever. I have already said that the answer is no. We have made a decision, the decision is that we will fund in full a delegation of two people; that four are needed is a value judgement. Who says, if one accepts the argument of the hon Member, we should be sending 24 and not four, so where does one draw the line? The other side of the coin is that people should also be looking to provide funds to help themselves. We are prepared to fund in full a delegation of two and that decision has been taken.

HON A ISOLA:

Bearing in mind that the Minister has said that as a point of principle the answer is no and that two is enough. Bearing in mind also that it is Government policy, as a point of principle, I assume to take advice from experts and professionals and bearing in mind that in this case that the appropriate body happens to be GIFSA and that they view that in this case four people is the number that they need in order to put this very important case, should Government not take heed of that advice from GIFSA and agree to send four, after all the difference really is not very much money for the Government?

HON CHIEF MINISTER:

No, the expertise in question here is the expertise at political lobbying and the expertise at political lobbying is held by the Government in greater measure than it is held by GIFSA. Government's judgement is that Gibraltar's case will not be strengthened by sending more than two people. The strength of Gibraltar's case and the commitment of the Government of Gibraltar's case is not measured by the number of bodies that the Government agree to finance to send there. The fact of the matter is that traditionally sporting associations in Gibraltar have only sent one representative to such meetings. On this occasion we have agreed to finance two. It is, let me tell the House not the only support that the Government have provided; the Government have provided support through lobbying directly through Gibraltar Information Offices and the provision of political material that would enable the association to disarm the Spanish arguments much more effectively than would be the difference between two and four people. The sort of arguments that Gibraltar can deploy does not require numbers, it is a question of quality not quantity.

HON MISS M I MONTEGRIFFO:

Just one comment, I think that four heads are better than two.

NO. 131 OF 1997

THE HON MISS M I MONTEGRIFFO

SPORTS DEVELOPMENT OFFICER

Will the Government state the conditions of employment of the new Sports Development Officer?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government's Personnel manager has made an official offer of employment to Mr Paul Holden for a new post of Sports Development Officer within the Sports Department. Until Mr Holden communicates his intention to accept the offer, it is considered inappropriate to make public details of the conditions of employment.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1997

HON J J BOSSANO:

Can I ask whether the nature of the offer of employment is as a civil servant subject to the rules of the civil service?

HON LT-COL E M BRITTO:

No, the answer to that is no. The conditions will be based on the standard offered by Government to contract officers.

HON CHIEF MINISTER:

Which, of course, does not take him outside the category of civil servants, it simply makes him a contract officer on a non-permanent and pensionable but nevertheless still a civil servant.

HON J J BOSSANO:

So the answer is yes, instead of being permanent and pensionable what he is being offered is a position within the civil service subject to General Orders, Colonial Regulations and all the rest of it?

HON CHIEF MINISTER:

The answer is indeed yes.

NO. 132 OF 1997THE HON MISS M I MONTEGRIFFO**GIBRALTAR RIFLE ASSOCIATION - INDOOR RANGE**

Can Government confirm what is the estimated completion date for the construction of the annexe that is to house the indoor shooting range at Europa Point for the Gibraltar Rifle Association?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are unable, at this stage, to confirm what is the estimated completion date for the construction of the Indoor Rifle Shooting Range at Europa Point as part of the Gibraltar Rifle Association shooting complex.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1997

HON MISS M I MONTEGRIFFO:

Can the Minister say who is undertaking the works?

HON LT-COL E M BRITTO:

I do not get directly involved in the allocation of work contractors so I am uncertain but I think it is Community Projects but I cannot confirm that.

HON MISS M I MONTEGRIFFO:

In the last House of Assembly which unfortunately I was not present but I did read the question and answers that was published in February the Minister said that he was going to contract by direct labour and that the Government would save money as a result of contracting out by direct labour. Is the Minister not in a position to know who the works are being carried out by?

HON LT-COL E M BRITTO:

As I said before, I am uncertain at this stage. If I said direct labour I may have meant in terms of Community Projects as opposed to Buildings and Works, for example, from within the Government.

HON MISS M I MONTEGRIFFO:

Therefore what the Minister is saying is that he thinks it is being carried out by Community Projects, will he confirm that in writing?

HON CHIEF MINISTER:

No, the Minister has said that he thinks but he cannot be sure. He will certainly confirm in writing whether his belief was right or wrong. If the hon Member wants to know who is doing the job that will certainly be confirmed to her in writing.

HON J L BALDACHINO:

The only thing why we want to know who is doing the job is precisely because in the last House the question which I asked in my hon Colleague's name the answer was that it would be done by direct labour and we want to know which direct labour is it?

HON CHIEF MINISTER:

If the reality is inconsistent with that answer no doubt the hon Member will think of a good explanation to answer for it.

NO. 133 OF 1997THE HON J C PEREZ**GIBTEL/NYNEX - COMPLAINTS**

Can Government state whether DGIV of the European Commission has replied to the request by Gibtel and Gibraltar Nynex for interim relief arrangements to be put in place whilst it considers the complaints lodged against Telefonica?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government can confirm that DGIV of the European Commission has not replied to the request by Gibtel and Gibraltar Nynex for interim relief arrangements to be put in place.

However, there has been a fundamental change in the facts as they were presented in the original Complaints. The Spanish State has confirmed to the European Commission that in not recognising '350' code, Telefonica was following instructions from the Spanish Government and not company policy.

This means that the Complaints now fall under a different provision of the European Community Treaty, namely Article 90.

To our knowledge, the EC has never granted interim measures in the context of Article 90 proceedings.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1997

HON J C PEREZ:

So what we were told the last time is not correct? The last time we were told that it had changed and it was now Article 90 and that we were asking for interim relief. Is the Minister saying that the Commission has now come back and said that under that Article one cannot ask for interim relief?

HON CHIEF MINISTER:

That is not what the answer says. What the answer says is that the nature of the case has changed. [*HON J C PEREZ: Again?*] No, it had changed. The position is still as it then was that as an Article 90 case the Commission had still not responded and has still not responded and of course it could, at any given time respond and give interim measures but we are not hopeful and neither are the companies because, in fact, according to the legal advice that the companies have received there is no previous case of an Article 90 case on which the Commission has given interim measures. So that although theoretically it is possible, the Commission has not answered but we are not hopeful for the reasons that I have just explained.

HON J C PEREZ:

Would it not help the case of Gibraltar to impress upon the Commission that the liberalisation of telecommunications in Gibraltar cannot take place on the 1 January 1998 unless and until the question of the numbering plan is resolved? Would that not put more pressure on the Commission which, I presume, wants to see European Union Directives applied in all territories of the European Union by the timescale permitted.

HON CHIEF MINISTER:

I was personally in the company with the Minister responsible for telecommunications when he explained precisely that to the Director General of DGIV, Competition Policy, Mr John Temple Lang, in almost exactly the same terms as the hon Member has just suggested. It has not so far had the effect of getting the full weight of the European Commission machinery swung behind Gibraltar's case. But we continue to work at it and it is a matter which the Government are taking seriously not just by the efforts we are making behind the scenes but by the political profile that we are trying to give the '350' issue generally in the international media as we have made political statements in the last two or three months in particular.

HON J C PEREZ:

Would there be a possibility of the United Kingdom as the Member State intervening directly on our behalf in support of the claims already lodged?

HON CHIEF MINISTER:

Now that Spain has made the case, a political case which is the effect of an Article 90 case, the possibility exists of both the Government of Gibraltar and the Government of the United Kingdom intervening and the Government of Gibraltar and the Government of the United Kingdom are discussing how that can best be done in tandem the one with the other. Certainly the Government are requesting the United Kingdom Government to bat for Gibraltar on this particular issue.

NO. 134 OF 1997THE HON J C PEREZ**NYNEX - ALLOCATION OF TELEPHONE NUMBERS**

Can Government state whether Nynex is already encountering problems in allocating telephone numbers to new customers?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Gibraltar Nynex is not encountering any serious problems in allocating telephone numbers to new customers.

SUPPLEMENTARY TO QUESTION NO. 134 OF 1997

HON J C PEREZ:

Can the Minister give us an indication of how many numbers are still available to Gibtel and Nynex before the numbers are exhausted in the existing numbering plan? Can he also give an indication of how many new numbers are issued a year so that we can have an indication of how many numbers are left and how many years are left?

HON LT-COL E M BRITTO:

The answer is yes, to the first question; and no to the second. As at the end of March 1997 there were 17,809 working telephone lines connected in Gibraltar. Currently there are 22,000 numbers available. The answer to the second question I would need notice of.

HON J C PEREZ:

Could the Minister please find out because that would give the House and, indeed, the Government, an indication of the time factor and the parameters which we are moving in? We have a situation where technology is moving in a way where numbers are allotted for teenage phones, faxes, telephones and new businesses coming in; one might have the situation that in a couple of years time we might not be able to service those customers if they do come.

HON LT-COL E M BRITTO:

The Minister is quite prepared to provide that information. This is the third request for information that I have received verbally in this House this afternoon so I would say to the hon Member and indeed to his hon Colleague please write to me specifying exactly what it is they want to know and I will write by giving them the information because I have already said yes to three, the Hansard is not printed until some time down the road and it is too easy to get the information wrong. Please write to me, ask me what they want to know on the sporting questions and on telecommunications and I will answer with the details.

NO. 135 OF 1997

THE HON J C PEREZ

MOT TEST CENTRE

Will Government confirm they are intending to extend the activities of the MOT Test Centre and that the old VTE building at Waterport is being made available for that purpose?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

EC Directive 77/143 as amended by a new consolidating Directive 96/96 EC relating to road worthiness test for motor vehicles and their trailers, is due to come into effect on 1 January 1998. This Directive requires that all private motor vehicles over four years old on 1 January 1998 must be in possession of a valid road worthiness certificate.

Our current legislation requires vehicles over 10 years old to undergo such test, and the current arrangement at the Motor Vehicle Test Centre, which can cope with 4,500 vehicle examinations annually, is almost at full capacity. An increase in workload will therefore require additional resources.

In view of this, Government will be extending the activities of the Motor Vehicle Test Centre to cater for the additional workload. It has also decided to use the VTE Distiller at the North Mole on a temporary basis for road worthiness testing until such time as major refurbishment is carried out at the Motor Vehicle Test Centre.

SUPPLEMENTARY TO QUESTION NO. 135 OF 1997

HON J C PEREZ:

Do Government propose to in any way change the fees for MOT tests?

HON LT-COL E M BRITTO:

Obviously the whole question of fees is under review because of the changes involved. Yes, they are under review, there is a possibility of change and in order to anticipate the next question from the hon Member, no I do not know what the fees will be.

HON J C PEREZ:

Are Government going to open up more vacancies for examiners to carry out the tests or does the Minister think he can cope with the staff he has to be able to implement the Directive by January 1998?

HON LT-COL E M BRITTO:

As I indicated in my answer an increase in the workload will require additional resources.

HON J C PEREZ:

So that means the vacancies will be opened internally first?

HON LT-COL E M BRITTO:

It is estimated that there will be a need for additional resources but what the mechanics are for those resources I am not in a position to say yet. But, of course, that is the agreement with the union so I assume that that is what we will do.

NO. 136 OF 1997

THE HON J C PEREZ

KING'S BASTION - RELOCATION OF ELECTRICAL SECTIONS

Have Government now decided where they are to relocate the Electrical Sections which still operate from King's Bastion?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, Government have decided that the old PWD Stores site at the northern end of Rosia Road is to be converted into a depot which will accommodate the bulk of the facilities presently at King's Bastion and at Orange Bastion. Provision for this conversion has been made in the Estimates of Expenditure for the year 1997/98.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1997

HON J C PEREZ:

May I depart from the question and congratulate the Minister for having taken a year to decide what was proposed a year ago but we welcome that.

MR SPEAKER:

That is not a question.

HON J C PEREZ:

I was asking whether I could depart to say that.

ORAL

NO. 137 OF 1997

THE HON J C PEREZ

NYNEX/TELEFONICA - FLAG CABLE

Can Government state whether Gibraltar Nynex has completed all the necessary arrangements with Telefonica to ensure Gibraltar has unimpeded access to the FLAG Telecoms cable via the Estepona Landing Station?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Gibraltar Nynex has made the necessary arrangements with Telefonica to link up with the FLAG cable via the Estepona Landing Station.

NO. 138 OF 1997

THE HON J L BALDACHINO

CHILTON COURT AND EDINBURGH HOUSE

Have the Government now been provided by the MOD with the probable date on which Chilton Court and Edinburgh House will be transferred?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Ministry of Defence have confirmed that they intend to transfer to the Government of Gibraltar Edinburgh House excluding two blocks of this housing estate by the end of April 1997. The remaining two blocks of Edinburgh House and Chilton Court are earmarked for transfer in December 1998.

SUPPLEMENTARY TO QUESTION NO. 138 OF 1997

HON J L BALDACHINO:

My question also mentions Chilton Court. Has Chilton Court not been transferred? What about Chilton Court?

HON P C MONTEGRIFFO:

There are two blocks in Edinburgh House that are not being transferred now and they will be transferred in December 1998 together with Chilton Court.

HON J J BOSSANO:

Could I ask, when we asked about the transfer of Edinburgh House before I think it was the Minister for Housing who said that a survey was being done. Presumably the Government now have the survey of what is going to be transferred. On the basis of that survey can they say how soon it will be possible to make use of those houses? What sort of state they are in?

HON P C MONTEGRIFFO:

The Government are still deciding the detail of how the housing that will become available will be used. The survey was essentially a condition survey and it does identify the need for work but I would not want to anticipate what that work is or the cost because it did identify that of course one can refurbish to different levels of standard and the Government have not decided what level of refurbishment will in fact be undertaken. So the survey is complete in respect of the property being handed over; it does make some tentative suggestions of the work required; has tentative costings but this is a matter which in the general discussion taking place within Government is being looked at and will have a bearing on the timing and methodology of the granting and allocation of the housing units.

HON J J BOSSANO:

Can the Minister say how many units there are in the part that is being handed over now without the two blocks?

HON P C MONTEGRIFFO:

I would not want to advance, I think actually that was subject to an earlier question some time this year but I can certainly provide the details. There are 100-odd, I can certainly confirm exactly the figure because I want to make sure that the two blocks that are excluded are not ones that I would give him in the reply.

HON J J BOSSANO:

Is it still intended that when refurbished they will be allocated by the Housing Allocation Committee?

HON P C MONTEGRIFFO:

I repeat that the Government have certain commitments with regard to Edinburgh House, commitments that are contained in our electoral manifesto. The detail of those arrangements, the allocations are not decided and Government will be announcing these in due course. I am not now in a position to want to anticipate anything further than I have said.

HON J L BALDACHINO:

Am I correct that the Government are paying no money to the MOD for the transfer of these blocks?

HON P C MONTEGRIFFO:

The position of the Government on this issue is well-known to hon Members generally and the transfer is on the basis that the Government will make no payment. There will, in fact, I might anticipate be a practical delay in the hand-over, it is not actually taking place tomorrow and the delay is in ensuring that the transfer documents are such that they are in an entirely acceptable form from the Government's point of view precisely to deal with the very issue that the hon Member has raised.

NO. 139 OF 1997

THE HON A ISOLA

DISPLAY OF PRICES IN PESETAS

What action do Government intend to take in respect of the apparently increasing trend for retailers to give discounts on the displayed prices to customers paying in pesetas but not in sterling?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

There are no provisions in Gibraltar legislation to enable the Government to take any effective action in respect of the apparently increasing trend for retailers to give discounts on the displayed prices to customers paying in pesetas but not in sterling.

SUPPLEMENTARY TO QUESTION NO. 139 OF 1997

HON A ISOLA:

Do Government intend, in any way, to afford a level of protection to Gibraltarians and others who are being discriminated against from paying in their own currency in shops in Gibraltar? Do Government intend to do nothing about it at all or to consider what they could possibly do through legislation if necessary?

HON P C MONTEGRIFFO:

I have indicated to the hon Member that there is no legislation available which would empower the Government to take action of the type in question. Certainly if the Government are asked for an opinion, the Government consider it unacceptable that any such discrimination should exist and I cannot imagine that there could be anybody in the trading community that would think that any Member of this House can say anything different. But the distortions caused by an economy that has a lot of foreign currency within it can occur for many reasons. We cannot control the rate of exchange that retailers choose to give to individual transactions and as hon Members well know, with the fluctuation of the peseta/pound rate, those distortions often work one way and then work the other way. Certainly it is not a trend the Government would in any way endorse. I have certainly made reference to that in an interview on television last week. But we recognise that we have no legal powers to intervene; all we can do is express the view that behaviour of this type should not be encouraged by the trading community because, frankly, it is a disservice to the local consumer who ultimately is what has kept the trading community afloat over many years.

HON A ISOLA:

Will Government convey their disapproval of that practice to the Chamber of Commerce?

HON P C MONTEGRIFFO:

With what I have said today I assume that no doubt will remain as to what our views are. In the on-going discussions that we have with the Chamber I am sure the matter will be raised. There is enough local controversy for the Chamber to be left in no doubt as to the strength of feeling generally. But we have to draw a line between sentiment and what politically we think is desirable and what the Government can commit ourselves to do in view of the legal environment in which we operate.

HON J J BOSSANO:

In terms of the legal environment, is it not in fact de facto a situation where people are being overcharged if they pay in sterling compared to the price they pay in pesetas if we have got a situation where the price is marked as required presumably by law displayed in sterling and in fact a discount is being given for paying in a foreign currency is there not, from the point of view of the consumer, an overcharging in sterling as compared to the foreign currency?

HON CHIEF MINISTER:

I think on a proper analysis the conjuncture is not one of a discount, on a proper analysis what is happening is that the retailer is changing the peseta for pounds, is attaching to the particular transaction an exchange rate which is different to the one that banks would apply and that on a proper analysis is what is happening. In other words, the retailer is saying, "Although the exchange rate is so much I will exchange your currency at a different rate" and, of course, to that extent there is no discrimination because a locally resident customer could do the same thing as one very resourceful lady appears to have done in one local leading department store. I would have thought that this was not a practice that local trade is going to carry on for very much longer unless they couple it with the practice of not allowing a refund or not allowing refunds for goods returned. Let me just repeat what the Minister has said. This is not something which the Government support, I think that the logical consequence of this is that we could end up being a peseta based economy as opposed to a sterling based economy and there are both economic and political reasons why the Government would not wish to see this practice proliferate. On the other hand, the Government have a degree of sympathy for traders to find imaginative ways to survive what is hopefully a temporary period of unfavourable exchange rates which makes Gibraltar particularly unattractive to peseta based shoppers. But certainly the Government do not encourage this; the Government will make it clear to the Chamber of Commerce as a reading of Hansard today will make it clear to them and, indeed, as the comments already made publicly by the Minister for Trade and Industry that this is not a practice that the Government endorse or would like to see proliferated or continued for any sustainable period of time.

HON J J BOSSANO:

Surely, however imaginative it may be to by virtue of exchanging the pesetas into pounds at a lower than the going rate giving people a 15 per cent discount, it would not require less imagination to also give 15 per cent of the sterling purchase, surely and there is nothing to stop the businessman doing that and then the controversy would end?

HON CHIEF MINISTER:

Yes, indeed, and it would be the Government's view that that is what should happen. That the way to respond to uncompetitiveness is to reduce one's profit margin for all one's customers and not simply for some. That would be, by far, the Government's preferred option.

NO. 140 OF 1997

THE HON A ISOLA

DTI - NEW POST, FINANCIAL SERVICES DIRECTOR

What are the terms of engagement to be offered to the recently advertised position at the Department of Trade and Industry of Financial Services Director?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As indicated in the advertisement for the post the terms of engagement will be subject to negotiation with the successful applicant.

SUPPLEMENTARY TO QUESTION NO. 140 OF 1997

HON J J BOSSANO:

Do the Government have a ceiling on what the successful applicant may aspire to?

HON P C MONTEGRIFFO:

The ceiling is only what is thought in the Government's judgement to be appropriate. If he wants me to come up with a figure there is no figure. I am sure that the hon Member would not expect there to be a figure. The terms of engagement will be negotiated, it would be imprudent and therefore quite inappropriate for any details of Government's thinking or ceiling to be mentioned in this House and in public.

HON J J BOSSANO:

Am I correct in thinking that as in the case of the appointment in the Sports Officer this would be a contract officer employed by the Crown and therefore a civil servant contract officer?

HON P C MONTEGRIFFO:

No, the hon Member would not be correct. It is more than probable that this individual would be employed by the Gibraltar Development Corporation.

NO. 141 OF 1997

THE HON A ISOLA

GOVERNOR'S COTTAGE CAMP - WORKSHOP UNITS

Have Government now made available to the public the units at Governor's Cottage Camp which were formerly opened in November 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The advertising of the workshop units at Governor's Cottage Camp is now imminent. The Units will be allocated during the month of May 1997.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1997

HON A ISOLA:

Is there any reason for the delay in having the units allocated bearing in mind they were completed almost six months ago?

HON P C MONTEGRIFFO:

I did report to the House the last time this matter was raised that the delay as it had then occurred was as a result of further connections to the electricity supply that had to be made. I very much regret there has been delay since then and to a large extent it has simply been our inability to structure the arrangements in Governor's Cottage with regard to the licensing arrangements, with regard to the assistance of support on sight to the start-up units. These have been delays that we would like to have avoided, there is no technical or other reason, it is simply the fact that sometimes things take longer than we would like. I would have liked to have been able to have made these units available before next month. There is a need, we are being flooded by people interested in these units and therefore we are very keen to put them out to these applicants and to get activity going.

NO. 142 OF 1997

THE HON MISS M I MONTEGRIFFO

STREET MARKET

Can Government confirm that they will allow the Street Market to remain in its present location?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government cannot confirm that we will allow the Street Market to remain in its present location.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1997

HON MISS M I MONTEGRIFFO:

Can the government therefore say where they intend to move the Street Market to and when?

HON P C MONTEGRIFFO:

I think that Members of the House are generally aware of the preference that has been expressed with regard to the movement of the Street Market to the location at Fish Market Road. The matter is one which requires discussion with the Street Market Association; it is a matter which will have to be dealt with. I do not think that there is more to be said at this stage. We can confirm that the Street Market will not remain in its present location but to say anything further at this stage would be to anticipate discussions that I would like to have with the Association in their attempt to take them through the proposed changes.

HON MISS M I MONTEGRIFFO:

Can the Minister say whether there are any further options to move the Street Market rather than solely to Fish Market Road?

HON P C MONTEGRIFFO:

There will be further options. I would not want to anticipate those because I have not personally sat down with the Association yet but we will certainly have an open mind with regard to various possibilities. Not everything will be possible but it is not as though there is only one option and nothing else.

HON J C PEREZ:

I take it that the deadline has been removed and that the Minister has now gone back to his declared policy of dialogue in dealing with this problem?

HON P C MONTEGRIFFO:

We will try to work on the basis of no deadlines but there is a policy directive from the Government on this matter; we know what we want to achieve and therefore we assume that with dialogue results will be obtained within a reasonable time scale but it is not with deadlines or with pistols that we approach this matter in the discussions with organisations.

HON MISS M I MONTEGRIFFO:

Can the Minister give an indication of when he expects to meet with the Street Market Association?

HON P C MONTEGRIFFO:

As soon as I am able within diary constraints. I certainly hope it will be literally in the course of the next couple of weeks.

ORAL

NO. 143 OF 1997

THE HON J C PEREZ

SANDY BAY - SHUTTLE ARRANGEMENTS

Can Government specify the shuttle arrangements it is to put in place for access to Sandy Bay via the Dudley Ward Tunnel?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are pursuing, through the Traffic Commission, the option of extending bus route No. 3, which currently stops at Europa Point, through Dudley Ward Tunnel to Sandy Bay. It is hoped that this new arrangement will be in place prior to the start of the works, in any case, the current arrangement whereby Government provide a shuttle service for the residents of Both Worlds could be extended until the new arrangements have been introduced.

NO. 144 OF 1997

THE HON J C PEREZ

AFRO-ASIAN SATELLITE STATION

Can Government state whether the Afro-Asian satellite station project is still going ahead, and if so, whether Gibraltar is still to be used as one of two Main Telecom Gateways?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

ASC has given this Government assurances to the effect that the project is still going ahead. ASC is, however, still not back in contract with Hughes, but has informed the Government that it expects to be back in contract shortly. ASC has recently confirmed that Gibraltar is to be used as one of the main Telecom Gateways.

NO. 145 OF 1997

THE HON J C PEREZ

ELCOR GROUP/AFRO-ASIAN SATELLITE PROJECT

Can Government state whether they are confident that the Heads of Agreement recently signed with the Elcor Group of Companies is not in conflict with the Memorandum of Understanding in place in respect of the Afro-Asian satellite project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Government are confident that the Heads of Agreement signed with the Elcor Group of Companies is not in conflict with the MOU entered into with ASC on the 27 May 1994.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1997

HON J C PEREZ:

Is that because the Minister thinks that the exclusivity does not hold water? Because if I recall well there was an exclusivity of a project of the same nature coming to Gibraltar and as the Minister has expressed the Elcor project it has to do with providing mobile telephony from a satellite which is exactly the same concept as the Afro-Asian satellite project and I recall that there was a clause in the Memorandum of Understanding with Afro-Asian project which prohibited us from entering into interim or long-term arrangements with a group for the same purposes as they had done, for exactly the same purposes whilst the Memorandum of Understanding was still in force.

HON P C MONTEGRIFFO:

The first point I would make is that the agreement between the Government and ASC, at least the MOU, the one to which the hon Member refers, is in fact confidential; there is a confidentiality clause in the Agreement and the hon Member has perhaps spoken of matters that might be covered by the confidentiality arrangement, but having mentioned the matter, this Government are very much of the view that the proposed exclusivity was unenforceable and illegal and the hon Member will no doubt recall that the purported exclusivity was in fact heavily qualified by virtue to EU and other matters.

HON J C PEREZ:

Therefore not illegal?

HON P C MONTEGRIFFO:

Well, at least not enforceable, therefore in no way inhibiting subsequent arrangements of the type we have entered into with Elcor. There are other aspects indeed of the arrangements entered into by the previous administration which we have sought to redo but I will not delve into those since they are not related to any of the matters that he has raised.

HON J C PEREZ:

So both of the projects are in fact to provide the same type of service although not in Gibraltar but elsewhere. It is the same concept, it is providing a mobile telephony service from mobile to satellite.

HON P C MONTEGRIFFO:

That is correct. There are of course various distinctions in the detail and one of the broad distinctions is that in general terms the Elcor project looks towards Africa whilst the ASC that originally had an African angle and also Asia are seem to have been dedicated to Asia with the African continent having been left to one side. So there is a major geographical difference of focus in the two projects but in terms of what they are going to provide, it is mobile telephony broadly along the lines that the hon Member has explained.

HON J C PEREZ:

Could the Minister perhaps, as a matter of information, give us the extent of the name of Elcor, it has not been publicised what the letters represent?

HON P C MONTEGRIFFO:

The letters do not represent anything, the name is Elcor. It is a company in Gibraltar, that I believe is Elcor Satellite (Gibraltar) Ltd. In any event I do believe it was referred to in our press release, it is a company that can be searched in Gibraltar, it is a normal Gibraltar company. Elcor, let it be said, is a company that is incorporated specifically for this project and it will bring on board partners, including partners from South Africa, that will add various elements of expertise in matters such as marketing and sales. So there will be other companies that will not formally form part of a consortium with Elcor but which will be business partners that will have an important role to play in the expansion of the business.

NO. 146 OF 1997

THE HON J C PEREZ

GE CAPITAL SATELLITES (GIB) LTD

What is the expected direct annual income to Government of the recently signed contract with GE Capital Satellites (Gib) Ltd and in respect of what?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

This is still a matter of negotiations. However, this Government's policy is neither to accept a peppercorn rent for the use of Crown Lands, nor to accept a nominal licence fee for each satellite earth station.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1997

HON J C PEREZ:

So the agreement has been signed and that has not been settled yet?

HON P C MONTEGRIFFO:

That is correct. The Heads of Agreement established various parameters within which the operation would be established. Details of three aspects relating to the finance of the operation require to be finalised and those three aspects essentially are licence fees, taxation issues and rents/rates. The Government have, in broad terms, a view of what we believe a project of this nature should deliver economically, over and above employment and ancillary activity of that type and we are in advanced discussions with GE on this issue. We would hope very much to finalise those details shortly so as to be able to move on then to a definitive agreement with the company.

HON J C PEREZ:

Certainly those issues had not been resolved yet when we were in office, and still in negotiation with them. But I am dumbfounded by the reply of the Minister since he has been boasting for a year that he had bettered the agreement and he still has not negotiated what the income to the Government of the agreement is.

HON P C MONTEGRIFFO:

I do not normally like to be aggressive unless provoked beyond a certain point. Frankly the position we inherited from the previous administration on GE was an absolute disaster. The previous Government.... [*HON J C PEREZ: That is total nonsense.*] Let me explain and I will show him why. We had a situation where the previous Government had offered GE a 125 year lease; the first 30 years of which would be at a peppercorn rent, no rent for 30 years and where the licence fee for a satellite station was to be £10,000 and this Government have made considerable efforts to substantially improve the commercial environment within which GE now regards itself as coming into Gibraltar. The only thing that prevents us from being

somewhat more explicit about the level of return that we are confident we will get is the fact of the details, the details have not been finalised but I can assure the hon Member that Gibraltar will be receiving much more in terms of contributions directly than GE thought they could get away with prior to the 16 May last year.

HON J C PEREZ:

GE might have thought that they would get away with it but there was no definitive agreement on any of the issues that the Minister has been stating, there was no offer and there were proposals and there were all open for discussion and for negotiation and the Minister is wrong to suggest that the previous administration entered into any sort of agreement in these areas with GE American. He is trying to distort the situation for political advantage and that is wrong, Mr Speaker.

HON P C MONTEGRIFFO:

I have gone well beyond the point of trying to score political points on issues of this nature. *[HON J C PEREZ: No, he is innocent.]* No, this is a project we want to bring to Gibraltar. It is a project we have been candid enough to confirm was not attracted to Gibraltar by this administration, it was attracted to Gibraltar during the tenure of the last. *[HON J C PEREZ: How very generous.]* This is a fact but I will tell the hon Member with the same candour that the arrangements entered into by the previous administration were partly the best, which in our judgement, could be obtained and, indeed, experience has borne that out. Experience has demonstrated that GE is willing to pay more, that the benefit to Gibraltar will be considerably more than was envisaged on 16 May; perhaps the Opposition Members in their attempt to rush to success before the election were trying to deliver projects without the proper time that these projects would have deserved. But I do not seek to make capital one way or the other, Mr Speaker. I am simply clarifying the fact that we believe we will extract for Gibraltar, for all of us, more benefit than was on the table on the 16 May 1996.

HON J C PEREZ:

Definitely the Minister is right, there are more benefits because there were none on the 16 May because it had not been finalised. If the previous Government had wanted to take advantage of the fact that there was an election, we would have irresponsibly gone through it quickly and get it done. The Minister kept the same solicitor, the same people dealing with the contract, everything was a continuation of what was happening and none of it was closed. So the Minister is not right in insinuating that he has bettered the agreement and I am glad for Gibraltar that the agreement is done and what I am trying to extract from the Minister, which he clearly cannot tell me today, is how much Gibraltar is going to earn. I hope that when the Minister gets the details he will be able to make them public and he is not stopped by a confidentiality clause from making public the benefits to Gibraltar from the project.

HON P C MONTEGRIFFO:

Frankly, what I can tell the hon Member is that the benefits will be way in excess of what GE believed it had achieved from the previous administration and I have indicated to him what it was and the civil servants and the man who was dealing with this matter informed the Government that this was indeed the arrangement the

previous Government purported to enter into with GE and the arrangements included, among other things, 30 years at a peppercorn rent. In other words, 30 years of the land for free and a licence fee of £10,000. That is the information we have, that was the basis upon which we were advised by the land agents, by the civil servants that the matter had been left on the 16 May. We regarded that as an absolute disaster, inept negotiation, a deal which would have been bad for Gibraltar. We have made, in our view, considerable progress in bettering these arrangements and, frankly, the hon Member should take credit when credit is given, the fact that GE came into Gibraltar prior to the 16 May but also recognise that the deal to the extent to which it had been elaborated by the 16 May was bad and that it has been improved and that will be demonstrated in due course.

HON J C PEREZ:

The deal was not closed, everything was up for negotiation and the Minister is talking through his teeth. He is ill-informed if he is being told, as he suggests, by people in the service that there was any deal for anything. Nothing was closed, everything was open and he can get confirmation from Mr Paul Canessa and he can get confirmation from Mr Tony Provasoli who was the lawyer dealing with it and who continues to deal with the deal after that.

HON P C MONTEGRIFFO:

These are the very people with whom we are working. Unless these people have chosen to mislead their new Minister to paint a picture which is wholly unfair to the last administration, something which I do not believe either Paul Canessa or Tony Provasoli would be capable as individuals, let alone anything else. I think it is very odd. It is very odd that they have chosen to distort completely.... [*HON J C PEREZ: Well, it is definitely very odd, there are two versions to the story, yes.*] The version I have is the version of everybody else who has been involved in this other than the former Minister.

NO. 147 OF 1997

THE HON J C PEREZ

LICENSING DEPARTMENT - DRIVING LICENCES

Have the Government been made aware that Spain considers that the recently issued driving licences in Gibraltar are in breach of EU requirements?

ANSWER

THE HON THE CHIEF MINISTER

There has been no direct or indirect approach from the Spanish Government or any Department in Spain responsible for traffic matters in respect of the new issue of the Gibraltar driving licence.

Several instances of Spanish Nationals encountering difficulties with the Spanish Authorities for driving in Spain with Gibraltar issued licences and of refusals to exchange Gibraltar issued licences for Spanish ones have been reported to the Licensing Department and to the Motor Vehicle Test Centre.

NO. 148 OF 1997

THE HON J J BOSSANO

INCOME TAX - COMPANY TAX

Can Government state how much of the company tax collected in the financial year 1996/97 was in respect of amounts due in the current year and how much in respect of amounts relating to preceding years?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of corporation tax collected in the financial year 1996/97 was £10,224,298. Of this £1,438,682 was in respect of assessments raised for the tax year 1996/97. £8,785,616 was in respect of assessments raised for other years.

SUPPLEMENTARY TO QUESTION NO. 148 OF 1997

HON J J BOSSANO:

When I asked for the figures at the seventh month point in the financial year the Government provided me with a breakdown for the equivalent of the £8 million of preceding years showing how much was for 1995/96 and so on going back to 1991/92. Can the same information now be provided for the full year?

HON CHIEF MINISTER:

It can, Mr Speaker, and it is as follows: 1988/89 - £25,284, there is a second figure for 1988/89 of another £5,829; 1989/90 - £36,417; 1990/91 - £58,832; 1991/92 - £68,073; 1992/93 - £207,308; 1993/94 - £1,255,309; 1994/95 - £1,380,226; 1995/96 - £5,748,266; and the figure for 1996/97 which is given in the main answer is £1,438,682.

NO. 149 OF 1997THE HON J J BOSSANO**INCOME TAX - PAYE**

Can Government give a breakdown of PAYE collected in 1996/97 showing the amounts collected in respect of employees in -

- (a) MOD
- (b) Gibraltar Government
- (c) Government owned and joint venture companies
- (d) Private sector employment

and the comparable figures for 1995/96?

ANSWERTHE HON THE CHIEF MINISTER

I will mention first the item and then two sums; the first is the 1995/96 figures for that item, and the second is the 1996/97 figure for the same item.

MOD	4,351,292	4,987,514
Gibraltar Government	13,091,720	13,849,180
Government owned and joint venture companies	1,932,836	2,034,802
Private sector employment	<u>20,846,374</u>	<u>22,551,170</u>
Total	<u>40,222,222</u>	<u>43,422,666</u>

NO. 150 OF 1997

THE HON J J BOSSANO

INCOME TAX - PAYE ARREARS

Can Government state what was the amount of arrears of PAYE for the tax year 1995/96 and the amount in respect of the previous years as at 31 March 1997?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of arrears of PAYE as at 31 March 1997 stood at £3,567,749 of which £1,130,246 was in respect of tax year 1995/96.

I am not sure but this question asks for the arrears in respect of previous years as at 31 March 1997, in other words, the hon Member may be interested in the information which I have which is the breakdown for all the years. So if he wants to follow the list of years as before in respect of 1995/96 it is the figure that has been mentioned. In respect of 1994/95 it is £529,817; 1993/94 it is £457,023; 1992/93 it is £635,673; 1991/92 it is £322,758; 1990/91 it is £335,117; 1989/90 it is £115,552; 1988/89 it is £41,563.

NO. 151 OF 1997

THE HON J J BOSSANO

INCOME TAX - PAYE COLLECTED

Can Government give a breakdown of PAYE collected in 1996/97 showing the amounts in respect of current PAYE and the amount in respect of arrears of previous financial years and the comparable figures for 1995/96?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of PAYE tax collected in the financial year 1996/97 was £43,422,666 of which £24,982,289 was in respect of the tax year 1996/97 and £18,440,377 was in respect of previous tax years.

In the financial year 1995/96 the total amount of PAYE tax collected was £40,222,222 of which £23,270,320 was in respect of the tax year 1995/96 itself and £16,951,902 was in respect of previous tax years.

NO. 152 OF 1997

THE HON J J BOSSANO

GENERAL SINKING FUND - FORECAST OUTTURN

Can Government state what is the forecast outturn of the General Sinking Fund for 1996/97, giving details by item of revenue and expenditure?

ANSWER

THE HON THE CHIEF MINISTER

The receipts of the Fund are forecast at £14.9 million and the payments at £15.4 million.

Taking into account the balance of £0.5 million brought forward from the previous year, the forecast closing balance of the General Sinking fund at the end of the financial year 1996/97 is £10,000.

Details of the receipts and payments are set out in a copy of the General Sinking Fund Account for the year ended 31 March 1997 which I am happy to hand to the hon Member unless he wants me to read the whole two page items to him.

SPECIAL FUNDS
GENERAL SINKING FUND
ACCOUNTS FOR THE YEAR ENDED 31 MARCH 1997

FUND ACCOUNT

RECEIPTS

Receipts under Section 2 of the Public Finance (Control and Audit) Ordinance (General Sinking Fund) Order 1995		£10,370,434.56
Ground & Sundry Rents		£1,534,570.24
Exempt Company Tax Receipts		£2,245,882.13
Stamp Duty Receipts		£701,365.40
Premia on Assignments		£13,760.00
Contribution in accordance with Section 5(c) of the Gibraltar Electricity Fund Regulations, 1992		£12,000.00
Interest Earned		£98,312.71
		<u>£14,976,325.04</u>

PAYMENTS

Land Property Services - Fees			
Ground & Sundry Rents	£269,041.00		
Stamp Duty Collections	<u>£209,150.00</u>		
		£478,191.00	
Loan Repayments:			
Redemption of Capital Bonds	£14,660,650.55		
UK/GIB Loan	<u>£313,959.92</u>	£14,974,610.47	
Debenture Repayment:			
9 1/2% T& EDF Reg Debs 1999		<u>£14,000.00</u>	
			(£15,466,801.47)
Net Payments			<u>(£490,476.43)</u>

INVESTMENT ACCOUNT

INCREASE IN INVESTMENTS

Interest Earned		£98,312.71
		<u>£98,312.71</u>

DECREASE IN INVESTMENTS

Net Sale of Investments		(£588,789.14)
Net Decrease in Investments		<u>(£490,476.43)</u>

SPECIAL FUNDS
GENERAL SINKING FUND
ACCOUNTS FOR THE YEAR ENDED 31 MARCH 1997

BALANCE SHEET AS AT 31 MARCH 1997

ASSETS

Investments on 1 April 1996	£500,392.98
Net Decrease in Investments during the period	<u>(£490,476.43)</u>
Investments on 31 March 1997	<u>£9,916.55</u>

FINANCED BY

Fund Account Balance on 1 April 1996	£500,392.98
Net Payments during the period	<u>(£490,476.43)</u>
Fund Account Balance on 31 March 1997	<u>£9,916.55</u>

GENERAL SINKING FUND
STATEMENT OF INVESTMENTS ON 31 MARCH 1997
SHOWING MARKET VALUE ON THAT DATE

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31 03 97
Gibraltar Savings Bank: On-Call Investment Account	£9,916.55	£9,916.55	£9,916.55

ORAL

NO. 153 OF 1997

THE HON J J BOSSANO

DIRECTOR OF MEDIA AND PUBLIC RELATIONS

Can Government confirm when Mr Cantos gave up his position as a Director of the Gibraltar Chronicle?

ANSWER

THE HON THE CHIEF MINISTER

Mr Cantos resigned from the Gibraltar Chronicle as a Director on 5 September 1996.

NO. 154 OF 1997

THE HON J J BOSSANO

GIBRALTAR IDENTITY CARDS

Can Government state what reply has been given to the UK Government by the European Commission in respect of the validity of Gibraltar Identity Cards as travel documents through the territory of the European Union?

ANSWER

THE HON THE CHIEF MINISTER

The European Commission has accepted Her Majesty's Government view that the Gibraltar ID Card is valid for both travel and residence purposes under the terms of EC legislation. The Commission wrote to Member States asking them to confirm that they will accept this card for travel. A number of them, including Spain, have not yet done so.

SUPPLEMENTARY TO QUESTION NO. 154 OF 1997

HON J J BOSSANO:

I take it that the United Kingdom is pressing the Commission so that those Member States that have not replied will reply?

HON CHIEF MINISTER:

What I can tell the House is that Her Majesty's Government informed me that they remain in touch with the Commission about getting this problem resolved.

HON J J BOSSANO:

How long is it since the Commission informed the United Kingdom that it accepted the validity of our Identity Cards and that it had written to Member States?

HON CHIEF MINISTER:

I do not have the information as to the date but it is certainly many months ago so I suppose it is an answer that suffices for the purposes of the hon Member's next supplementary.

HON J J BOSSANO:

Yes, does it mean then that if nobody answers that is where it stays?

HON CHIEF MINISTER:

No, that is certainly not the position of the Gibraltar Government that is pressing the United Kingdom Government to pursue the Commission to take whatever action is necessary for this problem to be resolved. Neither the Commission nor the United

Kingdom have yet seen fit to take any more aggressive action than the simple writing of letters and receiving some replies but not others. That position is not satisfactory as far as the Government of Gibraltar are concerned. Gibraltar's rights are not simply that matters should be raised but that they should be raised and followed up and followed up to a satisfactory and law abiding conclusion.

HON J J BOSSANO:

Are the Government aware that in fact some years ago the same procedure was followed and the Commission wrote to Member States seeking confirmation of their acceptance?

HON CHIEF MINISTER:

I am not specifically aware of that but I am grateful to the hon Member for having furthered my education.

HON J J BOSSANO:

Is in fact the case then that Spain has not formally told the Commission that it does not accept the ID Cards?

HON CHIEF MINISTER:

The information that the Government have is that Spain has not yet written to the Commission confirming that they will accept the card. I am not in a position to break that information down further as to whether that is a simple omission to do so or an omission to do so in satisfactory terms. But whatever they may or may not have done to the Commission they have certainly made their position crystal clear in public which is that they do not accept and have no intention of accepting the Gibraltar issued Identity Card as a valid travel document and therefore there would seem to be ample case to move on to the next stage of the procedure, whatever that might be.

HON J J BOSSANO:

Can Government say whether it is possible, as far as they are aware, for an individual citizen to complain to the Commission over the refusal to accept his ID Card as a travel document? Is that a route open to an individual?

HON CHIEF MINISTER:

The Government are seeking legal advice on that very question and in preparation for whatever may be necessary for the document the next stage of the procedure, whether it is taken by the Commission or whether it is taken by an individual or whether it is taken by the issuing administration, namely Gibraltar or the United Kingdom as the relevant Member State Government, the Government of Gibraltar have tested the Spanish refusal to accept by despatching an individual bearing such card across the frontier in the company of a notary who has recorded in a notarial certificate the Spanish Police refusal to admit the holder bearing that card.

HON J J BOSSANO:

Would the Chief Minister agree to inform me when he has been given a legal opinion whether it is possible for an individual to pursue this case without having to wait until the next opportunity to put questions, if it happens before that date obviously?

HON CHIEF MINISTER:

I will certainly do that.

NO. 155 OF 1997

THE HON J J BOSSANO

BRUSSELS VISIT

Can Government state what was the total cost of the visit to Brussels which took place in January 1997?

ANSWER

THE HON THE CHIEF MINISTER

The total cost of all items of expenditure associated with the visit was £53,000.

SUPPLEMENTARY TO QUESTION NO. 155 OF 1997

HON J J BOSSANO:

I assume that in the judgement of the Government that level of expenditure was needed as compared to the expedition by GIFSA to fly the Gibraltar flag in Luxembourg?

HON CHIEF MINISTER:

The answer to that question is yes. Indeed, such was the Government's pleasant surprise at the political value accruing to Gibraltar from that expedition that we would have thought it worthwhile at twice that sum of money.

NO. 156 OF 1997

THE HON J J BOSSANO

COMPANIES WITH GOVERNMENT CONTRACTS

Can Government list the companies with Government contracts who are now required to fill vacancies by the Government Personnel Department selecting the successful applicants?

ANSWER

THE HON THE CHIEF MINISTER

There is no list as such. The policy of the Government so far is that recruitment by Government owned companies and by other companies providing public services on contract with Government on terms where the contract provides for remuneration linked directly to labour cost, should follow recruitment procedures approved by the Government. However, contrary to what the question states, this does not involve Government's Personnel Department selecting the successful applicants.

SUPPLEMENTARY TO QUESTION NO. 156 OF 1997

HON J J BOSSANO:

Do the Government not agree that the Press Release that they issued stated that the applicants had been interviewed by the Personnel Department in the case of the vacancies in the Air Terminal and that this policy would be extended to other companies with contracts where payment was made from public funds, and if so, which are the companies that fall into this category?

HON CHIEF MINISTER:

In the first place, it does not relate to the Air Terminal, it related to Security and Immigration Limited. In the second place, the hon Member is quite right, the Government's Press Release did say that the Personnel Manager had interviewed but of course there is a difference between interviewing and selecting. The Government participated, the Government established what the recruitment procedure should be; advertisement followed by interviews and it is true that the Government's Personnel Department participated in the interviews together with Directors from the companies in question and the selection process was made by a recruitment board consisting of representatives both of the Personnel Department and the Director of the company in question. So although the Government's Personnel Department participated in the selection process, it did not itself make the selection. As to the companies involved, the answer makes it clear that the policy is a blanket one in relation to Government owned companies and it has been extended so far to those non-Government owned companies, those contractors of the Government, for example, Security and Immigration Limited which is not a Government owned company but the contract between the Government and Security and Immigration Limited says that the Government will increase the contractual sum payable to the company by the amount of the labour cost rises. So in effect the company is a little more than a conduit for the payment of salaries that

is actually being paid directly by Government monies. The position may be different in a case where the company has a contract for an amount with the company and the Government absorbs labour costs out of its own profit margin or non-profit margin but the Government have not yet made a decision whether we will extend the policy beyond that which is why the answer says so far the Government have not yet decided whether to extend the policy beyond the position where it has taken it so far which is Government owned companies and companies where the money flows under the terms of the contract straight from the Government to the company to the pocket of the individual on the basis that the Government have contracted in effect to pay for the salaries as in the case of Security and Immigration Limited.

HON J J BOSSANO:

Can the Government say, other than Security and Immigration Limited which other companies so far fall into this category?

HON CHIEF MINISTER:

Well, no other companies have so far fallen into that category with the exception of Gibraltar Community Projects Limited, which is a Government owned company, no company other than Security and Immigration Limited, has so far sought under the terms of the contract, to increase their labour force.

HON J J BOSSANO:

So that in fact it is only triggered when a company seeks to recruit manpower which has to have a direct effect on what the Government pay the company?

HON CHIEF MINISTER:

Absolutely correct. The terms of Security and Immigration Limited contract requires the Government's consent for additional labour precisely because the Government picks up the whole bill for it in increased contractual price. The Government have not sought to extend the policy beyond those two principles so far.

HON J J BOSSANO:

So in cases, in fact, at present where a Government contractor for a variety of reasons may be having to fill vacancies that have arisen in the existing contract this does not apply?

HON CHIEF MINISTER:

That is correct at the moment but it is precisely the area that we are looking at because, of course, in many of these contracts the original labour cost or the cost of the original labour force is the basis of the original contract remuneration scheme and therefore we are considering whether we should then apply it to the original establishment numbers of such company but the Government have not yet made any decision and is not near making a decision in those areas.

HON J J BOSSANO:

Can I ask, on the actual recruitment in this particular case which is the only one that has been tested so far, do the Government not think that there could be a problem in terms of management control of employees if they had to deliver a service to the Government that there has been at least a 50/50 involvement in the selecting? If there is a problem of discipline subsequently is that also something in which the Personnel Department get involved?

HON CHIEF MINISTER:

Certainly not and I can tell the hon Member that the director of the company in question has expressed I think satisfaction with the way the system has worked and the Government are also satisfied with the way the system has worked. Government's involvement is carefully worded to make it clear to the individuals concerned that they are not Government employees, Government are simply participating as an agent, if one likes, in assisting the company to recruit its employees; they are the company's employees under the discipline of the management of the company to the exclusion of everything else. So the Government's policy which is calculated to ensure fairness in jobs for which the taxpayer in effect pays, is not extended to dismissal.

HON J C PEREZ:

Can I ask the Chief Minister whether it is intended that this policy should apply to companies where the Government has a shareholding such as Nynex, Gibtel and Lyonnaise des Eaux?

HON CHIEF MINISTER:

Not in accordance with what I have explained so far because those are not companies which have a contract with the Government which enables the companies to pass on to the Government the cost of any additional labour that they recruit.

NO. 157 OF 1997

THE HON J J BOSSANO

PAYMENT OF FAMILY ALLOWANCES TO SPANISH WORKERS

Is the Government still studying whether they should accept responsibility for the payment of family allowances to Spanish workers for the period 1986/89?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 157 OF 1997

HON J J BOSSANO:

Can the Government say then if they have finished studying this what conclusion they have come to?

HON CHIEF MINISTER:

The Government are no longer studying it because we are not under pressure to deal with the matter but I fear that in measure that the hon Member raises the public profile of it we may again come under pressure to do so.

HON J J BOSSANO:

I regret that my questions in the House might put pressure but can I remind the Chief Minister that when I asked him at the beginning last year shortly after the election his reply was that they were considering the policy and I feel I am entitled to find out if they have taken a decision but however if he wants to give me a reply in writing in future on this particular issue which he may feel insensitive I will not raise it in the House again.

HON CHIEF MINISTER:

The hon Member is of course entitled to ask questions on this issue just as when we were in Opposition we were entitled to ask questions on many issues where the public interest of Gibraltar would not, as we all recognise it to be, be served by airing facts in public which presumably he claims on Gibraltar financially. The hon Member knows that this is such a claim and I would be very happy to brief them privately as to the present relation to this matter but no one has raised it with me since he last did in this House.

ORAL

NO. 158 OF 1997

THE HON J J BOSSANO

HM FORCES PERSONNEL

Can Government state what is the present number of HM Forces in each of the three services, Navy, Army and Air Force, stationed in Gibraltar, and the number of posts, in each service, that are to be civilianised and localised?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 159 of 1997.

NO. 159 OF 1997

THE HON J J BOSSANO

MOD EXPENDITURE 1997/98

Can Government state what is the MOD expenditure budgeted for 1997/98?

ANSWER

THE HON THE CHIEF MINISTER

This information is not available to the Government except by making enquiries from sources in Gibraltar, for example, Fortress Headquarters which are equally available to the hon Member.

SUPPLEMENTARY TO QUESTION NOS. 158 AND 159 OF 1997

HON J J BOSSANO:

I do not know whether the MOD would feel obliged to provide me with the information but given that a Government Press Release of the 11 November 1996 produced information which would be the answer to these questions based on an assessment made then in the Deloitte Touche Report, all I am asking for an up-date of that position on the assumption that the Government have up-dated the information it made public on the 11 November. I find it very strange that they should not have done it for themselves.

HON CHIEF MINISTER:

The next question on the Order Paper of course touches on these issues. What the Government have done as he will hear from the answer to the next question is reassessed the impact as described in the Deloitte Touche Report by reference to subsequent events. There have of course been no changes the Government are aware of in relation to the military personnel. The answer to this question would have required the Government simply to ask the MOD and I would be distraught if the MOD were not willing to give the Leader of the Opposition simple information like the number of soldiers, sailors and airmen presently in Gibraltar. I do not think it is the function of the Government to obtain for the Opposition information which is either in the public domain or which they are with the same degree of effort able to obtain for themselves. This is not information that the Government have.

HON J J BOSSANO:

I would have thought the Government would have obtained this information for themselves because the Government issued a Press Release making public such information in November 1996, it was not the MOD that made it public. If the information they made public is no longer valid because there have been changes, I would have thought they would have obtained from the MOD for their own use and therefore legitimately for correcting the information that was made public in November 1996, if it has changed. But of course I am quite happy to approach the

MOD and I will see what reply I get. If I get a drastic reply perhaps the Chief Minister would use his position to get the information for me.

HON CHIEF MINISTER:

Of course I will and had the Government obtained this information for our own use, which we have not, I would happily have passed it on to the hon Member. The Government have not obtained it for our own use and would simply have to seek it from the MOD ourselves.

HON J J BOSSANO:

The changed estimated number of civilian reductions in the MOD was explained by the Commander of British Forces as being the result of some of the military jobs being civilianised and localised. Is it not reasonable for the Government to try and find out which of these jobs are being civilianised and localised so that they can see what the impact is on civilian employment?

HON CHIEF MINISTER:

If the Government had done that we would still not have been able to answer the question because the question is what is the present number of Forces and none of what CBF announced has been implemented yet. To the Government's knowledge no military posts have yet been civilianised since the statement was made. So if we had asked what was their intention for the future in that respect, it would still not have given us the information requested at least in the first part of the question.

HON J J BOSSANO:

The information I am seeking in the first one is, Mr Speaker, because in the Press Release of November in highlighting the salient points of the report it said, "There are 730 people in service personnel, 87 of these posts are expected to go during 1997/98". Therefore what I am trying to establish is what change there has been on the basis of that information which has been made public given that some of these posts, which were not intended to be civilianised then, which would be of the 643 based on these figures that were going to be retained in 1997/98, I am trying to get really an up-to-date position, that is all.

HON CHIEF MINISTER:

Firstly, I do not think any of those changes have taken place yet. I do not think any of the military personnel in post at the time of the information that the hon Member has, any of the 70-odd have actually been civilianised yet so Government's belief is that the number of military people in post is still the same as announced then. But, of course, the hon Member is right, the actual breakdown and which particular military jobs are going to be civilianised is detailed information which the MOD has still not made available which indeed they may not know yet in terms of how they are going to do this, but is information that the MOD should make available and of course as soon as it is made available the Government are happy to share with the Opposition Members.

NO. 160 OF 1997

THE HON J J BOSSANO

MOD RUNDOWN - LOSS TO THE ECONOMY

What does Government now estimate will be the loss of direct, indirect and induced income to the Gibraltar economy associated with the planned service and civilian reductions in the MOD in 1997/98?

ANSWER

THE HON THE CHIEF MINISTER

On the basis of the assessment made by Messrs Deloitte and Touche in their report on the impact of the MOD rundown, the estimated loss of direct, indirect and induced income to the Gibraltar economy of the planned service and civilian reduction in the MOD in 1997/98 will be in the order of £5 million.

SUPPLEMENTARY TO QUESTION NO. 160 OF 1997

HON J J BOSSANO:

Can I get confirmation that what the Chief Minister is saying is that it is now £5 million as opposed to the £11 million previously published because we are now talking of less civilian redundancies than originally estimated?

HON CHIEF MINISTER:

What the hon Member says is precisely the point. The original figure quoted by Deloitte and Touche was £11, 370,000. The figure of around £5 million which I gave in my answer has been arrived at calculating the effect on a pro rata basis, if the hon Member wants I can give him a breakdown of how that has been arrived at. The Deloitte and Touche Report said that the impact of reducing military personnel would be £1.77 million in 1997/98 and on the basis of the information that we have so far we leave that figure unchanged. The revised figure still writes in £1.77 million for that item. The impact of reduction in civilian personnel was going to be from 1,306 people to 950 and that Deloitte and Touche valued at £5.6 million. That figure is now revised in the Government's calculation on a pro rata basis to £1.73 million on the basis that the reduction in employment is now 1,306 to only 1,196. In other words, the reduction for the year 1997/98 the loss of civilian employment is very, very much lower than Deloitte and Touche had reckoned on for the year 1997/98. In respect of indirect impact, well the figure of £5.6 million which Deloitte and Touche originally wrote into their impact study would have produced an indirect impact of £4 million and on the basis of the reviewed figures the indirect impact is now reckoned at £1.25 million. In other words, the three figures that Deloitte and Touche calculated were impact of reducing military personnel - £1.77 million; impact of reduction in civilian employment as then envisaged - £5.6 million; indirect impact of the £5.6 million another £4 million, making a total of £11.37 million and those figures now read £1.77 million unchanged; £1.73 million for the reduction in civilian personnel, with an indirect impact of that of an additional £1.23 million, a total of £4.7 million which I described as around £5 million.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

**26TH JUNE, 1997
NO. 161 TO NO. 224**

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QUESTIONS & ANSWERS

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ORAL

NO. 161 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - RECIPROCAL HEALTHCARE AGREEMENT

Can Government state what is the text of the amended reciprocal healthcare agreement with UK?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The agreement by which UK pensioners resident in Gibraltar will be entitled to medical treatment in Gibraltar operates as an extension to the 1974 reciprocal healthcare agreement with the United Kingdom.

The terms of the agreement is recorded in an exchange of correspondence the text of which is as follows:

"It has been decided in discussions between the Department of Health and the Gibraltar Health Authority that the Governments of the United Kingdom and Gibraltar should rectify the present situation whereby United Kingdom social security pensioners who reside outside the United Kingdom but within the European Economic Area receive health care under the public health care system of their country or territory of residence at the expense of the United Kingdom authorities, with the sole exception of those social security pensioners resident in Gibraltar.

I am therefore writing on behalf of the Government of the United Kingdom to propose the following arrangements for the provision of health care for United Kingdom social security pensioners resident in Gibraltar:

(a) The Government of Gibraltar will provide health care under the health care system in Gibraltar for United Kingdom social security pensioners resident in Gibraltar.

(b) The additional costs thereby incurred by the Government of Gibraltar will be recognised by an adjustment to the number of referrals of patients from Gibraltar to the United Kingdom in accordance with Article 4(b) and 8(c) of the 1974 Exchange of Despatches concerning Reciprocal Health Care. The costs of treatment within the United Kingdom in respect of such patient referrals will be met by the Government of the United Kingdom.

(c) The number of such patient referrals will be determined annually between the Government of Gibraltar and of the United Kingdom in accordance with the methods set out in the Annex of this letter.

(d) Procedures for exchange of information and resolution of disagreements relating to the interpretation or application of these arrangements will be the same as those set out in Article 6 and 7 of the 1974 Exchange of Despatches concerning Reciprocal Health Care.

Unless otherwise decided, the following definitions will apply for the purposes of these arrangements:

(a) "United Kingdom" means England and Wales, Scotland, Northern Ireland and the Isle of Man.

(b) "social security pensioner " means:

- in relation to the United Kingdom, those persons who are in receipt of a United Kingdom state pension which qualifies them for health care under Regulation (EEC) 1408/71 or a retirement pension payable under the legislation of the Isle of Man, and their family members, but not those persons who are in addition in receipt of a Gibraltar social security pension.

- in relation to Gibraltar, those persons who hold a Gibraltar pension which qualifies them for health care under Regulation (EEC) 1408/71, and their family members, but not those persons who are in addition in receipt of a United Kingdom social security pension.

(c) "health care" means:

- in relation to the United Kingdom, treatment by services provided under national health legislation, administered by health authorities or by the Isle of Man Health Services Board.

- in relation to Gibraltar, treatment by services provided under Gibraltar health legislation and administered by the Gibraltar Health Authority.

(d) For the purposes of these arrangements a United Kingdom social security pensioner will be regarded as "resident" in Gibraltar if he is in lawful residence pursuant to the Immigration Control Ordinance. A Gibraltar social security pensioner will be regarded as "resident" in the United Kingdom if he is taking up permanent residence in the United Kingdom.

(e) "Temporary visitor" means a person undertaking a stay as specified in Article 22 of Regulation (EEC) 1408/71.

Subject to the approval of the Government of Gibraltar, these arrangements will be deemed to have entered into force on 1st October 1996 and will remain in force unless they are terminated by the Government of the United Kingdom or the Government of Gibraltar giving three months' written notice to the other.

I should be grateful for your confirmation that the foregoing correctly sets out the understanding between the Governments of the United Kingdom and Gibraltar on the provision of health care for United Kingdom pensioners resident in Gibraltar".

ANNEXE

In respect of the financial year 1997/1998 and for each subsequent financial year, the number of Gibraltar patient referrals to the United Kingdom shall be estimated in the manner specified in Appendix 1.

When definitive data are available to both parties in respect of any financial year for which an estimate has previously been made, the actual costs in respect of that financial year shall be compared to the estimate previously made and any necessary adjustment shall be made in the next financial year in the manner specified in Appendix 2.

APPENDIX 1

UK/GIBRALTAR RECIPROCAL HEALTH AGREEMENT

Method of calculating the number of Gibraltar referrals to the UK.

The number of referrals to the UK in any fiscal year will be computed using the following information:

Estimated costs to Gibraltar

a = the number of persons resident in Gibraltar on 31 December of the preceding year who are in receipt of a UK state pension which qualifies them for health care under Regulation (EEC) 1408/71. (i.e. retirement pension, widows pension, long-term incapacity benefit). Those who also hold a Gibraltar pension will be deducted from the total number in accordance with the provisions of Article 27 of Regulation (EEC) 1408/71. Any Gibraltar pensioner resident in the UK who has only a Gibraltar pension will also be deducted from the number.

b = the latest available average annual cost of treating a pensioner in the UK, derived from the UK average cost paper approved by the Audit Board of the EC Administrative Commission for Migrant Workers (as this is computed by calendar year, it will be applied to the fiscal year which starts in the calendar year i.e. 1996 equates to 1996/97). (In common with EC practice this average cost will be reduced by 20%).

c = the latest available costs to Gibraltar of treating UK temporary visitors;

Estimated costs UK

d = the latest available costs to the UK of treating Gibraltar temporary visitors.

Adjustment factor

e = the adjustment factor determined in Appendix 2 (initially, and for the first two years, this will be 0).

Estimated average referral cost

f = the latest available average cost to the UK of each Gibraltar referral (information from Leeds Health Care);

Using the above criteria, the following technique shall be used:

The number of referrals =
$$\frac{(a \times b) + c - d \pm e}{f}$$
(rounded to the nearest whole number)

Note: The number of referrals for a particular year will be computed by March each year using the latest available date.

APPENDIX 2

UK/GIBRALTAR RECIPROCAL HEALTH AGREEMENT

Method of accounting under the revised agreement:

The annual settlement shall be based on fiscal years and determined using the following information to determine an adjustment factor;

Costs to Gibraltar (a x b) + c where

a = the number of persons resident in Gibraltar on 31st December of the preceding year who are in receipt of a UK state pension which qualifies them for health care under

Regulation (EEC) 1408/71 (i.e. retirement pension, widows pension, long-term incapacity benefit). Those who also hold a Gibraltar pension will be deducted from the total number in accordance with the provisions of Article 27 of Regulation (EEC) 1408/71. Any Gibraltar pensioner resident in the UK who has only a Gibraltar pension will also be deducted from the number.

b = the average annual cost of treating a pensioner in the UK, derived from the UK average cost paper approved by the Audit Board of the EC Administrative Commission for Migrant Workers (as this is computed by calendar year i.e. 1996 equates to 1996/97). (In common with EC practice this average cost will be reduced by 20%).

c = the actual cost to Gibraltar of treating temporary visitors from the UK;

Costs to the UK d + e where

d = the actual cost to the UK of treating patients referred to the UK by Gibraltar for treatment.

e = the actual cost to the UK of treating temporary visitors from Gibraltar.

Adjustment factor

This equates to

Costs to Gibraltar minus Costs to the UK

Note: This may be a positive or negative number which will be taken into account in computing the next estimate of the number of referrals.

The Gibraltar Government has confirmed the terms of the agreement by letter as required.

SUPPLEMENTARY TO QUESTION NO. 161 OF 1997

HON J J BOSSANO:

Can Government say how many free patients are going to be treated as a result of the agreement between 1997/98?

HON K AZOPARDI:

The calculations are being conducted at the moment in liaison between the General Manager of the Authority and the Department of Health in London. There has been an adjustment on account to a hundred in expectation of the

fact that this agreement would be concluded and there would be a higher number. We anticipate that the number will certainly be above 150 and could be much higher than that but the calculations have as yet not been agreed. There is I understand a disparity between the calculations that we have arrived at and the calculations arrived at by the Department of Health, but they will certainly be higher than 150.

ORAL

NO. 162 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - TRAINEE ENROLLED NURSES - QUALIFICATIONS

Can Government confirm that the condition of 3 GCSE "O" Levels for Trainee Enrolled Nurses as a new requirement?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Mr Speaker, I will answer this question together with Question 163 of 1997.

NO. 163 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - STAFF NURSE - QUALIFICATIONS

Can Government state whether they have taken a policy decision to require a given number of GCSE "O" Levels for training to Staff Nurse level?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Gibraltar Health Authority has taken the decision to require that new applicants for enrolled nurse and staff nurse training should be in possession of three and five GCSE 'O' levels respectively.

SUPPLEMENTARY TO QUESTIONS NOS. 162 AND 163 OF 1997

HON MISS M I MONTEGRIFFO:

Mr Speaker, does the Government not consider that imposing this new requirement will limit the number of people that will be able to apply and do they not consider that the present standard of nurses in Gibraltar is adequate?

HON K AZOPARDI:

Mr Speaker, the reason that these changes have been accepted by the Government, I should say firstly that they are recommendations made by nursing managements to the Government and I understand that similar recommendations had been made to the previous administration, at least in part. The reason that we adopt them is certainly against the background that in the United Kingdom there is a minimum requirement of 5 GCSE 'O' levels, there is a requirement that for a minimum of 5 GCSE 'O' levels for Staff Nurse training and I understand that with the advent of project 2000 nursing courses, most of those courses take the form of university qualifications and people are required to take degrees in nursing and so on. So the focus very clearly is to move on and make it tougher for people to join the nursing profession and to have minimum requirements and it is against that background we adopt it. I am certainly happy with the quality of nurses that we have but the focus of this is not on the nurses that we have today but on increasing the quality of the pool of

applicants that we will have for nursing training tomorrow.

HON MISS M I MONTEGRIFFO:

Mr Speaker, firstly as a point of order, when we were in office certainly we did not receive any representations from the management to have GCSEs as a requirement and, secondly, I urge the Minister to reconsider the Government decision in the light that the market is different in the United Kingdom to what it is in Gibraltar and also to take into consideration that both the UKCC and the University of Sheffield have accepted Gibraltar nursing qualifications to be up to standard.

HON K AZOPARDI:

Mr Speaker, when I say that I understand that the recommendations were made by management to the previous administration I say so on advice of the present management. I have with me a letter which I accept was not addressed to the previous Minister but certainly is a letter from the Nurses' and Midwives' Registration Board to the Legislation Unit who were considering legislation at that time in relation to EC Directives which recommends minimum entry requirements, that on the first point, but I do accept that there is no direct correspondence that I have with me, but I say so on the advice of management, but certainly let me say in relation to the other point that the Government have considered the matter carefully and have taken a policy decision and I have stated what that is. We want to increase the quality of the applicants that will now join nursing training and I have said why we want to do that.

HON J J BOSSANO:

Does not the Government understand that even if it allows people who do not have those GCEs to apply, it does not prevent people who have them from applying and that therefore by not making it a condition in the application it does not deprive people with three or five 'O' levels from being included as possible candidates, so what is to stop the Government in its selection process taking into account those who have five 'O' levels but not necessarily ignoring those who may not have them but who may well prove that they have got personal qualities which make them ideally suited for nurses which in the past in Gibraltar have always gained and continue to gain the praise of people from the United Kingdom who use our services notwithstanding the fact that our people may not be as academically qualified? Does not the Government agree that without making it a requirement there is nothing to stop them taking it into account?

HON K AZOPARDI:

I understand what the Leader of the Opposition is saying and of course people are not prevented from applying if there are zero qualifications, but the point of this is set against the background of what I indicated before, that the management received numerous requests for information given the fact that the Government have said that they want to restore training to staff nurse level in Gibraltar. As to the qualifications that will be required from people who are still at school and we think this will encourage academic endeavour which although may not be the be-all and end-all of what they will have to deliver as in the health care system, we think it is an important part of the basic educational qualification of the future nurses that we will have in Gibraltar. As I say, we have taken that policy decision and while I understand the point the Leader of the Opposition is making I certainly do not accept that we will review or restore the fact that no entry qualifications will be required for nurses.

HON J J BOSSANO:

Has the Minister not just said in answer that people with zero qualifications will not be debarred from applying? Is it the case that it is going to be a minimum requirement without which people cannot apply? Or is it not?

HON K AZOPARDI:

Mr Speaker, yes, there is a minimum which we have set, I have said that in my answer.

HON J J BOSSANO:

I thought that in the reply he has just given me, he started off by saying that people with zero qualifications will not be debarred.

HON K AZOPARDI:

Only in the scenario that if we adopt the Leader of the Opposition's suggestion, but we are not going to adopt it.

HON CHIEF MINISTER:

There are plenty of walks of life in Gibraltar in which there are minimum entry requirements and the Government should seek to consolidate requirements by establishing minimums as opposed to having no entry requirements, it

is I accept a matter of policy and the Government takes note that the hon Opposition Members do not agree with the policy but it is the policy of the Government in order that as my hon Colleague has said there should be over a period of time an encouragement to academic endeavour by those who have a vocation to become nurses.

HON J J BOSSANO:

Is there any evidence that people in school choose not to try and pass their GCEs because they believe they can become nurses without having the GCEs? It is complete nonsense, Mr Speaker, that is what the Government believe justifies its policy decision, it is quite extraordinary. Does the Government not realise that in fact there are people in Gibraltar for linguistic reasons, if for no other, who do not necessarily perform as well academically as they are able demonstrably to show an ability for subsequently in employment and if we are going to have expansion in areas like financial services which are going to be making demands on people with GCE results then we cannot have the labour market opportunities restricted wider and wider to the same pool of people who achieve results in GCEs and the others are supposed to become what?

HON CHIEF MINISTER:

Mr Speaker, the Government are certainly not of the view, and let us expand the discussion beyond the scope of nursing, the Government have no doubt that there is a great benefit to this community and to the consumers of the services that the public service provides by encouraging a raising of the standards and qualifications of those people that deliver that service. I hope that that is not a proposition with which the hon Member is disagreeing in principle. However, I understand one of the points that he is making which is that there has got to be horses for courses and that the qualifications cannot be set so high that it makes it impossible to be attained by the sort of people who might reasonably aspire to that sort of job. With the greatest of respects three GCE 'O' levels is hardly setting the standards at a very high level and indeed it is something upon which the Government have received advice from the very professionals in the nursing union.

HON J J BOSSANO:

Mr Speaker, is it not the case that the standard that is being set is not the standard that will qualify people as enrolled nurses or staff nurses, it is a standard to enable them to make the attempt to become qualified. The fact that there are staff nurses in the hospital today

and enrolled nurses today, who do not have five 'O' levels or three 'O' levels does not mean that they are sub-standard. Does the Government not realise that if they accepted, as a result of interview, as a result of the abilities and of the vocation of the person, somebody who had two 'O' levels instead of three, that would still require that person to undergo the same training to qualify as an enrolled nurse and they may well find that when the time comes to pass the enrolled nurse exam the person with the three GCEs fails and the person with the two GCEs passes because they have got a greater commitment to nursing. What they are doing is depriving the one with the two from even making the attempt. I am not saying they should drop the standard of enrolled nurses. I am saying the entry requirement which we have not had before will limit the number of people that will enter the profession. By not having the requirement it does not prevent them from taking into account GCEs as one factor but if they have a condition of application, if they put an advert and they say in the advert only people with three 'O' levels may apply, one may have a Florence Nightingale in the community who has not got three 'O' levels.

HON CHIEF MINISTER:

I do not know what particular interest the hon Member has in the nursing profession, but I can tell the House that I know of no profession in the world in which there is not a minimum academic requirement to access what is subsequently a professional examination. What makes the hon Member think that the nursing profession is different? On what does he base his view that there should be standards of entry recruitment in all professions except in nursing?

HON J J BOSSANO:

Mr Speaker, although I am not supposed to be answering his questions, since he is asking it, let me say that I am addressing the subject of nursing because that happens to be the area in which the Government have taken a political decision to require a standard with which we have survived not having it for as long as we have had a health service in Gibraltar and we do not seem to have done too badly out of it. It is for the Government to justify why there is now a requirement which was not there before and if the Government wants to know why it is that I happen to have an interest and a knowledge of this it happens to be because I used to be the Branch Officer of the nurses that he is talking about and as far as I am concerned I would have thought for a start it is a matter that comes within the competence of the negotiating rights of ACTSS. I wonder whether the

Government have obtained the agreement of the Union for the introduction of what is a change in the entry requirements for a grade which is represented by ACTSS and perhaps they can tell me whether this has been done with Union agreement?

HON K AZOPARDI:

The former Chief Justice once told me, that when he did the Bar, a degree was not required or indeed an exam pass was not required at the Inn's of Court School of Law, all he had to do was sit some dinners and then he became a barrister. That did not mean that he was a bad Chief Justice but it also did not mean that it was bad for the professional body then to set the fact that you had to sit an exam to become a barrister. In the same way I am not saying that the quality of nursing in Gibraltar is bad but it is also not a reflection on that that we should not look towards increasing the quality of the pool of applicants and that is why we have taken this decision based on nursing management's view on this matter. They are experts in the field, we have taken that decision based on that particular information and I believe that they have had extensive discussions with the nursing union on the issue as well.

HON J J BOSSANO:

Can the Minister explain to me why it is that he thinks that we are making it possible for people with three and five 'O' levels to apply if we make it a minimum requirement and that they cannot apply if we do not, what is to stop those people with those qualifications competing for the vacancies with those who have not? There is nothing to stop it.

HON K AZOPARDI:

Mr Speaker, the Government's position is as stated in the answer. We think that this is a valuable requirement and we intend to adopt it.

HON J L BALDACHINO:

By putting this condition of three GCEs, will that debar what the hon Minister for Education said that he is going to introduce GNVQs, will people with GNVQs be able to apply? How many GNVQs will you require for one GCE?

HON K AZOPARDI:

Mr Speaker, if they have three and five 'O' levels respectively obviously they will be able to apply but I certainly am not aware that there are GNVQs in nursing.

I do not know if my Colleague will be able to tackle that issue.

HON CHIEF MINISTER:

The hon Member is asking whether the Government will consider the possibility of regarding GNVQs as the equivalent of academic attainment of three 'O' levels, that is a matter upon which the Director of Education will no doubt advise the Ministers in due course but I am grateful to the hon Member for pointing out that possibility.

NO. 164 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - FLEA EPIDEMIC IN ST BERNARD'S HOSPITAL

Can Government state what steps have been taken to deal with the flea epidemic in St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

There was a recent insurgence of fleas in some parts of St Bernard's Hospital. As a precaution and to avoid the problem becoming exacerbated a disinfestation programme was conducted over a three week period. The Environmental Agency and RSPCA were called out to deal with stray cats that are believed to be the carriers in this case. The hospital management has sent a circular to staff reminding them not to feed the stray cats. The Government wishes to publicly acknowledge the assistance given by the MOD in the temporary relocation of Lady Begg ward to the RNH to allow the disinfestation to be carried out.

SUPPLEMENTARY TO QUESTION NO. 164 OF 1997

HON MISS M I MONTEGRIFFO:

Mr Speaker, is Lady Begg Ward still at the MOD RNH Hospital?

HON K AZOPARDI:

I believe the programme has now been completed. Indeed, it was complete before time. We said three weeks but it was completed before time. All the Wards are back to where they were at the start of that programme.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Government confirm whether there was any disruption to the service like, cancellation of operations because of the epidemic?

HON K AZOPARDI:

Yes, Mr Speaker, I believe that there were some cancellations of operations when the theatre was fumigated. I believe there were some operations affected but they have been set down for operations later on.

ORAL

NO. 165 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - PERSONAL EMOLUMENTS - ADMINISTRATIVE GRADES

Can Government state what is the provision in the Estimates of the Gibraltar Health Authority for the Personal Emoluments of the administrative grades in the current financial year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The 1997/98 provision in personal emoluments for administrative grades is £690,000.

NO. 166 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - REFURBISHMENT WORKS

Can the Government state what major refurbishment works will be undertaken within the buildings of the Gibraltar Health Authority during the current financial year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The following major refurbishment works are planned for this financial year at GHA facilities:

- (a) the installation of a new lift at St Bernard's Hospital;
- (b) the repair of the KGV roof;
- (c) partial refurbishment of Godley Ward;
- (d) the completion of the refurbishment of Children's Ward;
- (e) the completion of refurbishment of 17 Johnstone's Passage.

While not a new refurbishment work, the on-going work which has necessitated the temporary relocation of Lewis Stagnetto Ward is also worthy of note.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1997

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister inform the House what are the works involving 17 Johnstone's Passage?

HON K AZOPARDI:

Mr Speaker, because space is at such a premium within St Bernard's Hospital at the moment, 17 Johnstone's Passage, which was lying empty and is the former home of a section of the Housing Department has been taken over by the Health Authority. There are some refurbishment works that need to be undertaken by Community Projects and it will house the Finance and Salaries Section of the Health Authority to be able to allow some space to be free at St Bernard's so that the Hospital Manager can utilise that

space which is so badly needed. That building, I should add, is only about three minutes walking distance from the entrance to the Hospital and so it is a very convenient location for relocation of any staff. We were keen to relocate staff which was identified as being available for relocation outside St Bernard's in the sense that they were not required there but could be within a vicinity proximate enough to be able to come to St Bernard's if needed.

HON MISS M I MONTEGRIFFO:

So that in effect means that the Salaries Section is also moving to 17 Johnstone's Passage?

HON K AZOPARDI:

Yes.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I was not very sure because I could not hear it properly, I could not hear the Minister's answer, could he confirm that the work that he has mentioned includes the refurbishment of the kitchen or has that already been completed?

HON K AZOPARDI:

No, it has not been completed yet.

HON MISS M I MONTEGRIFFO:

Could the Minister say why the delay in the kitchen, in view that these works started nearly two years ago?

HON K AZOPARDI:

It relates to the fact that the JBS staff that were undertaking the refurbishment there have been deployed to tackle the Children's Ward issue which has not yet, regrettably, not been finished because I understand that some of the materials that were required to complete those works were delivered to Gibraltar but were the wrong materials and so have had to be sent back and we are waiting now to conduct the finishing touches to that project so that we can re-open Children's Ward and then redeploy JBS staff elsewhere.

HON MISS M I MONTEGRIFFO:

I take it that Lewis Stagnetto Ward is presently still housed in the kitchen and hence the reason why the Minister cannot still confirm to the House.....

HON K AZOPARDI:

Not in the kitchen, Lewis Stagnetto is in Private Corridor.

HON MISS M I MONTEGRIFFO:

Lewis Stagnetto is housing the kitchen, yes, I am correct.....

HON K AZOPARDI:

Yes, yes.

HON MISS M I MONTEGRIFFO:

Yes, I am correct, Mr Speaker.

HON K AZOPARDI:

I cannot hear her.....

HON MISS M I MONTEGRIFFO:

You cannot hear me either? So, is the Minister still unable to confirm whether Lewis Stagnetto Ward, which is presently in the Private Wing will remain in Private Wing?

HON K AZOPARDI:

Yes, I am still unable to confirm that but we are taking on board the suggestion made by the hon Member previously and the reason again a decision has not been taken is because there has been no urgent need to take it because of the fact that JBS staff are still working somewhere else.

NO. 167 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA -MEDICAL REVIEW 1996 - RECOMMENDATIONS

Which recommendations of the report of the Medical Review of 1996 have been rejected by the Government?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

In publishing the report the Government mentioned that while generally welcomed, there inevitably would be recommendations which would not be accepted by Government. Some, such as the change in the composition of the Health Authority and Management Board envisaged by the review team, are clear at present. There will be others which Government will not seek to implement once it has received the view of the Chief Executive and strengthened management team that will be tasked with advising on the implementation of the report.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1997

HON MISS M I MONTEGRIFFO:

I see, does that mean that the Government are still unsure as to which recommendations they will be rejecting and those which they will be accepting.

HON K AZOPARDI:

Mr Speaker, it is not a matter as described by the hon Member. Because of the breadth and length of the Report and because of the extensive nature of a lot of the recommendations, we are talking about 98 recommendations all in all, it is better to place a focus not on what will be rejected but on what will be implemented and so it was very clear to us because we drafted an implementation strategy that for the financial year 1997/98, which is the present one, or rather from January 1996/97, to the end of the financial year 1997/98 we could undertake everything that we published in conjunction with the report back in January this year. We estimate that 35 per cent of the Report will be implemented by then. As to the remainder, again because of the extensive nature of them and because it is important not to be stark in saying, "I agree with this one word for word" and because we want to give flexibility to the new management team, once the

restructure has happened we will task, as we said in January this year when we published the report, we will task the restructured management team with advising Government on which part of the Report and how many recommendations of the remainder, of the balance, can be implemented and in what timescale. So really the focus that we are putting on is not what we are going to reject but rather what we are going to do in the next year which is clear to us. Beyond that, whilst generally welcomed, we want to give some flexibility for discussion purposes at least and not tie the future Chief Executive to particular matters to be able to advise us on the form and time scale of that implementation and then we will be able to take a view in conjunction with the restructured management team as to the rest of the recommendations. I should say against that background what I said in the preface to my answer, that the Report is generally welcome and we would look to implement a majority of the Report.

HON MISS M I MONTEGRIFFO:

I take note of what the Minister has answered but seeing that when they made the Report public, they then proceeded to say publicly that they would implement the majority of the recommendations of the Report and that as the Minister has explained 35 per cent would be implemented in the first year and the rest the Government announced that they would be implementing phasing out those recommendations through a year period. Surely, if they have made that sort of an announcement is it not expected of the Government to know exactly by now which are those which they want to outrightly reject?

HON K AZOPARDI:

Mr Speaker, when we announced the Review Report yes, indeed, we did say that we were going to implement the majority of recommendations but we also said that we would allow the Chief Executive to put proposals to us and consider the structure of the rest of the implementation. So we said both things. It is not true to say that we only said we were going to implement the majority and now we are shifting ground. The statement that I issued in January this year mentioned that we welcomed the Report and would implement the majority but then also said that by the end of the financial year 1997/98, 35 per cent of the Review Report, would be implemented. It then said in the next sentence that the management team headed by the Chief Executive would be able to consider proposals on other substantial issues and assess how and when to tackle the matters as part of the development of a strategy that would take place as from 1997/98. So it is clear that the focus has always

been on what we want to do in the next year and the advice we are going to get to be able to implement. The purpose of the advice is so that we are able to implement the majority and the spirit of the Report while, of course, there are some that we now see will not be implemented like the one that changes the composition of the Gibraltar Health Authority and the Management Board and others, that we may be persuaded not to implement once we receive advice on the structure and timescale of the implementation plan. I am afraid that I cannot be more specific than that because of the extensive nature of the Report.

HON MISS M I MONTEGRIFFO:

Well seeing that I cannot get the Minister to actually confirm which recommendations he will be accepting and which they will not be accepting, as he has now confirmed that they expect 35 per cent of the recommendations to be implemented within the next financial year, will he be able to give the House an indication of what recommendations involve those 35 per cent?

HON K AZOPARDI:

Mr Speaker, I regret that even though I mentioned at length what those measures would be it seems that the hon Member has missed my Budget speech. As I say, I went on at length to discuss that. Once Hansard is typed up, if the hon Members wants further specific detail of the issues that I raised in my Budget speech in explaining what we intend to implement over the next year, of course, she is free to contact me and I will give her those details but I went on I think on the implementation of the health review for at least half an hour and I do not propose to keep the House for half an hour describing that again.

HON MISS M I MONTEGRIFFO:

I did listen to his Budget speech and I took note of everything he said and in fact I remember very well what he said, but Mr Speaker, when we talk about percentages like 35 per cent in one year are we talking about 35 per cent of what? Of 100 per cent?

HON K AZOPARDI:

Of ninety eight.

HON MISS M I MONTEGRIFFO:

Are we talking about 35 per cent of 90 per cent?

HON K AZOPARDI:

Thirty five per cent of 98. I leave it to the hon Member to calculate the mathematics of that.

HON MISS M I MONTEGRIFFO:

That is not an answer, Mr Speaker.

ORAL

NO. 168 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL CARE

Can Government confirm how many times civilian patients have had to be transferred or requested to attend The Royal Naval Hospital for medical operations or other types of medical interventions since the 1st May 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Questions Nos. 169, 170, 171 and 172 of 1997.

ORAL

NO. 169 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL CARE

In providing secondary health care to the MOD, can Government confirm how many times medical, nursing, para-medical or other staff of the Gibraltar Health Authority, have had to go to or practice at The Royal Naval Hospital since the commencement of the trial period?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Questions Nos. 168, 170, 171 and 172 of 1997.

ORAL

NO. 170 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL CARE

Can the Government confirm how many times MOD personnel have attended St Bernard's Hospital for operations, other types of medical interventions or clinical assessments?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Questions Nos. 168, 169, 171 and 172 of 1997.

ORAL

NO. 171 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL CARE

Can Government state what types of medical operations or other types of medical interventions have been undertaken at St Bernard's Hospital on MOD personnel as a result of the trial period which commenced on the 1st May 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Questions Nos. 168, 169, 170 and 172 of 1997.

NO. 172 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY MEDICAL CARE

Can Government state what types of medical operations or other types of medical interventions have been undertaken at the Royal Naval Hospital on patients sent by the Gibraltar Health Authority, as a result of the trial period which commenced on the 1st May 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No GHA entitled patients have had to be transferred from St Bernard's Hospital to RNH since 1st May 1997 other than as part of the disinfestation programme.

Twenty GHA entitled patients have been requested to attend RNH for ENT operations since 1st May 1997.

Since 1st May the Associate Specialist in ENT has on occasion practised at RNH. It is envisaged that the Consultant gynaecologist will attend soon and others may follow as determined by the implementation group.

As far as MOD personnel attending St Bernard's is concerned the midwives are there on a daily basis subject to the shifts they must work. An MOD laboratory technician and radiographer are regularly at St Bernard's and recently one MOD nurse has been joining the operating theatre team on rotation.

From 1st May to 13th June the A & E department has dealt with 72 casualty cases. There have been eleven in-patient admissions. Three operations have been carried out during the period to 22nd June and maternity has conducted 46 ante-natal clinics.

I should add, Mr Speaker, and this may amend my oral answer to the written answer that I have here that I was informed this morning that another Caesarean was conducted yesterday.

NO. 173 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - POST OF CHIEF EXECUTIVE

Can Government state when they expect the new post of Chief Executive for the Gibraltar Health Authority to be filled?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Gibraltar Health Authority expects to select the successful applicant within the next few weeks.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1997

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Government confirm what sort of criteria they are using for the selection of Chief Executive of the Gibraltar Health Authority?

HON K AZOPARDI:

The criteria obviously is set by the Management Board and those on the selection board for selection, as it were. The Management Board sifted through the 85 applications and produced a short list and those persons, I think it is 12 or so, were then interviewed by a selection board and they will select who they consider to be the best person able to comply with the functions of the Chief Executive, implement such part of the Review that the Government seeks to implement and generally comport himself as a Chief Executive would. The applicants were quite varied in their nature. It included people who were Chief Executives, it also included applicants who were Deputy Chief Executives, Directors of Finance, there were some doctors, there was a wide variety, there was even a management consultant, there was a wide variety of applicants and I should inform the House that the interviews have been held. The selection board has identified three applicants which shone through, if you like, the selection process. They will be visiting Gibraltar this weekend when I will get to meet them, and have an opportunity to chat with them to see who they are and then the selection board will make its choice. I understand that they already have a preferred order in mind and really it is a matter of bringing the more successful applicants out to meet the relevant persona

within the Gibraltar Health Authority. They are going to meet the Management Board, the Health Authority itself, they are going to meet a wide selection of people with a programme identified by the Health Authority management and so I expect that a final decision will be taken quite soon and then it will be up to discussion of terms.

HON MISS M I MONTEGRIFFO:

Mr Speaker, have not the Government made it a condition that the Chief Executive for the Gibraltar Health Authority should have had previous experience in health authorities within the United Kingdom?

HON K AZOPARDI:

It has, I understand, been almost an implied criteria. Certainly it is obvious that anyone shortlisted by the management board has had health authority management experience. I believe that most of the health authority experience that those applicants have had is within the United Kingdom, yes, I believe that the answer to that is yes.

HON MISS M I MONTEGRIFFO:

So, Mr Speaker, the answer is yes then?

HON K AZOPARDI:

Yes.

HON J J BOSSANO:

Mr Speaker, does it mean in fact then that the three people that have been selected to visit Gibraltar are from health trusts in the UK currently?

HON K AZOPARDI:

From memory, I think that one of them is, I believe that one of them is, yes.

HON J J BOSSANO:

How is that consistent with the answer that we have just been given that they had to have implied or otherwise, health authority, which presumably means health trusts, management experience in the UK, if the other two are not from that background.

HON K AZOPARDI:

Health authority does not necessarily imply health trusts, given that there are health authorities and health trusts. It is perfectly consistent with the answer I have just given. One of them happens to come, I believe, from a trust, the other two do not but are Chief Executives elsewhere in the United Kingdom where they do not have health trusts. One of them I think comes from the Orkney Islands where they do not have a trust and the other one is from the Isle of Wight where I understand they do not have a trust. That is perfectly consistent with the answer given.

HON J J BOSSANO:

Mr Speaker, where there any local applicants in the 12 shortlisted or in the 85? Presumably in the 85 there were?

HON K AZOPARDI:

There was no local applicant in the shortlist of 12. There was no local applicant in the 85, there was an applicant from Gibraltar who was not local.

NO. 174 OF 1997

THE HON J C PEREZ

MAIN STREET BEAUTIFICATION

Does Government intend to put out to tender the additional pedestrianisation works not included in the original Main Street contract?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

During the progress of the original Main Street contract this had been extended to cover certain areas not originally envisaged. The Government view the additional beautification work that has been announced as further extensions to the original contract and it is not felt that there will be a need to place an invitation to tender.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1997

HON J C PEREZ:

Can the Minister state what the additional works entail and how they have been costed?

HON K AZOPARDI:

Mr Speaker, I can given the hon Member a rough costing on the total of the additional works but I cannot give him a specific costing. I understand that the changes.....

HON J C PEREZ:

I have not asked him for the costing, I have asked him how they have been costed?

HON K AZOPARDI:

They have been costed by the Project Managers working in consultation with those working under contract by the Government, those contracts that were entered into by the Main Street Beautification Trust and so they have done so in accordance with strict criteria and the usual procedures that work in construction. The changes amount to a rough estimate of an additional £260,000 and if the hon Member will bear with me I will read out the additions to the original works that have been conducted:

1. The beautification of Pitman's Alley;
2. The introduction of a large diameter drainage pipe and associated manholes at the northern end of Main Street in preparation for the eventual installation of a new drain to avoid any annual floodings;
3. The archaeological dig at the northern end of Main Street and diversionary work required to avoid damaging the finds;
4. The archaeological dig opposite the Cathedral and works associated for the preparation of the eventual exhibition scheme;
5. An increase in the scope in respect of infrastructure works for GibElec;
6. An increase in the scope in respect of infrastructure work for Nynex;
7. A very substantial increase in scope associated with mains replacement for Lyonnaise des Eaux;
8. The replacement of the collapsed sewer section to the north of the Piazza;
9. The suspension of works during Christmas of 1996 and the subsequent demobilisation and remobilisation of the site required as a result;
10. Refurbishment works conducted at the Waterport Fountain;
11. Increase in street furniture, e.g. seats, water bollards, hanging baskets etc; and
12. Technical changes required as a result of the deteriorated services uncovered.

HON J C PEREZ:

If the Minister would bear with me, what he is saying is that the Main Street contract has cost £260,000 more than the original price because of the list of works that he has mentioned. I am asking the Minister whether any extra pedestrianisation work other than the list that he has mentioned will be an extension to the contract or will be going out to tender, given that he appeared on television and mentioned a lot of new areas that would be pedestrianised. Is that going to be an extension of the contract or will that be going out to tender when the Government decide to put it out to pedestrianisation?

HON K AZOPARDI:

That scheme is an extension to the original contract but what we do intend to do is advertise the planning schemes so that people know what exactly is going to be done but it will be an extension to the original contract.

HON J C PEREZ:

And how does the Minister propose to come up with prices for the new pedestrianisation given that it is not going to go out to tender? How does the Minister propose to get a price for a new road that is going to be pedestrianised?

HON K AZOPARDI:

The negotiations will be based on the costings agreed and settled by the previous administration which led to this original contract. I imagine that they are satisfied that those were fair prices for that work, against the background of the fact that because that work is now being conducted and they have experience in these matters we are hoping the negotiations obviously take account and make a reduction to take account of that.

HON J C PEREZ:

Yes, but is the price going to be entered into by virtue of the ratio of square metres to the original price? Or is those square metres related to the final price of the project? Or, for example, certain technical things that might be underneath the surface of the road which might prejudice the project being taken into account. I am asking the Minister that in arriving at the costing whether he is going to use the yardstick of the original price, of the final price or if there are any deviations from that?

HON CHIEF MINISTER:

Mr Speaker, of course the tendering procedure to which of course this Government are particularly committed is not the only method available for the valuation of building works. Indeed, there are many other techniques.....

HON J C PEREZ:

No one has suggested that.

HON CHIEF MINISTER:

And the techniques..... even if a contract is put out to tender, one does just not accept the lowest, the lowest may still be too high in terms of the real value of the works. There are, as the hon Member knows because he has had involvement in such projects before, there are techniques for measuring works and for placing a value on them. Indeed, I understand that that is what the Quantity Surveyors do for a living. The Government have employed for this project Quantity Surveyors and Project Managers that will advise the Government on what this work is worth. If what the hon Member is asking at the end of the day is whether the profit margin allowed in that measurement and valuation of work is going to be the same as in the contract up till now, or whether the Quantity Surveyors are going to upgrade the value of the work, for example, allowing a higher back up for wage, rate inflation..... I suspect that they will but if the Government have not yet received detailed costing proposals of that nature but the hon Member can be assured that the Government will make sure that the fact that there is not a tender process in this respect will not be allowed to be used by the sole contractor as a means of ratchetting up his price beyond what is strictly justified.

HON J C PEREZ:

So I can take it then that other than the additional works mentioned by the Minister the others would be new contracts and not an extension to the Main Street contract? Even if they do not go out to tender.

HON K AZOPARDI:

No, they will be an extension to the original scheme but there will have to be a separate contractual document signed, if you like. Yes.

NO. 175 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets were engaged by the ETB each month since 1st April 1997?

ANSWER

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

The number of vocational cadets engaged by the Employment and Training Board each month since 1st April 1997 are as follows:

April: 20

May: 27

SUPPLEMENTARY TO QUESTION NO. 175 OF 1997

HON J L BALDACHINO:

Mr Speaker, can the Minister state for what period of time are they placed with employers? What is the period now that the Minister gives a cadet to an employer?

HON J J NETTO:

As I have said already in previous sessions of the House, it is six months.

ORAL

NO. 176 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can the Government state how many vocational cadets have terminated their employment with the ETB each month since 1st February 1997?

ANSWER

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

The number of vocational cadets who have terminated their employment with the Employment and Training Board each month since 1st February 1997 are as follows:

February	33
March	33
April	40
May	29

ORAL

NO. 177 OF 1997

THE HON J L BALDACHINO

ETB - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 and over at the end of April 1997?

ANSWER

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

Answered together with Question No. 178 of 1997.

ORAL

NO. 178 OF 1997

THE HON J L BALDACHINO

ETB - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 and over at the end of May 1997?

ANSWER

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

Mr Speaker, male and female unemployed Gibraltarians aged 18 and over are as follows:

	Male	Female	Total
April	267	159	426
May	271	150	421

SUPPLEMENTARY TO QUESTIONS NOS. 177 AND 178 OF 1997

HON J L BALDACHINO:

Mr Speaker, has the Minister got the figures which I am about to ask, if not, could he pass it over to me when he has them? How many of these unemployed are receiving Unemployment Benefit? How many are receiving no benefits whatsoever?

HON J J NETTO:

Mr Speaker, this is not really a supplementary question. If the hon Member wishes to put that in the notice for future meetings I shall be always willing to give it to him.

HON J L BALDACHINO:

May I ask the Minister, is it that he has not got the figures? Or is it that he does not want to give it to me unless I put a specific question in this House?

HON J J NETTO:

Mr Speaker, it is simply a question that if I do have the figures I shall pass it on to him.

ORAL

NO. 179 OF 1997

THE HON J L BALDACHINO

I&D FUND - REPLACEMENT OF BALCONIES AND WINDOWS

Can Government state how much has been spent from the Improvement and Development Fund, Head 101, Subhead 1, replacement of balconies and windows in the months of April and May?

ANSWER

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

Mr Speaker, money spent so far is £23,207. (Windows only.)

NO. 180 OF 1997

THE HON A ISOLA

TOURISM MINISTRY - NEW POSTS

Can Government confirm that there has been a delay in the recruitment of the Tourism Director and of a Product and Marketing Manager?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

It is incorrect to speak of a delay in the recruitment of a Commercial Director of Tourism and of a Product Manager and a Sales and Marketing Manager. Following the closing date for applications, candidates were short-listed for first interview and second interview. These were held on 5th May and 30th May respectively.

Candidates who attended for second interview will be notified shortly of the results once terms of contract have been agreed. A public announcement will then follow.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1997

HON A ISOLA:

Mr Speaker, how many people were shortlisted for each of the interviews on the 5th and 30th of May?

HON J J HOLLIDAY:

There were four candidates shortlisted for Commercial Director and there were nine applicants for the post of Product and Sales and Marketing Manager. However, one must note that some applicants applied for more than one post.

HON A ISOLA:

Mr Speaker, could the Minister inform us as to who or what was the composition of the selection board?

HON J J HOLLIDAY:

The first selection board consisted of three, Lieutenant Colonel Guerrero, Mr Ken Robinson and Mr Richard Garcia. The second selection board were Ernest Montado, Chief

Secretary, Albert Finlayson, Personnel Manager, and Richard Garcia.

HON A ISOLA:

Mr Speaker, the four persons that have been shortlisted in respect of the Commercial Director, are they local or are they UK based?

HON J J HOLLIDAY:

The four persons were all local based.

HON A ISOLA:

Are there no other applications pending, just those four?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

Could the Minister tell me what experience each of the four has in tourism or what is the criteria the selection board is seeking in the Commercial Director?

HON CHIEF MINISTER:

With the greatest of respects, Mr Speaker, the Opposition Members may have developed a very recent interest in the whole concept of selection boards but I think that whilst we are willing to give out a full measure of information, to actually expect the Government to give details here of the workings of a selection board upon which no Minister sits, before the decisions of the selection board have been made public, I think would be completely inappropriate.

HON A ISOLA:

Mr Speaker, I am not seeking to enquire as to the goings on within the selection board or what they may discuss within that board, I obviously respect the confidentiality of that forum, what I am simply asking is, what is the criteria being set that the selection board are asked to follow and who would set that criteria, what is the criteria?

HON CHIEF MINISTER:

The criteria is set by the Government. The criteria are applied by the members of the selection board who make recommendations to the Government and the criteria

broadly are that the successful applicant for the job has to have the necessary ability to discharge the job. Those have been advertised in the job advertisements for each of the three positions. If the Government decide that in the light of applications it is necessary to consider persons with less qualifications than was originally included in the advertisement, that is a matter that the Government would have to decide upon in the light of the job that he is doing but that has not occurred in relation to the two jobs below the director level. It has occurred in relation to the Director job in the sense that the two qualified, if I could put it that way, applicants withdrew for one reason or another leaving local applicants who did not technically comply with the job as advertised and the Government are at a very advanced stage of making the decision. Indeed, I think I can now go further than that to say that the Government have decided to redefine the duties of the job that was going to be the Commercial Director of tourism that is now not going to be called the Director of Tourism and have different job specification to try and bring it within the competence of one of the local applicants that has applied. The alternative would have been to have abandoned the exercise altogether but of course nor will the new job as redefined carry with it the salary that was advertised for somebody with senior commercial experience in tourism internationally.

HON A ISOLA:

Mr Speaker, I am grateful for that answer. From that answer it seems that in fact there has been a delay in the selection of the Director. There has certainly been a change or a moving of the goalpost which we have indicated anyway. Is it a requirement that the person has experience now that the label has changed, maybe that new definition does not require that experience any longer, perhaps if we knew what the new definition is it may answer the question by itself?

HON CHIEF MINISTER:

I do not accept that there has been delay. Delay suggests that a pre-announced and predetermined period of time has been exceeded. As there was no preannounced or predetermined period of time there has been nothing to exceed and therefore there cannot be any delay. But I should add that the redefinition of the job is to make it more managerial and less commercially-orientated. In effect, a Managing Director of the Tourism Board as opposed to a Commercial Director of Tourism. We would rely on the tourism input from the local recruits at production and sales and marketing levels.

HON A ISOLA:

Administrative position? Management level, not
touristic?

HON CHIEF MINISTER:

No, no, there is much more to management than
administration, as I am sure the hon Member is aware of.
I see where his mischievousness is seeking to take the
Government. This is not administrative in the civil
service sense as you understand, this is managerial in a
business sense, do you understand?

ORAL

NO. 181 OF 1997

THE HON A ISOLA

CRUISE LINER VISITS

Can Government state how many cruise liners are scheduled to visit Gibraltar from 1st July to the 30th October and the comparable numbers for 1996 and 1995?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Mr Speaker, 48 cruise liners are expected to call at Gibraltar between 1st July and 31st October 1997.

The comparable figures for this period for 1996 and 1995 are 58 and 56 respectively.

NO. 182 OF 1997

THE HON J GABAY

GOVERNMENT SUBSIDIES

Can Government confirm that it intends to provide a subsidy towards the cost of a proposed concert to be given by Spanish tenor Jose Carreras during the festivities leading to National Day?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Government have no plans to subsidise a concert by Jose Carreras during the festivities leading to National Day.

A committee under the chairmanship of my learned Colleague, the Hon Dr Linares, is finalising plans in regard to the cultural events planned for the week culminating on National Day. A public announcement will be made on this subject shortly.

It is nevertheless true to say that Government are planning cultural events for the future. Public announcements will be made as soon as contractual and commercial considerations permit.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1997

HON J GABAY:

Mr Speaker, I would not like to give the wrong impression here. Of course we would welcome should it materialise to have the presence of a tenor of that category to appear here in Gibraltar. It was simply that should the possibility arise whether the Government might be willing to consider subsidising such an event, particularly within the calendar of National Day?

HON CHIEF MINISTER:

Mr Speaker, I would urge the hon Member not to put further questions on this subject, but it may be possible to satisfy some of his curiosity in a forum that will not prejudice the attainment of things that we are seeking to achieve. I hope that he can understand that. The reference to the timing in relation to contractual and commercial considerations I think is the signal as to the meaning of what I am trying to convey to the hon Member

now. It would not be the opportune moment for the Government to answer the question that the hon Member is putting.

ORAL

NO. 183 OF 1997

THE HON J C PEREZ

CRUTCHETT'S RAMP - PETITION BY RESIDENTS

Has the Minister with responsibility for traffic now considered the petition presented to him by the residents of Crutchett's Ramp?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

I am of course aware of the petition presented by the residents of Crutchett's Ramp and the surrounding streets, dated 4th April 1997. In addition, I was sent a copy of a letter addressed to the Commissioner of Police dated 18th April 1997 by a resident of Demaya's Ramp and a letter was addressed to me by the proprietor of a business in Crutchett's Ramp on 20th May 1997, voicing similar concerns.

Government have as yet not taken final decisions regarding traffic access to the portions of Main Street that have been beautified. It is therefore premature to reply to the petition from Crutchett's Ramp residents.

Obviously, their views are on record and will be considered by Government, together with the views which include the Chamber of Commerce, the Gibraltar Distributors' Association, the Main Street Association, the Gibraltar Federation of Small Businesses, and other representative bodies, before arriving at a final decision on traffic flows and restrictions in Main Street and the surrounding areas.

In the meantime, Main Street will continue with the current restrictions as the contractors are not yet in a position to hand the project back to Government until certain minor works are performed, all street furniture is in place and "snagging" is completed, which I am informed is a complicated process for a project of the magnitude of the Main Street beautification scheme.

SUPPLEMENTARY TO QUESTION NO. 183 OF 1997

HON J C PEREZ:

Mr Speaker, does the Minister not consider that as a result of certain letters that have appeared in the press there are certain cases which merit immediate attention

and that there is merit in some of the arguments that have been put by the residents for the Government to take immediate steps to alleviate that situation. For example, is the Minister not aware that there is a lady that has not been able to leave her house for three months because of the problem with access to her house and that she now seems to be listening to mass at home because she cannot go to Sunday mass?

HON J J HOLLIDAY:

Mr Speaker, one thing that we have to bear in mind is that any policy decisions that are taken in respect of Crutchett's Ramp and in fact any other area can have serious implications on the overall policy for the pedestrianisation or otherwise of the different sections of Main Street and therefore in the light of the fact that we are now very close to termination and implementation of Government policy, I think that the extra few days/weeks that we are now waiting is possibly the right time to put the whole scheme into place.

HON J C PEREZ:

Could the Minister give a commitment please that in assessing the situation however much one would like the fewer number of vehicles possible to be able to have access to places in order to make pedestrianisation a success, can the Minister please ensure that sufficient weight is being given to some of the argument being put by those residents in order to alleviate some of the problems that are being pointed out?

HON J J HOLLIDAY:

I think what the Government can do is assure the hon Member that due consideration will be given. There are a number of issues that have to be considered and a lot of them are very important issues but being the caring Government that we are, I am sure we will come up with some formula that will satisfy the majority of us.

HON J L BALDACHINO:

Mr Speaker, taking up from what the Minister has just said, seeing that they are a caring Government and seeing that an effort has been made in the pedestrianisation of Main Street to make it as environmentally friendly for disabled people to use, what is it then that they have to take into consideration? If somebody because pedestrianisation of Main Street has now taken place, or some persons will now not be able to leave their homes because of putting restrictions because of that, could there not be an allowance for this sort of persons with

this sort of disability to be able to leave home without any restrictions whatsoever?

HON CHIEF MINISTER:

Mr Speaker, the answer has already been given by my Colleague the Minister for Transport. The Government will take all factors into consideration when making its decisions. Some of those factors conflict with each other. Some of those considerations are in conflict with one another and it is the Government's responsibility to put them all in the balance and decide what the decision is. The decision will create winners and losers. All that we are willing to commit ourselves to doing at this stage is to give all the competing interests due weight in the decision-making process and if the hon Member is trying to get the Government to commit itself now to allow vehicular access up to Crutchett's Ramp after the Main Street beautification and the Casemates beautification projects are complete the answer is that the Government are not willing to commit itself to that at this stage without giving any indication as to what the decision will be when the Government make its policy decision on that.

NO. 184 OF 1997

THE HON J C PEREZ

VEHICLE ACCESS - ENGINEER LANE

Can Government state whether the existing arrangements giving vehicles access to the Engineer Lane car park are of a temporary nature?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Mr Speaker, I can indeed confirm that this is the case.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1997

HON J C PEREZ:

The existing arrangement being the one that is today or the one that was yesterday? When I put the question there was one arrangement and since then it has been changed three times, can the Minister state which of the arrangements is of a temporary nature? [Hon J J Holliday - All.] All of them are, even access through the Piazza which is the one that has been there permanently before that, that is still temporary? Can the Minister state when are the Government to be in a position to state what the permanent access is going to be to that and to the Cornwall's Lane car park and to the temporary change of traffic in Town Range etc?

HON J J HOLLIDAY:

Government will be in a position to take a final decision shortly but no actual implementation of this policy will be possible until the contractors have handed the project back to Government and this is anticipated to take a few weeks from now.

HON J C PEREZ:

But by that time there will be certainly a decision of the Government of what it would be desirable should be the access to these places, at least that?

HON J J HOLLIDAY:

Most certainly, that will be the case and obviously we will also undertake to consult some of the bodies that have made representations to us in order to try and see whether we can meet some of their requirements as well.

ORAL

NO. 185 OF 1997

THE HON J C PEREZ

TRAFFIC FLOW - UPPER ROCK

Can Government state how is it intended to deviate traffic from the Upper Rock so that it does not pass through the City Centre?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

In the first place, I would like to indicate that Government are of the view that it would be helpful to deviate traffic from the Upper Rock so that it does not pass through the City Centre.

However, the Government are not yet in a position to say how this will be done. The matter is presently under active review and consideration.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1997

HON J C PEREZ:

So in fact the comments made by the Chief Minister during the budget that there was not only the tunnel, that there were other options that could be looked at, was just a passing comment, I presume? That there was another road, not only the tunnel idea that I had suggested, was it a passing comment by the hon Member?

HON CHIEF MINISTER:

It was passing but accurate in the sense that it is not a question that there is a new road. If the hon Member asks half a dozen questions all of which depend whether it is in relation to access Engineer Lane car park or whether it is in relation to the widening of Lovers' Lane or whether it is in relation to the bringing down of traffic from the Upper Rock avoiding the town, all of these issues are closely and inextricably and inevitably linked to the overall review of traffic and I know that the hon Member understands this because he used to have responsibility for traffic. When we answer all the questions by saying that the matter is still under active consideration and we are not in a position to say so yet, it is that until all the pieces of the jigsaw are together we cannot commit ourselves to any piece of it because they all depend on one another and really it is

not until the Government make a final decision on what could be quite major changes in traffic flow system in Gibraltar that we would be able to be specific for example on this aspect of it which is an integral part of the change of traffic flow.

HON J C PEREZ:

Whilst I understand what the Chief Minister is saying, does he not see that he has been giving me that similar answer for over a year now and that there are people affected directly on a daily basis by the changes in the traffic and by the problems affected to it and there have been drivers which have been very, very tolerant as a result of understanding that the works in Main Street were being done. Now that they are being finalised there is expectations that some of these things at least would be alleviated as a result of the Main Street project coming to an end. I am talking generally about what the hon Member has said. I persist with the questions because what I have been getting from the Government for over a year now is this question of an overall study that is being considered and I understand they have a lot of other things, a lot of things to do, but it is something that ought to be given priority now because the situation is getting chaotic.

HON CHIEF MINISTER:

Mr Speaker, I do not know if the situation in relation to getting traffic down from the Upper Rock without going through the City Centre, which is what the question relates to is chaotic or not but if it is chaotic, it is as chaotic as it was for the last eight years whilst they were in Government because there have been no changes. I know of no one that is suffering any inconvenience as a result of the fact that the Government have taken a year to decide whether it wants to change the traffic system for getting down from the Upper Rock which has existed for the last hundred years. Now the inconvenience is certainly being suffered by people who are disrupted by the Main Street beautification.....

HON J C PEREZ:

..... including the traffic from the Upper Rock?

HON CHIEF MINISTER:

Yes, but by virtue of the Main Street beautification. It has nothing to do with getting traffic down from the Upper Rock in a way which does not pass through the city centre, that is an environmental policy which this Government have, which the previous Government clearly

did not have or did not give the same degree of importance to it that we have because although I know that the hon Opposition Member is a great enthusiast of the tunnel option in that respect and they were also investigating the Calpe Road venture, we are so determined to decongest the upper town from through traffic of this sort for environmental and other reasons that we are finding another alternative to avoiding the traffic which does not require the tunnel and which does not require the Calpe Road, desirable as this might be. Whereas the inconvenience suffered as a result of the Main Street beautification disruption is about to be alleviated soon, the other is a matter of Government policy in which perhaps it has taken a year but could take longer.

HON J C PEREZ:

Which comes to my original question which has not been answered. The Chief Minister has just said that he is looking at another method instead of the tunnel and that was what my original question was asking, what is the other method?

HON CHIEF MINISTER:

The hon Member's question is how is it intended to deviate? That suggests that a decision has been taken and that there is a decision as to how it is intended to do it. There are any number of possible ways of doing it and the Government have not yet decided which it wishes to select.

HON J C PEREZ:

Which is the one that the Chief Minister is looking at which he mentioned at the time of the budget and he has mentioned again this afternoon?

HON CHIEF MINISTER:

The hon Member does not have to give account for the Government's thought process whilst it is deliberating.....

HON J C PEREZ:

I do not intend to, do not worry.

HON CHIEF MINISTER:

Fine, and therefore when a decision has been taken the hon Member will discover it, we do not have to give detailed account of all the options that we are

considering. This is not just what Question Time is for. The fact of the matter is that when the Government have decided how it wants to deal or if it wants to deal with this problem, which of course is not something which the hon Members thought was necessary to be dealt with. We think it is necessary to deal with it. It will be dealt with in accordance with the time scale that the Government wish to attach to what is its own policy and it might take another week or another month. It is hardly something that the hon Member can seek to put me under pressure for, given that in the eight years that he was responsible for the portfolio it did not happen at all.

HON J C PEREZ:

Can the Chief Minister then confirm that there are ideas being looked at by the Government but that what happens is that it does not want to disclose them here this afternoon. Can he confirm that that is the position of the Government?

HON CHIEF MINISTER:

Mr Speaker, there are any number of ways of getting the traffic down into Main Street. I have already told the hon Member that they involve reversing the traffic flows along certain streets and that is the system. If the hon Member wants me now from memory to tell him which street, every street that is involved in the reversal of traffic flow, the answer is that it is not a reasonable question but it involves the reversal of traffic flows compared to what they are today so that traffic can exit from the Upper Rock by a means which is higher than coming down through the city centre and therefore exit the town. It does not require an awful lot of imagination. Anybody familiar with Gibraltar streets could work out for himself what the possibilities are. There is any number of possibilities in that respect.

HON J C PEREZ:

I thank the Chief Minister for having at long last answered the question.

NO. 186 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING

How many housing applicants are there with 17 years or over waiting time?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Presently there are 13 applicants on the waiting list with 17 years or over waiting time.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1997

HON J L BALDACHINO:

Can the Minister confirm if the thirteen applicants have never been offered alternative accommodation?

HON H CORBY:

Mr Speaker, of the thirteen applicants, six have already been made first offers, three applicants who had been removed have been reinstated, and a further four are awaiting an offer of accommodation, which makes the thirteen.

HON J L BALDACHINO:

My question was, Mr Speaker, if during the seventeen years they have been waiting, apart from the offers that have now been made by the Minister, have they never been given an offer before?

HON H CORBY:

Mr Speaker, I can tell the hon Member what offers have been given by my Government. I do not know what offers have been made by previous administrations.

HON J L BALDACHINO:

I expect the Minister does not have this information here with him but would he provide me with the room requirements of each case, at a later date?

HON H CORBY:

No, I have not got this information with me but I will certainly pass it on to the hon Member.

HON J J BOSSANO:

Mr Speaker, I take it that the offers that the Minister says are being made or will be made are being made or will be made in fact by the Housing Allocation Committee based on pointage and on the housing scheme?

HON H CORBY:

That is correct.

HON J J BOSSANO:

So in fact, presumably the people that have been that long on the waiting list will be high up on pointage, since points are accumulated for waiting time?

HON H CORBY:

Yes, they are. Most of them, Mr Speaker, are on top of the list and this is why they have been made the offers very soon because there is a limited housing stock at the moment. They are well up on the housing waiting list.

HON J J BOSSANO:

So therefore if they are way up on the housing list, it is not difficult to find out from the records of the Housing Allocation Committee, which has always been independent of whoever happened to be the Minister, whether in fact they have previously rejected offers and that is why they happen to be so long, because it is unusual.

HON H CORBY:

Yes, but this is not the question that was asked by the Opposition Member. The Question is how many people are now waiting for seventeen years? If the question would have been, how many offers had been made, I would have been able to give him the answer.

HON J J BOSSANO:

Yes, that might not have been the original question but the supplementary in fact was to try and establish whether they have actually been seventeen years and never had an offer for housing, which would be very unusual given the rules that the scheme works to.

HON H CORBY:

Yes, but I have no indication of that whatsoever.

HON J J BOSSANO:

But it is possible for the Minister to find out?

HON H CORBY:

Yes, certainly.

HON J L BALDACHINO:

Mr speaker, there is also a possibility that due to how the Housing Allocation scheme works, that even though people might be a long time waiting, an applicant for a long time, it might be that due to the accommodation or how they are accommodated they might not have the points that other people have who have been less time waiting. It could also be a case where even though they might not have had an offer it could have been the case that due to how the scheme works, the offer might never have come to them because other people might have gone up?

HON H CORBY:

The list that I have, Mr Speaker, they are well on top of the housing list and I have said this before.

HON J L BALDACHINO:

But due to how the pointage system works on the housing allocation scheme, it is not only the consideration of waiting time, there might be other factors considered on allocations or offers before those people, due to the fact that those on the waiting time, are worse off accommodated than those that are.....

HON H CORBY:

That is a possibility, Mr Speaker, of course it is.

NO. 187 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - VACANT UNITS

Can Government state how many post-war flats are vacant to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Mr Speaker, as at 23rd June 1997, there are 39 post-war flats that are vacant.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1997

HON J L BALDACHINO:

Mr Speaker, out of these 39 does that also include the flats of the conversion in the old St Joseph's School?

HON H CORBY:

No, those have already been given out to people on the waiting list.

HON J L BALDACHINO:

Therefore, Mr Speaker, how long ago were those on offer? Were they out of the 65 that were mentioned before?

HON H CORBY:

The thing is, Mr Speaker, that we have been giving houses as was proposed here a while ago by giving materials which people use to do the work themselves. That is why it has come down and of these 39 post-war flats, 27 have already been offered to applicants on the waiting list, 2 are currently in the process of being refurbished by Buildings and Works and we are currently awaiting replies from the persons that have been offered these flats whether they will accept them or not. Of the remaining ten flats these are currently with Buildings and Works Department awaiting refurbishment. These flats cannot be given out on this basis because of their bad condition and therefore they need to be refurbished before they are allocated. It is not a matter of giving a person the materials because the cost involved would be prohibitive for them.

HON J L BALDACHINO:

Of the 27 mentioned by the Minister, have they been offered and accepted on the condition that they would refurbish them themselves?

HON H CORBY:

Most of them have been given with that criteria. Very few have been done by Buildings and Works. Of the 27 flats, we are still waiting for a yes or no answer.

HON J L BALDACHINO:

That is not the case on the old St Joseph's School?

HON H CORBY:

No.

NO. 188 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - VACANT UNITS

Can Government state how many pre-war flats are vacant to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Mr Speaker, there are 47 pre-war flats vacant as at 23rd June 1997.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1997

HON J L BALDACHINO:

Mr Speaker, out of these 47, are they earmarked to be given to social cases, or are some of them in such a condition that they will not be able to be habitable for human habitation?

HON H CORBY:

Mr Speaker, some of them have been given to social cases and six of them have been offered in as far as social cases are concerned and they are under offer. Unfortunately, it is not possible for the other flats to be given out, as pre-war flats are in a very bad condition and Buildings and Works will have to undertake works on them.

HON J L BALDACHINO:

I understand that but one of the points of the question, even though the question asked how many pre-war flats are vacant today and obviously the Minister said 47, what I am asking is, is it that all 47 are able to be refurbished to be in human habitable condition? Because sometimes you get flats in the Housing Department which are there vacant but in no way can be refurbished for human habitation, is any of these 47 in that condition or is it that the 47 will be able to be refurbished one way or another so they can be given out and they will meet at least minimum requirements for human habitation?

HON H CORBY:

No, the six flats that I have stated are capable of being given to social cases on the basis of giving them the materials. Of the rest, they are in such bad conditions that Buildings and Works will have to undertake the works themselves. We cannot give them to the people.

HON J J BOSSANO:

The question really is, are any of the remaining 41 not repairable at reasonable cost, that is to say, there are flats presumably which once they get surveyed would require so much done to them that they might as well build a new house than repair it, are any of those in that condition or is it not known?

HON H CORBY:

No, I am afraid that as Buildings and Works work very slowly that we are told that they in a bad condition but no survey has been undertaken. We would have to have a directive from Buildings and Works in as far as it is possible to repair them or we just leave them as they are.

HON J J BOSSANO:

So the assumption is that the 41 can be made habitable, that is the assumption?

HON H CORBY:

Yes.

ORAL

NO. 189 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - KING'S BASTION

Is it Government's intention to rehouse the tenants of King's Bastion?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Mr Speaker, Government have no such plans at this stage, but that remains a possibility in the longer term, depending on what plans emerge from the development of the King's Bastion site generally.

ORAL

NO. 190 OF 1997

THE HON R MOR

FRONTIER WORKERS

Can Government state how many frontier workers are classified as self-employed broken down as follows:

- (a) UK nationals
- (b) Spanish nationals
- (c) Other EU nationals
- (d) Non-EU nationals

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Mr Speaker,

(a) UK Nationals	19
(b) Spanish Nationals	14
(c) Other EU Nationals	NIL
(d) Non EU Nationals	NIL

NO. 191 OF 1997

THE HON R MOR

SOCIAL SECURITY - SELF-EMPLOYED INSURANCE CARDS

Since the 29 April 1997, how many self employed social insurance cards have been issued broken down as follows:

- (a) Gibraltarians
- (b) UK Nationals
- (c) Other EU Nationals
- (d) Non-EU nationals

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Mr Speaker,

(a) Gibraltarians	11
(b) UK Nationals	4
(c) Other EU Nationals	3
(d) Non-EU Nationals	2

ORAL

NO. 192 OF 1997

THE HON R MOR

PRISON - NUMBER OF INMATES

What is the current number of Gibraltarian and other different nationalities held in prison and in respect of Gibraltarians can the Government provide a breakdown of the offences leading to their imprisonment?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are 25 inmates in the Prison. Of these there are 12 Gibraltarians, 3 British (UK), 6 Spanish, 3 Moroccan and 1 French.

With respect of the Gibraltarians in prison, the offences are mainly in respect of theft, burglary and drugs. If the Hon Member so wishes, I can provide him with a more detailed breakdown separately.

SUPPLEMENTARY TO QUESTION NO. 192 OF 1997

HON R MOR:

I would be grateful for that.

NO. 193 OF 1997

THE HON R MOR

SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND

Can Government state what was the number of pensions being paid or with entitlement to payment in April and May 1997 from the Closed Long-Term Benefits Fund, giving a breakdown of pre-1969 Spanish pensions and locally-funded pensions, showing the number of Gibraltarians, Moroccans and other nationalities?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The following pensioners were entitled to payment from the Closed Long-Term Benefits Fund in April and May 1997.

	April	May
Pre-1969 Spanish pensioners	8567	8598
British pensioners (Gibraltar & UK Nationals)	4592	4608
Moroccan pensioners	799	819
Other nationalities	<u>225</u>	<u>228</u>
TOTAL	<u>14183</u>	<u>14253</u>

NO. 194 OF 1997

THE HON R MOR

SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND

Can Government state what was the balance of the Closed Long-Term Benefits Fund as at 30th April and 31st May 1997, showing the amount from UK and local funds and the expenditure in payment to former Spanish workers and to pensioners from local funds?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The revised forecast balance of the Closed Long-Term Benefits Fund as at 31st May 1997 is £7.3 million.

Receipts from the UK for the month of April 1997 totalled £1 million from which payments to Spanish pensioners, totalling £574K and £488K were made during April 1997 and May 1997 respectively. There was a surplus balance of £200K brought forward from March 1997 between receipts received from UK and payments made to Spanish pensioners.

Payments of local pensions totalled £702K and £425K for the months of April 1997 and May 1997 respectively.

Other receipts of the Fund included interest earned on investments totalling £24K and £20K for April 1997 and May 1997 respectively.

The forecast balance of the Fund for April 1997 and May 1997 is £7.1 million and £6.2 million respectively.

ORAL

NO. 195 OF 1997

THE HON J GABAY

EDUCATION - BISHOP FITZGERALD AND GOVERNOR'S MEADOW SCHOOLS

Can Government state whether works on the extensions of Bishop Fitzgerald and Governor's Meadow Schools have already commenced?

ANSWER

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

Works on the extensions of Bishop Fitzgerald and Governor's Meadow Schools commenced on the 17th March and they are now well advanced.

SUPPLEMENTARY TO QUESTION NO. 195 OF 1997

HON J GABAY:

Could the Minister specify when it is hoped that the works will be completed?

HON DR B LINARES:

Mr Speaker, the works of the extension to Bishop Fitzgerald School are scheduled to be completed by the 15th August and the extension to Governor's Meadow School is scheduled to be completed by the 29th August.

HON J GABAY:

Could the Minister also tell us whether the work is out on contract and, if so, to whom?

HON DR B LINARES:

The works are out to contract and the name of the firm is Profield Contractors Limited.

NO. 196 OF 1997

THE HON J GABAY

EDUCATION - REFURBISHMENT OF SCHOOLS

Can Government state what is the programme of refurbishment of schools which is to be undertaken before the commencement of the school term in September?

ANSWER

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

The Department intends to carry out the following programme of minor works before the start of the school term in September:

1. Repair roofs to eleven schools which experienced water ingress last winter.
2. Construct a one-classroom extension at Bayside School which is needed for next academic year.
3. Construct an extension to Notre Dame nursery to provide more ample provision.
4. Construct an extension to St Martin's School to cater for the new Assessment and Observation Unit for pre-schoolers with special needs.
5. Installation of fire escapes in Bishop Fitzgerald School as specified by the City Fire Brigade.

NO. 197 OF 1997

THE HON J GABAY

EDUCATION - PROPOSALS FOR A UNIVERSITY

Have Government received new proposals for establishing a University Campus at Lathbury Barracks?

ANSWER

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

Government have not received any formal proposals for establishing a University at Lathbury Barracks. I have been in correspondence and held discussions with Professor Peter Watson, Executive Pro-Vice Chancellor of Buckingham University and their partners in Gibraltar, University College Ltd. Buckingham University have shown great interest on the possible establishment of a University presence in Gibraltar aimed at students from abroad and for this purpose they have launched a wide-ranging marketing survey. Pending the outcome of this survey they may then make formal business proposals to the Government and these will be duly assessed by the Government on their merits.

Preliminary proposals have also been made by CTV (Cultural TV) International Ltd to establish at Lathbury Barracks a Global Distance Learning Facility based on a satellite communications system and these proposals are currently being studied by the Government.

SUPPLEMENTARY TO QUESTION NO. 197 OF 1977

HON J GABAY:

Mr Speaker, could I therefore ask what is in fact the Government policy with regard to the establishment of a university in Gibraltar at Lathbury Barracks? Is it just one more possible enterprise amongst others or is there some sort of commitment to encourage the future of a university at Lathbury Barracks?

HON P I MONTEGRIFFO:

Mr speaker, before my hon Colleague replies about the university proposals, let me make clear what was already stated at the time of the budget, that the Government propose to seek outline proposals from interested parties with regard to possible uses with regard to Lathbury

Barracks. We are very shortly going to do that and as I anticipated at the budget session, Mr Speaker, that will invite interested parties to make proposals, both in the context of Lathbury Barracks as a whole or indeed with regard to each constituent part of Lathbury Barracks. As hon Members will appreciate the site is such that it is capable of division and therefore capable of development in separate ways rather than as a single monolithic entity. That will be what broadly happens to Lathbury Barracks. The university or other proposals that are being received on a parallel basis will be considered in the context of the overall proposals that are received hopefully in due course.

HON J GABAY:

Mr Speaker, so therefore we are in a position to say that the Government policy with regard to the establishment of a university is an open one in the sense that it will compete with other possibilities to which the site can be used?

HON P I MONTEGRIFFO:

With regard to Lathbury Barracks, yes, but that is not to say that if a proposal, if it were to be the case, that some other proposal won the day, that is not to say that the Government would not want to consider that proposal for such a facility elsewhere in Gibraltar. It is not as though Lathbury Barracks is the only place where such a proposal could be accommodated.

NO. 198 OF 1997

THE HON J C PEREZ

GIBRALTAR GOVERNMENT LOTTERY

Can Government specify which are the changes that are being considered in respect of the Gibraltar Government Lottery?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES & SPORT

Government at present have no plans to change the present format of the Gibraltar Government Lottery. Proposals for changes have been submitted by the Lottery Agents' Association and are being studied. Advice has been sought from the Gibraltar Government Lottery Committee and the financial implications of these proposals are also being evaluated. A questionnaire will shortly be circulated to the public seeking information and reaction to the present lottery structure.

SUPPLEMENTARY TO QUESTION NO. 198 OF 1977

HON J C PEREZ:

So although Government itself is not proposing the changes can the Minister state what are the proposed changes being made by the Agents?

HON LT COL E M BRITTO:

No, Mr Speaker. In answer to the first question, Government itself have not made any proposals for changes and, secondly, I think it would be inappropriate at this moment in time to give details of the changes proposed by the agents.

ORAL

NO. 199 OF 1997

THE HON J C PEREZ

GOVERNMENT HOUSING - TOWER BLOCKS

Can Government state for how long have tenants at the Tower Blocks at Glacis Estate been without brackish water?

ANSWER

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

Mr Speaker, one week.

SUPPLEMENTARY TO QUESTION NO. 199 OF 1997

HON J C PEREZ:

Is it not the case that there is a mix up between Lyonnaise des Eaux and Buildings and Works as to who has to repair the situation and that that has resulted in the Tower Blocks being without brackish water as a result of the confusion as to whose responsibility it is?

HON J J NETTO:

The information that I have is that the defect was reported on the 13th of June and works commenced on the same day. However, on Union instructions workers from the Warden Section who had to remove an accumulation of rubbish which was covering the pipes stopped work and did not notify anyone. The works were resumed on the 20th June when the matter was reported again and completed on the same day.

HON J C PEREZ:

So the Minister is saying that the matter is resolved?

HON J J NETTO:

Yes.

NO. 200 OF 1997

THE HON J C PEREZ

GIBRALTAR NYNEX - TELEPHONE BILLS

Can Government confirm that the information contained in customer telephone bills issued by Gibraltar Nynex is confidential?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government can confirm that the information contained in customer telephone bills issued by Gibraltar Nynex is confidential.

SUPPLEMENTARY TO QUESTION NO. 200 OF 1997

HON J C PEREZ:

Mr Speaker, having read the public apology that has been given by Gibraltar Nynex over an incident that was disclosed by a local newspaper, is the Minister satisfied that the matters that have been put in place by the company will avoid such a situation in the future?

HON LT COL E M BRITTO:

Yes, Mr Speaker.

ORAL

NO. 201 OF 1997

THE HON J C PEREZ

GIBTEL AND NYNEX - MERGER

Can Government state whether the independent study over the possible merger of Gibtel and Gibraltar Nynex has been concluded?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

An independent study over the possible merger of Gibtel and Gibraltar Nynex has not yet been concluded.

At present an independent valuation has been carried out of each Company separately and these valuations are being studied by each company and by the Government.

Only until such time as this phase has been completed, and with the agreement of both companies, will it then be possible to produce a draft valuation memorandum of the merged companies for consideration by its shareholders.

SUPPLEMENTARY TO QUESTION NO. 201 OF 1997

HON J C PEREZ:

Mr Speaker, could the Minister give a commitment that if it were possible to proceed in the manner where the two companies merged interests, that the two companies could continue to function as separate entities even though their tasks might be different for the purposes of economies?

HON LT COL E M BRITTO:

It is difficult at this stage for the Government to give such commitment but I think as the Opposition Member well knows, the work of the two companies are, in essence, different because of the type of work that they do. Therefore, it is probable that what would emerge would be two separate operations but what the commercial arrangement for those two operations which might be physically separate, what the actual commercial arrangement would be, it is very difficult to predict at this stage and certainly I am not in a position to make any commitment.

HON J C PEREZ:

Obviously the report will be available to the Government as a shareholder of each of the companies? Will the Minister perhaps commit himself to making it available to me on a confidential basis?

HON LT COL E M BRITTO:

I am not in a position at this moment to make such a commitment.

HON J C PEREZ:

Given that the matter is in the public domain and that the Minister has mentioned that such a report is being conducted, I presume that the House will be informed of the decision that the companies make as to the feasibility of the possible merger of interest, or not, once that study has been considered by each of the companies.

HON LT COL E M BRITTO:

Yes, Mr Speaker, the matter is essentially a commercial one and obviously with the Government as a 50 per cent shareholder in both companies, there is a certain amount of interest, to put it mildly and obviously there is the greater interest because of the subject of telecommunications. Once the picture is clearer and decisions are made in consultation and together with the shareholders in each of the two companies, the House will be informed.

HON CHIEF MINISTER:

May I just add to that, Mr Speaker. I think possibly more than just inform. Any decision that the Government make as shareholder of each company is validly debatable in this House and the House is entitled to an account. What we seek to do is to distinguish between what the Government do as Government and therefore, as Government that happens to be a shareholder, for which of course we will account. It may well be that it is possible to bring what is intended to be done to this House for discussion before it is done, not just inform them of what has been done. But I would just like to add to what my Colleague said in answer to the hon Member for his inability to commit himself to provide the valuation. As is not unusual when professional firms of accountants undertake valuations, they will only agree to do valuations on condition that they are not shown to a third party because they fear that if their valuations are shown to people other than parties for whom they are

done that those other parties might rely on the valuation for purposes that they did not intend and expose them to liability. All the three parties involved had to sign an undertaking that they would not show the valuation to any third party. It may be possible, we will consult the valuer to see if they are willing to give us any partial release that will allow us to inform the Member confidentially. From the Government's point of view we have no objection to making the information available to the hon Member confidentially, provided that we can get permission from the valuer to do that.

NO. 202 OF 1997

THE HON MISS M I MONTEGRIFFO

POST OF SPORTS DEVELOPMENT OFFICER

Can Government state when the post of Sports Development Officer was filled?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Mr Speaker, the post of Sports Development Officer has not yet been filled.

SUPPLEMENTARY TO QUESTION NO. 202 OF 1997

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister give an approximate date of when the Government expect the post to be filled?

HON LT COL E M BRITTO:

No, Mr Speaker, because the situation at the moment is that although Mr Holden was made a formal offer of employment on the 14th April, with a proposed starting date of the 1st September of this year, and Mr Holden who, as the hon Member knows, was the identified person for the post, replied in writing on the 25th April accepting in principle the conditions of employment being offered, and only requesting a minor change of starting date being the 1st October. At that stage the Government confirmed its offer of employment and accepted his request for a change. Subsequently Mr Holden has regrettably informed the Personnel Department of the Government verbally and supported in writing subsequently that for personal reasons and for a number of difficult reasons he has reconsidered his position and he is now not in a position to accept the offer of employment. I understand Mr Holden intends to return to UK in August of this year and despite efforts that were made, apparently he has greater interest in other things that are being offered to him elsewhere.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister say how the Government intend to continue with the filling of the post of Sports Development Officer?

HON LT COL E M BRITTO:

No, Mr Speaker. The position is being reviewed at the moment and the decision on how we will proceed from now is not clear. The concept of sports development and the Sports Development Unit will be maintained. We will be seeking to fill the post but the actual procedure has not started yet.

HON MISS M I MONTEGRIFFO:

Mr Speaker will the Minister confirm at least whether the Government have intentions of filling the post by advertising it and it going through the normal civil service channels?

HON CHIEF MINISTER:

What the Government do not do is accept the implications behind that question. What has happened in the case of Mr Holden is not in accordance with, that for reasons that have not been perfectly justified on a number of occasions, the Government fill all posts by reference to selection procedures and recruitment including posts in companies. Really, we have no need to be reminded by the hon Member of how recruitment should be done. However, as to how the recruitment will be done, this recruitment will be done in accordance with established Government policy for recruitment which is by advertising and then by establishing a selection board which will comprise of a mixture of people interested in the selection as well as representatives of the Personnel Department and that, whether or not, is for the civil service, even if it were to be done by a company.

HON J J BOSSANO:

Mr Speaker, am I right in thinking that the post is a vacant post in the establishment and that under General Orders would be filled internally by applications from within the service, following the normal procedure? Am I right?

HON CHIEF MINISTER:

The hon Member should not assume that.

HON J J BOSSANO:

Mr Speaker, is it not the case that we provided for the post in the Estimates of Expenditure this year as an established post within the civil service filled by a contract officer?

HON CHIEF MINISTER:

Mr Speaker it is open to the Government to fill that. It is in the establishment in the sense that it was in the sheets of information attached in the Estimates. It is not a vacancy, the post has never been occupied. The Government reserve the right to fill it by the recruitment of a contract officer if after it has been considered by the Sports Advisory Council it should be their advice that that should be the best way to proceed, Certainly the Government have got no preconceived notion about how it will be done because it has simply not addressed the issue yet but we are not willing to close the door without thereby suggesting that there is one door that we want to go through. We do not want to close either doors.

HON J J BOSSANO:

I am not asking them to close or open any doors, nor is there anything behind the question which the Chief Minister always assumes there is. I am trying to establish whether in fact we can put any credence on the figures he gave because he now tells me that the fact it appears on a sheet which says Establishment does not necessarily mean anything anymore. If, indeed, the money that has been voted in the House is for a post in the civil service, does it not follow, given that they seem to want to adhere literally to the letter of General Orders that under General Orders there is a procedure laid down which is required to be followed for filling such posts.

HON CHIEF MINISTER:

That presupposes that the recruitment is to fill that post and not some other post which could be filled. In other words, if it is an established post that has got to be filled then of course there is a procedure to be followed but it is not obligatory to fill that post as opposed to any other. I do not want my answer to signal any predisposition by the Government or any intention by the Government to go one way or the other. The answer is that when the sporting fraternity has decided what sort of person they want to recruit, whether it is permanently or whether it is temporary, perhaps for a period of time to wait for somebody else to finish their studies, for example, the nature of the recruitment will be driven by such considerations and that is all I have been trying to say.

ORAL

NO. 203 OF 1997

THE HON A ISOLA

FSC - INSURANCE COMPANIES

What was the number of insurance companies with their head office in Gibraltar, licensed by the Financial Services Commission as at the 31st May 1997?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, twelve.

SUPPLEMENTARY TO QUESTION NO. 203 OF 1997

HON A ISOLA:

Are those insurance companies, or insurance managers? I did not realise there were so many insurance companies licensed.

HON P C MONTEGRIFFO:

Mr Speaker, they are insurance companies. Some are captives. The majority are what you would call captives or service type companies of that sort. As far as I am aware there is only one company which is actually an on-shore insurance company that provides products on-shore to residents.

HON A ISOLA:

Would it be possible for the Minister to say what the breakdown is in terms of the on-shore insurance companies and the captives? Is it just one and eleven?

HON P C MONTEGRIFFO:

From glancing on the list it would appear to be the case but I would not want to confirm that, that is a matter really for each company to make their own arrangements. I do not think it is proper to actually outline or give more details. It may be more than that but the majority are definitely the off-shore.

HON J J BOSSANO:

Mr Speaker, am I right in thinking that the question of a company opening branches in other Member States as a consequence of having their licence recognised in Gibraltar would really be a matter that would be of interest to the one company and not to the other eleven?

HON P C MONTEGRIFFO:

No, Mr Speaker. The distinction is between the one company or the very small number that provide policies for business in Gibraltar, that is, they write business in Gibraltar. All the other companies are companies that effectively can write business elsewhere, either for its own parent, if it is a captive, or for other people outside Gibraltar. Passporting is of relevance to both. In a situation of a company that can actually sell products on-shore they may indeed want to sell products outside Gibraltar but in the case of companies that because of their particular status cannot sell products on-shore they may indeed want to expand the services they currently offer perhaps to a parent by offering it to other people outside Gibraltar and passporting is therefore important in that context. Passporting is important to any insurance company that has its head office in Gibraltar. The important distinction, of course, is that if it is like an insurance company that acts in Gibraltar through an intermediary or through a branch, that is not a company that is entitled to passport out. It is only a company with head office in Gibraltar that has the ability to passport out.

HON J J BOSSANO:

Is it not, Mr Speaker, the licence provided by the Financial Services Commission a licence to sell insurance throughout the territory of the Union and therefore how can they not be able to sell insurance on-shore in Gibraltar when we are part of the territory of the Union? Surely, it is inconceivable that we can give a licence to people which prohibits them selling insurance in Gibraltar but permits them to sell insurance everywhere else?

HON P C MONTEGRIFFO:

There is a distinction to be drawn between what the regulator allows and what tax rules allow. An insurance licence issued by the Financial Services Commission is an insurance licence that allows an insurance company to sell insurance anywhere and everywhere where insurance companies are able to do so, including on-shore products. As the hon Member must be aware many of these companies

are incorporated on the basis that they apply for either exempt or qualifying company status under which they are then not able, not as a result of regulation, but as a result of fiscal policy to market products to residents. It is exactly the same in banking, there are banks that are not domestic banks in a fiscal sense but are exempt or qualifying companies and they cannot offer services to local residents, not because their licence from the Commission prevents them but because the fiscal regime they have sought to be regulated by does not allow them to. Indeed, that is not uncommon in other places. Indeed, in most other off-shore centres or international finance centres one of the prices paid for a more favourable tax regime is the lack of ability to access the domestic market as otherwise one would create a distortion in the competitive environment in which domestic service providers operate.

HON J J BOSSANO:

The Minister says that this is not unique to Gibraltar, is it in fact the case also within the other places within the European Union? I can well understand that it is something outside the European Union but then the licences outside the European Union are licences which are limited to the territory where they are issued. If there is nothing to stop a Member State elsewhere licensing somebody to sell insurance in Gibraltar then is there not some inconsistency in what we are doing with the fiscal policy and the Community requirement that the licence is usable universally?

HON P C MONTEGRIFFO:

No, Mr Speaker. I do not think there is inconsistency. Indeed, the provisions of both these fiscal regimes I have mentioned of exempt companies and qualifying companies allow those companies upon seeking permission from the Financial and Development Secretary to access the domestic market if they so wish and indeed there are cases where, for specific reasons, such companies have wished to access domestic markets and therefore it is entirely possible for them to do so but of course they then do so on a domestic tax basis.

ORAL

NO. 204 OF 1997

THE HON A ISOLA

GIBRALTAR BANKS - DEPOSITS

What was the level of deposits in Gibraltar Banks from (a) Residents and (b) Non-residents as at 31st March 1997?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker,

- | | |
|-------------------|----------------|
| (a) Residents | £283,006,000 |
| (b) Non-Residents | £2,397,972,000 |

ORAL

NO. 205 OF 1997

THE HON A ISOLA

POST OF FINANCE CENTRE DEVELOPMENT DIRECTOR

What are the terms that have been negotiated with the successful applicant of the post of Finance Centre Development Director?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Finance Centre Development Director will serve a 2-year term commencing 1st July 1997, as a Relocated Executive Possessing Specialised Skills under the Gibraltar Development Corporation.

He will earn a net salary of £85,000 and will also receive a housing allowance and a gratuity at the end of his term.

Mr Fisher will be responsible for heading the Finance Centre Development Unit within the Department of Trade and Industry. His tasks will include the strategic development of the industry, liaising with the Finance Services sector and promotion.

As hon Members are aware there is enormous competition in this international area of business. Gibraltar's financial services will need to adapt to keep ahead. The appointment of a man with the background and knowledge of Mr Fisher is an extremely important step in this on-going effort.

SUPPLEMENTARY TO QUESTION NO. 205 OF 1997

HON A ISOLA:

Mr Speaker, might I assume that the accommodation and a car is included, except for the fact that you have not mentioned that, accommodation and a car?

HON P C MONTEGRIFFO:

There is no car.

NO. 206 OF 1997

THE HON R MOR

SOCIAL SECURITY - INCOMPLETE CONTRIBUTION RECORDS

Has Government now identified the number of persons with incomplete contribution records as a result of their being prevented from contributing because of the £500 limit?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, yes. The Government have identified 731 persons with incomplete insurance records who were exempted from contributing because of the £500 limit. 23 other persons also have incomplete records as they were self-employed prior to 6th January 1975 and, therefore, not liable to pay social insurance contributions. This figure is broken-up as follows:

	<u>£500 limit</u>	<u>Self-employed</u>
Current pensioners (all British)	197	18
Employed persons under pensionable age	165	2
Persons under pensionable age, no longer in employment, who have contributed after 6th January 1975	38	3
Persons under pensionable age, no longer in employment who have not contributed after 6th January 1975. Some have left Gibraltar or are presumed dead.	331	
	<hr/>	
TOTAL		754

NO. 207 OF 1997

THE HON R MOR

SOCIAL SECURITY - INCOMPLETE CONTRIBUTION CARDS

Have Government now completed its review of the position of pensioners with incomplete contribution records as a result of contributions not being compulsory or possible?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, yes. A review of the position of pensioners with incomplete contribution records has been completed. Government are currently studying the matter.

SUPPLEMENTARY TO QUESTION NO. 207 OF 1997

HON CHIEF MINISTER:

The total amount of arrears in respect of incomplete periods of insurance calculated at the weekly rate in force at the time of non-contributions is just £39,669.10 in total. If these were Spaniards, of course, the Leader of the Opposition would now be leaping to his feet and delivering his usual speech. The pension increases will represent an extra expenditure. The pension increases would represent an extra expenditure of £278,904 per year. That figure only covers the people who have already reached pensionable age. We have not yet finished the exercise of costing what it will cost in respect of the people who are similarly affected but who have not yet reached pensionable age.

HON J J BOSSANO:

The £39,600 I take it includes both groups, does it?

HON CHIEF MINISTER:

Mr Speaker, I do not think so because the financial exercise in respect of the people who have not reached pensionable age has not yet been done so I think that both figures relate to the class of people who have already reached pensionable age. Mr Speaker, a titbit of information which I am sure the hon Members would have identified had they thought about it more carefully. There is a further category of person who we are costing because we anticipate that if the Government addresses this problem, will claim and that is, the widow of

somebody who was affected by this problem but who had died but who is now collecting a widow's pension at the reduced rate. We anticipate that she will say, "Give me the same opportunity that my husband would have been given if he had not died". That would jack up her widow's pension. That will also be costed and that costing has not been done yet. Government are not actually going to make a decision about what it does with any of these categories of people until we know what the overall cost is because it follows that if we now decide to do it for the people that have already reached pensionable age, it follows logically that we must do it also for people as they reach pensionable age. As I said when I first answered this question we need to know what the total cost is before we move forward in this regard. But, of course, it follows that it will be less than the £278,000 because these people who have not yet reached pensionable age by definition have a shorter span of non-contributing years. So we know roughly what the cost is going to be but we hope the whole exercise will be finished within the next month and it will then be possible for the Government to make a decision.

ORAL

NO. 208 OF 1997

THE HON R MOR

ILLEGAL RUSSIAN IMMIGRANTS

Are the Government still pursuing with HM Government the deportation of the 4 illegal Russian immigrants who are currently issued with renewable monthly residence permits?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, no.

SUPPLEMENTARY TO QUESTION NO. 208 OF 1997

HON R MOR:

Mr Speaker, are the Government implying that these Russians will now be allowed to live in Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, the position is as I described when the hon Member last asked the question on this subject. The United Kingdom Government have unfairly, in our opinion, decided that they will not take these people back into the United Kingdom and that they are not repatriatable for reasons of politically motivated persecution back in their countries of origin. That leaves Gibraltar in a catch 22 position, really in a trap from which it cannot get out, in the sense that we cannot physically get these people out of Gibraltar and that follows that they have got to be allowed to stay here. The Government have made it clear that we will allow them to stay here on the minimum terms which includes only renewable monthly work permits and I indicated to the Opposition Member last time we discussed this subject that the Government felt there was a great moral dilemma in denying them access to the labour market because as a community we cannot voluntarily or by compulsion have four individuals "permanently" in our midst and offer them no prospect for employment ever during the rest of their natural lifetime. It is a dilemma and the Government are actually considering giving them controlled access into the labour market. Of course, no benefits and no housing entitlement or things of that kind. It is not an easy situation. The Government are grappling trying to do the best that it can between the moral dilemma and the

legalistic dilemma in which it finds itself and that is so far where our thinking has taken us.

HON R MOR:

Surely, Mr Speaker, does that not sort of relieve Her Majesty's Government from responsibility in this affair? They are the ones who should be finding a solution and what the Government are now saying is that they have actually let them off the hook.

HON CHIEF MINISTER:

No, Mr Speaker, I think the comment that the Gibraltar Government are letting them off the hook suggests that the hon Member either does not accept in good faith the answer that I am giving him or that he misunderstands the constitutional position. The Gibraltar Government do not have the means to force the United Kingdom Government to take these people into the United Kingdom. Nor, incidentally, do the United Kingdom accept that it has a responsibility in this or any other Dependent Territory to take off the hands of the Dependent Territory any illegal immigrant that may arrive at the Dependent Territory and these problems, happily for us, occur much more frequently in the Caribbean Dependent Territories than it does in Gibraltar. The United Kingdom does not accept that it has the responsibility that the hon Member's supplementary attributes to the United Kingdom. It takes the view that this is a problem for the territory which is landed with it, in our case Gibraltar. What we have said to the United Kingdom Government is that if that is their view, if that is the view on who has to live with the failure to find a solution to the problem then they must give us a much greater say in the repatriation, in the procedures leading to their not having to stay in Gibraltar. But, of course, they are reluctant to allow the Dependent Territories a greater role in that process except that they have agreed that we are free to approach other countries to see whether they will take them as refugees, political refugees, and that the United Kingdom diplomatic machinery, will be made available to us for that process. Already one or two countries have been approached, Canada is one and they have declined but we do not discount the possibility of seeking other countries that might be willing to take them but at the moment it is not a question of the Government letting the UK Government off the hook. It is one of those issues of which there are so many in Gibraltar in which there is a sort of a factual stalemate resulting from the juxtaposition of constitutional responsibilities which do not necessarily sit well with one another and this is just one more example. I think the hon Member is being unduly harsh on the Government

when he describes the position as the Government letting the UK off the hook.

HON J J BOSSANO:

without wanting to be unduly harsh on the Government, is it not the case in fact that the Constitution lays responsibility for immigration on the UK? This is not a defined domestic matter, immigration, not even labour from abroad is defined domestic matter as the Constitution stands, however outdated it may be.

HON CHIEF MINISTER:

As the hon Member knows because he has exploited the point to the limits of its endurance. Immigration is not a defined domestic matter but residence is and the position of the British Government is that we are of course free to give them permits of residence and therefore the solution to the dilemma lies in our hands to that extent.

HON J L BALDACHINO:

Mr Speaker, will the hon Member clarify, just as a point of clarification, it might just have been a slip of the tongue, but in his previous contribution to the House he mentioned that they were given a one month work permit, I suppose he was referring to one month residence permit?

HON CHIEF MINISTER:

If the hon Member was not asleep, he must at least have been dozing, because I did say residence permit.

HON J L BALDACHINO:

No, you said work permit.

HON CHIEF MINISTER:

I am sure I said residence permit but if I did not it is a slip of the tongue. I am not convinced that I did say work permit but in any case I meant residence permit.

HON J L BALDACHINO:

Mr Speaker, the hon Member was not dozing off because the Chief Minister did say work permit and obviously Hansard will show.

HON CHIEF MINISTER:

That means the hon Member is much quicker than the rest of his colleagues that have asked supplementary questions before that.

ORAL

NO. 209 OF 1997

THE HON A ISOLA

EXEMPT COMPANIES

What was the number of exempt companies as at 31 March 1997 and how much was received in Exempt Company Tax from such companies in the financial year 1996/97?

ANSWER

THE HON THE CHIEF MINISTER

The number of tax exempt companies as at 31 March 1997 was 7363. The forecast outturn for taxes collected from these companies in 1996-97 is £2.2 million.

ORAL

NO. 210 OF 1997

THE HON A ISOLA

QUALIFYING COMPANIES

What was the number of qualifying companies as at 31st March 1997 and the amount of tax paid by such companies in the financial year 1996/97?

ANSWER

THE HON THE CHIEF MINISTER

There are 91 qualifying companies registered as at 31st March 1997. The Income Tax Office maintains management information for Corporation Tax receipts as a whole, which includes the tax paid by qualifying companies. Separate management information on the tax paid by qualifying companies is therefore not readily available.

SUPPLEMENTARY TO QUESTION NO. 210 OF 1997

HON CHIEF MINISTER:

The Hon Opposition Member is looking perplexed. As he knows, professionally if not politically, qualifying companies pay ordinary income tax. They are ordinary tax payers and therefore they are not like exempt companies which pay a different sort of tax. They are just ordinary taxpayers who pay at a different rate and therefore they are in the same body of taxpayers for statistical purposes.

NO. 211 OF 1997

THE HON A ISOLA

IMPORT DUTIES

When does Government expect to announce changes to the structure of Import Duties?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, Government are still engaged in a consideration of policy options in this respect. It is anticipated that a decision will be made, and a public announcement made, prior to 31st July.

SUPPLEMENTARY TO QUESTION NO. 211 OF 1997

HON A ISOLA:

Mr Speaker, in the judgement of some traders, since the original hint that there would be a restructure of import duties, which was given by the hon and learned Chief Minister in February at the Chamber of Commerce dinner, certain traders have had difficulties in that, as an expectation of the reduction of certain levels, particularly in higher value goods, and as a result of that expectation people are not purchasing, nor ordering items, causing these certain traders certain difficulties. Will the Government expedite the decision in order to relieve those problems?

HON CHIEF MINISTER:

The Government are considering this matter as quickly as its complexity in terms of the possible effect on Government's finances permits. We are aware of the difficulties that the hon Member describes in his Supplementary to be affecting the motor trade and what the Government intends to do and although we will issue a public statement, I suppose this is a public statement of sorts as well, but what the Government will do is that it will announce, and I now announce, that if, without committing ourselves to reducing duty on motor vehicles and motor-cycles which are the category of goods that are most affected by people deferring their decision to purchase, that if without any commitment to do so the Government decide to lower duty on motor cars and motor-cycles it will be backdated to a date to be announced and I suppose we could now announce that it could be

backdated to today's date, the 26th June. So people can buy their vehicles in the knowledge that if there is a reduction in duty, they, the purchaser, on production of the receipt for import duty will get a refund from the Government. That does not mean that there is going to be a reduction in import duty but it does mean that people can proceed with making the purchase in the knowledge that if there are any goodies they will not miss out on them.

ORAL

NO. 212 OF 1997

THE HON J J BOSSANO

IMPORTS AND EXPORTS - PETROLEUM PRODUCTS

What was the value of imports and exports of petroleum products in 1996 and the comparable figure for 1995?

ANSWER

THE HON THE CHIEF MINISTER

The Imports and Exports of petroleum products in 1996 were £157.5 million and £146.4 million respectively. the comparable figures for 1995 were £104.0 million and £99.0 million respectively.

SUPPLEMENTARY TO QUESTION NO. 212 OF 1997

HON J J BOSSANO:

Can Government say whether in fact the very substantial increase of almost 50 per cent in the value of exports which is obviously bunkering is the result of the new operator that came in during the last year, does it have any indication of whether it is that the market as a whole has been increasing or the fact that there is now an additional operator?

HON CHIEF MINISTER:

Yes, Mr Speaker, I think that there has been a very substantial increase in volume but it is not all attributable to the one new operator. There is more than one operator, there is more than one additional operator contributing to the increased volume. All operators, whether they have been long established or established for one, two or three years have experienced substantial increases in volume. The latest one, of course, is Texaco but there is also a company called Vemaoil that is generating a lot of turnover and of course the longer established operators as well. There is a marked increase, not just in the volume of bunkers being dispensed but the hon Member will recall that I gave numbers of visiting ships for bunkering purposes during my budget speech and that there was nearly a 50 per cent increase in the number of ships visiting Gibraltar for the purposes of taking bunkering over the last twelve months.

ORAL

NO. 213 OF 1997

THE HON J J BOSSANO

INCOME TAX - PAYE COLLECTED

How much has been collected in PAYE in April and May this year?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the sum of £3,044,169 was collected in PAYE tax in the month of April 1997 and the sum of £3,444,579 in the month of May 1997.

ORAL

NO. 214 OF 1997

THE HON J J BOSSANO

INCOME TAX - COMPANY TAX

How much has been collected in Company Tax in April and May this year?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the sum of £1,238,559 has been collected in respect of Corporation tax in April 1997 and the sum of £1,037,800 in May 1997.

NO. 215 OF 1997

THE HON J J BOSSANO

INCOME TAX - PAYE PAYABLE

Can Government state what was the amount of PAYE payable in the tax year 1995/96 by area of employment as follows:

- (a) MOD
- (b) Gibraltar Government
- (c) Government owned and joint venture companies
- (d) Private sector employment

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the total amount of PAYE payable in respect of the Tax year 1995/96 was £40,509,094 analysed as follows:

	£
(a) MOD	4,395,081
(b) Gibraltar Government	13,282,977
(c) Government owned & Joint Venture Companies	1,908,354
(d) Private Sector Employment	<u>20,922,682</u>
	<u>40,509,094</u>

SUPPLEMENTARY TO QUESTION NO. 215 OF 1997

HON CHIEF MINISTER:

I would just like to make a qualification as to what we mean by the word "payable". Obviously payable linguistically means due and payable according to law but the hon Member knows we cannot have that information, what we have is the amount of tax due and payable based on the PAYE forms that have been returned. There may be tax due and payable but in respect of which there has not been PAYE forms yet submitted, therefore we are not aware that it is due and payable but it is payable by operation of law although it is not included in these figures. These figures reflect the P8 disclosed amounts.

HON J J BOSSANO:

I take it that it is in fact the P8 for 1995/96, that is, it does not include any sum that may be payable because the company is in arrears, it is that tax year?

HON CHIEF MINISTER:

Mr Speaker, yes.

NO. 216 OF 1977

THE HON J J BOSSANO

INCOME TAX - COMPANY TAX PAYABLE

Can Government state what is the total amount of company tax payable in respect of assessments for the tax year 1995/96 and how much has been collected to date?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Corporation tax payable on Assessments raised for the tax year 1995/96 totals £13,125,518.

The sum of £7,810,416 has been collected to date.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1977

HON J J BOSSANO

Can the Government say whether in fact there are still assessments in respect of that tax year which have not yet been sent out by the Tax Office?

HON CHIEF MINISTER:

No, Mr Speaker. I do not have that information to hand but I think it would be much more likely that the answer to that question is that there are still assessments, I do not think that everybody that is in law due to be assessed in respect of that year has been assessed either because they have not submitted a return or perhaps because having submitted a return the Tax Office has not got round to assessing them. There may be two reasons why a person has not received an assessment - one because, having submitted a return there is a backlog in the Tax Office and there may be cases of that. If the hon Member is particularly interested in that, then I can have the information provided to him, but there is another reason why people may not have been sent assessments and that is, they have not submitted a return. In that case it is a question of the Tax Office simply not being aware that they are liable to be assessed and that figure is interminable but the first figure is not interminable and if the hon Member is interested, I shall have the information provided to him.

HON J J BOSSANO:

What I am really trying to establish is how close the £13.125 million is to what is likely to be the final figure. Does the Chief Minister know what kind of gap there is?

HON CHIEF MINISTER:

Mr Speaker, I do not know. This figure I suspect should be treated with a degree of caution because it includes assessments in the absence of returns which may be subject to challenge and this therefore is not the figure of the amount due and payable definitely. It is due and payable in the absence of challenge and appeal and all of that. As I say I shall have the information produced to him by the Commissioner of Income Tax.

ORAL

NO. 217 OF 1997

THE HON J J BOSSANO

INCOME TAX - PAYE PAID BY CONSTRUCTION COMPANIES

Can Government state how much was paid in PAYE by construction companies in the financial year 1996/97 and the comparable figure for the previous financial year?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the sum of £1,402,540 was collected in PAYE tax from construction companies in the financial year 1996/97. In the financial year 1995/96 the total from such companies was £1,435,836.

ORAL

NO. 218 OF 1997

THE HON J J BOSSANO

CONSOLIDATED FUND BALANCE

Can Government state what is the latest estimate of the Consolidated Fund balance as at 31st March 1997?

ANSWER

THE HON THE CHIEF MINISTER

The forecast Consolidated Fund balance at 31st March 1997 is £0.6 million, as presented in the Forecast Outturn of Revenue and Expenditure 1996/97 book laid together with this year's Estimates in the House. The draft accounts for 1996/97 are being prepared, but the latest indications suggest that the Consolidated Fund balance will be broadly the same as in the Forecast Outturn and, if anything, slightly bigger.

NO. 219 OF 1997

THE HON J J BOSSANO

LIQUID RESERVES

What was the level of Liquid Reserves in the Government as at 31st March 1997?

ANSWER

THE HON THE CHIEF MINISTER

The Liquid Reserves as at 31st March 1997, to which the Government had direct access amount to £21.2 million.

In addition, the Gibraltar Savings Bank Reserve Account has a surplus of £15 million, of which £7 million will be transferred to the Consolidated Fund and a further £8 million may be transferred subject to a proposed amendment to the Gibraltar Savings Bank Ordinance.

Additionally, there are about £11 million of Government-owned Company monies invested in the Gibraltar Savings Bank.

ORAL

NO. 220 OF 1997

THE HON J J BOSSANO

I&D FUND - FORECAST OUTTURN

What was the latest estimate of the Forecast Outturn for expenditure in the Improvement and Development Fund in the year ending 31st March 1997?

ANSWER

THE HON THE CHIEF MINISTER

The Forecast Outturn of Revenue and Expenditure 1996/97 book presented to the House with this year's Estimates, shows Improvement and Development Fund expenditure in the year to 31st March 1997 at £11.2 million. The latest indication is that the expenditure is likely to be slightly less and closer to £11 million, pending any year end accounting adjustments that may need to be made.

NO. 221 OF 1997

THE HON J J BOSSANO

I&D FUND - EXPENDITURE

What is the estimated expenditure of the Improvement and Development Fund by Head of Expenditure in April and May this year?

ANSWER

THE HON THE CHIEF MINISTER

The estimated expenditure of the Improvement and Development Fund by Head of Expenditure in April and May of this year is as follows:

<u>Head</u>	<u>Apr-97</u>	<u>May-97</u>	<u>Total</u>
101 - Housing	-	-	Nil
102 - Schools, Youth & Cultural Facilities	£ 45,035	£148,118	£193,153
103 - Tourism and Transport	-	-	Nil
104 - Infrastructure and General Capital Works	£ 71,684	£ 33,656	£105,340
105 - Electricity	-	-	Nil
106 - Industry & Development	£163,713	£209,576	£373,289
	£280,432	£391,350	£671,782
	=====	=====	=====

It must be emphasised that these are tentative Treasury figures which may vary as a result of any Departmental adjustments received.

SUPPLEMENTARY TO QUESTION NO. 221 OF 1997

HON J J BOSSANO:

They do indicate, would the Government not agree, substantial levels of underspending. Does the Government still expect to be spending the amount of money that is provided for in the Improvement and Development Fund?

HON CHIEF MINISTER:

Mr Speaker, what it suggests is that many of these projects have not yet got off to a start. The hon Member I think over-simplifies the pattern of expenditure if he divides simply by twelve and expects one-twelfth to be

spent in each of the twelve calendar months of the financial year. There are projects which are just getting off the ground in respect of which expenditure has been minor but which, when they get going, will generate rapid expenditure in relatively few months. I think the point that is implicit in the hon Member's supplementary is, that this suggests that we are not going to be able to spend in the whole year as much as we have estimated to spend and of course we may not succeed in doing as much in the twelve months as we hope to do, that may be so. But I do not think it is so necessarily or suggest that it will be so simply on the basis of the figures of the first two months. The longer this trend persists then the much more likely it is to be the case that the expenditure will not be incurred during the year as a whole.

ORAL

NO. 222 OF 1997

THE HON J J BOSSANO

GIBRALTAR IDENTITY CARDS

When was the last occasion that the UK Government raised with the European Commission the question of Spain's refusal to recognise Gibraltar's identify cards?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I prefix this answer, although it is not in my written note, by saying that of course I am not answerable or accountable for what the United Kingdom Government might do and inevitably the answer has to be based on information provided to me. It is not information available within the Government source but the answer, Mr Speaker, is that the Office of the United Kingdom Permanent Representative to the European Union in Brussels have regular contact with the Commission over the question of Spain's refusal to recognise Gibraltar's ID Cards.

SUPPLEMENTARY TO QUESTION NO. 222 OF 1997

HON J J BOSSANO:

So if the UK Rep in Brussels is popping in and out of the Commissioner's Office every day, what success is he having?

HON CHIEF MINISTER:

Well, Mr Speaker, none that is visible from where I sit.

NO. 223 OF 1997

THE HON J C PEREZ

GIBRALTAR INTERNATIONAL COUNTRY CODE

What is the policy of the Government of Gibraltar in respect of the possible loss of the Gibraltar International country code and the substitution of it by the UK numbering plan, for telephone calls from Spain?

ANSWER

THE HON THE CHIEF MINISTER

Yes, Mr Speaker, this is a question that the hon Member put down before I gave a relatively lengthy explanation of this in the European Movement annual meeting at which he was present. The answer now, Mr Speaker, is that the Government of Gibraltar does not consider that the substitution of the Gibraltar International telephone code by the UK numbering plan for calls made to Gibraltar from Spain is in Gibraltar's best interests.

SUPPLEMENTARY TO QUESTION NO. 223 OF 1997

HON J C PEREZ:

Will the Chief Minister ensure that he conveys this message in the strongest possible form to his partners in the two telecommunication companies?

HON CHIEF MINISTER:

Mr Speaker, it is not always necessary to be strong in language in order to convey a message clearly. There is no need for the Government to convey it in strong terms to two friendly companies in which we are 50 per cent shareholders but it has to be said that in order to comply with European Union complain procedures and not to prejudice their own action, the companies have been advised by their respective lawyers, who are in no way subject to inference from the Government, that they must respond to enquiries from the Commission exclusively by reference to commercial criteria so that if the Government's position is based on political considerations as opposed to commercial considerations the companies have been advised that it would not be prudent for them to adopt political considerations. The companies have been advised that their complaints have a better prospect of success if they limit their representations and their arguments and their feelings to

commercial considerations. But the companies are well aware that the Government does not find this solution acceptable.

HON J C PEREZ:

Is it not the case that even if one of the companies, namely Gibtel, were to find it commercially advisable to accept the country code, that the responsibility for calls with Spain are the ambit of Gibraltar Nynex and that therefore it would need the agreement of Nynex as well even if Nynex might not be involved in that particular aspect of it?

HON CHIEF MINISTER:

I do not know about that, what I can say is that the view that the Government takes is that the codes that need to be dialled to access this jurisdiction are ultimately a matter for the Government of Gibraltar and not a matter for commercial operators to decide on, and that the Government of Gibraltar would have to give its consent to the arrangement before it would be willing to allow them to be implemented and we will not give it. That is the position that we have communicated. Having said that, I do not want the fact that the hon Member has formulated in Supplementary in that way to give anybody the impression that Nynex and Gibtel have different views on the commercial acceptability, they both have the same view about the commercial acceptability, even though it follows that one has more to lose than the other by this numbering problem not being resolved post-1st January 1998.

HON J J BOSSANO:

Mr Speaker, can I ask the Chief Minister, he said in the European Movement meeting, if I remember correctly, that the proposal had come from the Commission. Did the Commission put it to the companies as a result of a case that the complaint that they are making or did this come via the British Government?

HON CHIEF MINISTER:

Mr Speaker, the Commission has put it to all and sundry, as far as I can tell. They have certainly put the proposal to the complainants who are the parties to the litigation. They put it to me and to the Minister for Trade and Industry in person when we went to visit the Director General in the appropriate DG(IV), Mr Temple Lang and he put it to us and we said that we would consider it and come back to him. They have put it to the United Kingdom Government and what we have said to

the United Kingdom Government is that the Governmental view that has to be transmitted on behalf of the Member State is not the Governmental view of the United Kingdom but the Governmental view of the Government of Gibraltar. It appears that the United Kingdom Government are happy to go along with that and have indicated a willingness to defend whatever position the Government of Gibraltar wishes it to defend in this matter. We have judged that it is in Gibraltar's best interest that there is a reply that the United Kingdom Government can squarely swing behind, so we have prepared a draft response to Mr Temple Lang and submitted it to London to make sure that it is a position that they will be able and will support with all its consequences in the future.

NO. 224 OF 1997

THE HON J J BOSSANO

POST OF COMMISSIONER OF POLICE

Can Government state how the selection of the Commissioner of Police was carried out on the previous occasion when there was a vacancy?

ANSWER

THE HON THE CHIEF MINISTER

On the previous occasion, the appointment was made by the Governor in accordance with Section 73(1) of the Constitution. The then Deputy Commissioner of Police after successfully having completed periods of attachments in UK and on the advice of the then Commissioner of Police was appointed by the Governor.

SUPPLEMENTARY TO QUESTION NO. 224 OF 1997

HON J J BOSSANO:

Mr Speaker, this Ad Hoc Advisory Committee that was created on this occasion, is there any particular reason why there was a need for this innovation when surely the candidates could have been considered as other promotions are?

HON CHIEF MINISTER:

Mr Speaker, it is up to the Governor to decide who he takes advice from in selecting this appointment. The point here is that it is a Governor's appointment and not a Government appointment. Certainly the Ad Hoc Committee of experts that the Governor appointed to advise him on who he should appoint is not something that has happened as far as our research has revealed before. But as the hon Member knows, whether the Governor makes the appointment on the basis of consulting the outgoing Commissioner or on the basis of consulting the three wise men or on the basis of consulting nobody at all is a matter which I think does not raise any great issue. I can however report to the House that I believe that there has been considerably more consultation with me as Chief Minister on this occasion, than there has been on any previous occasion and that is something for which I and the Government are grateful and which I think the House will welcome. There has been consultation of course,

ultimately the decision has been the Governor's but I think there has been more consultation than in the past.

HON J J BOSSANO:

Mr Speaker, given the fact that I thought the original answers were the Government, distancing themselves from the Governor, it seems peculiar that the Chief Minister should welcome so much consultation, if at the end of the day, I am not sure whether the implication is that all that consultation suggests approval for what has been done.

HON CHIEF MINISTER:

I have far too many important things to do that are my responsibility to worry unduly about whether I approve or do not approve of decisions that other people take. Let me tell the House that I regret that the hon Member has interpreted my earlier answers as suggesting that I was trying to distance myself from the decision. I have not tried to distance myself from the decision and I do not distance myself from the decision. As far as I am concerned, in matters such as the Police, whilst the Government of Gibraltar prefer and indeed are anxious that the post of Commissioner of Police should be held by a local person, ultimately the decision in areas of that kind should be made on operational grounds, the best man for the job. What the Government of Gibraltar have done and what I have done is secure an assurance from the Governor as to the succession, in other words, who will be the next Commissioner and I think, that the input from the Government in that area is reflected in the Governor's public statement on the matter.

HON J J BOSSANO:

Mr Speaker, given the fact that the job was localised a considerable time ago, one would hope that it has not been expatriated in perpetuity.

HON CHIEF MINISTER:

No, if the hon Member would give way? Not only is it not expatriated in perpetuity, the next Commissioner will come from the ranks. That is what His Excellency the Governor said.

HON J J BOSSANO:

Yes, that is what I am saying, one would hope that given that the localisation of that post happened a considerable time ago, one would hope that the present thing is a temporary phenomenon, which is what has

happened. I do not think one would not have expected anything else, frankly, what else are we saying that the Governor took a lot of convincing? Surely it is axiomatic that after three years if it is a contract employment, one would expect that the job would go to a local officer given the fact that we were deemed to be capable of producing Commissioners of Police a considerable number of years ago when the last officer from UK was not replaced by another expatriate. I would ask the Government given that Mr Grundy wrote the original report, which regrettably we have been refused even on a confidential basis, was there anything in that report about the succession of the Commissioner and if that is the case, how could he have been put in the selection committee if he had already expressed views on the subject?

HON CHIEF MINISTER:

Mr Speaker, in the first place let me hasten to place on record that the hon Member may have been denied access to the Grundy Report, but when we were in Opposition we were denied access to the much less sensitive operationally Price Waterhouse value for money report on the Police, commissioned by the Governor, for whom I cannot answer, but by the Principal Auditor. So what is sauce for the goose is sauce for the gander. This is not a principle of life to which I normally subscribe, but I think the hon Member should bear such points in mind when he levels implicit accusations about regretting the fact that reports are not made available to him as if this were something unusual. As far as concerns the question of Mr Grundy's suitability to be on the selection board, given that he had previously expressed a view, well, first of all this is not a selection board, the selector is the Governor and not the board. The board is advisory in nature and from my recollection of the Grundy Report it did not express a view on who should be the next Commissioner. Even if these were questions of "functus officio" they would not arise in this case.

HON J J BOSSANO:

Well, obviously since at the time that Mr Grundy was carrying out the study we were in office and certainly he was not being asked by anybody to find a successor to the Gibraltarian Commissioner, one would not expect that he should identify one, but, did he identify a problem of succession in the Report? I would point to the Chief Minister that in fact in his original answers last September he was saying that the Government was in favour of making the report public and that we were limiting ourselves to being given access to it on the basis that it could contain sensitive information which might be

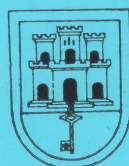
damaging to the Police in terms of its role in security and detection, and if there are weaknesses in the structure it is logical not to want to make those weaknesses available for everybody but that in fact we feel quite strongly and felt quite strongly that whatever may happen to the studies that are commissioned by the present administration as to what they make public of it, that report is completed, it might not have arrived in Gibraltar until April or May, but it was completed well before and therefore I think that is the only reason why we feel we are entitled to something which was there when we were there and for no other reason. Whatever they choose to do with the reports they do now is entirely a matter for them. But would the Government not agree that if the report identified, in looking at the structure of problems of the Force, a problem of succession, then is that not an indication that the whole concept of bringing out somebody to be the project manager and then to have to take over because of the matter of the position of Deputy being sub-judice is really no more than the fulfilment of an intention that was always there which was to bring a UK Commissioner.

HON CHIEF MINISTER:

I have some sympathy for the view that this was the intention all along but I think what the report identified was a temporary problem in the succession arising from well known events which had displaced the natural successor. I think that when we judge the justification for what has happened that sight should not be lost of the disruption that there has been to the natural line of succession arising from extraneous events and frankly in the light of those, it became very difficult to construct persuasive arguments against this temporary secondment or rather expatriation of the office. I think that we can all agree that this is a matter that time can and will cure and indeed the statements made by the Governor makes it clear that this appointment is for a maximum term of three years and that the next Commissioner will be from the Force. I think it augurs very well in that respect that the recommendation board itself recommended Chief Superintendent Ullger for the post of Deputy Commissioner of Police and I think that that is an indicator of some sort.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

**3RD OCTOBER, 1997
NO. 225 TO NO. 352**

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QUESTIONS & ANSWERS

3rd October 1997

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ORAL

NO. 225 OF 1997

THE HON J J BOSSANO

INCOME TAX - PAYE

How much was collected in PAYE in the months of June, July and August respectively?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

I assume that the months referred to are for 1997. In 1997, the sum of £3,373,788 was collected in PAYE tax in the month of June; the sum of £4,868,917 in the month of July, and £3,630,234 in the month of August.

NO. 226 OF 1997THE HON J J BOSSANO**INCOME TAX - PAYE PAYABLE**

What was the amount of PAYE payable in the tax year 1996/97 by area of employment as follows:

- (a) MOD
- (b) Gibraltar Government
- (c) Government owned and joint venture companies
- (d) Private sector employment?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The total amount of PAYE payable in respect of the tax year 1996/97 was £39,759,876 analysed as follows:

	£
(a) MOD	4,331,850
(b) Gibraltar Government	13,316,782
(c) Government owned and joint venture companies	2,336,239
(d) Private sector employment	<u>19,775,005</u>
	<u>39,759,876</u>
	=====

SUPPLEMENTARY TO QUESTION NO. 226 OF 1997

HON J J BOSSANO:

I assume that the figure for the private sector employment, as was the case with the comparable question for the previous tax year, is based on the P8 returns that have been received to date. Can the Financial and Development Secretary indicate in fact whether there are still many that have not been returned which would alter that figure substantially of £19,775,005?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The figures I have just given are the P8 figures that have been able to be quantified and it does not include PAYE tax which we have not been able to quantify because of the non-submission of the P8 forms so there will be some that have not yet been submitted.

HON CHIEF MINISTER:

May I just add, I think that the information that the hon Member is now asking is the subject matter of Question No. 349 of 1997 in which he asks in respect of how many employees have P8s not yet been submitted. So he will be getting an answer to that later.

ORAL

NO. 227 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX PAYABLE

Can Government state what was the corporation tax payable on assessments raised for the tax year 1996/97 and how much has been collected to date?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The corporation tax payable on assessments raised to date for the tax year 1996/97 totals £10,737,194.

It should be borne in mind that the bulk of what is owed is based on estimated assessments and that, as and when corporate accounts are filed and examined, the amount will vary. It should also be noted that assessments have still to be raised in respect of a number of companies which are currently being examined. The sum collected to date is £5,248,296.

ORAL

NO. 228 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX ASSESSMENTS

Can Government state whether there has been any change to the total figure for assessments for corporation tax for the tax year 1995/96 since the estimated figure of £13,125,218 was provided?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The corporation tax payable on assessments raised for the tax year 1995/96 now totals £12,317,236.

SUPPLEMENTARY TO QUESTION NO. 228 OF 1997

HON J J BOSSANO:

Can the Financial and Development Secretary say what the figure now is for the actual amount collected which at the time of the previous answer was £7.8 million?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The amount that has been collected since we gave that previous answer is now £8.1 million.

NO. 229 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX ASSESSMENTS

Can Government state what was the figure for assessments for corporation tax raised for the tax year 1994/95 and how much tax has been paid to date?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The corporation tax assessments raised for the tax year 1994/95 totals £12,684,252. The sum of £10,033,623 has been collected to date.

SUPPLEMENTARY TO QUESTION NO. 229 OF 1997

HON J J BOSSANO:

Of the figure of £12,684,252, can the Government say whether an element of that is still capable of being disputed because they are estimates made without the company having submitted accounts and therefore is it possible that that figure of £12,684,252 could change?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes.

HON J J BOSSANO:

Can the Government give an indication of the level of the order, are we talking about £1 million or £500,000 or less than that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I do not have that information to hand. The Income Tax Office are currently examining all the outstanding estimated assessments to try and establish what should be discharged and what could be in respect of profits actually made and therefore recoverable but I do not have the figure to hand.

HON CHIEF MINISTER:

Although the Financial and Development Secretary is right in saying that even the figure that he has given is still capable of including assessments that may have to be discharged, but the figure that he has given is net of a large amount of discharged assessments. In other words, it is not the whole of the grey area that might need to be removed from there; the gross amount of assessments for that period was actually £18,784,000 of which just over £6 million have already been discharged. So the figure of £12,684,000 is already net of £6 million worth of

discharges. So whilst there may still be some amount to be discharged it will be the residual amount not the main amount of discharges which are frequent and regular and happen every year because of the way assessments are raised. I hope the hon Member will find that useful.

HON J J BOSSANO:

Are there still companies in respect of which an assessment for 1994/95 has not been made?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Not as far as I am aware. I think an assessment has been done now for all 1994/95 accounts of companies.

ORAL

NO. 230 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the latest figure in respect of corporation tax paid on assessments raised for the tax year 1995/96?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The sum of £8,103,043 has been collected to date in respect of corporation tax on assessments raised for the tax year 1995/96.

NO. 231 OF 1997

THE HON J J BOSSANO

I&D FUND - ESTIMATED EXPENDITURE

What is the estimated expenditure of the Improvement and Development Fund by Head of Expenditure in June, July and August this year?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

I am able to provide the expenditure of the Improvement and Development Fund by Head of Expenditure for June and July of this year. The August 1997 input from departments is in the process of being posted by the Treasury and, therefore, the figures for that month are not yet available.

With the hon Member's agreement I will just read the total for both the two months rather than each month, by Head.

<u>Head</u>	<u>Total</u>
	£
101 - Housing	9,629
102 - Schools, Youth & Cultural Facilities	323,303
103 - Tourism & Transport	93,891
104 - Infrastructure & General Capital Works	231,367
105 - Electricity	2,272
106 - Industry & Development	<u>265,201</u>
	<u>925,663</u>

It must be emphasised that these are tentative figures which may still vary as a result of any departmental adjustments received.

SUPPLEMENTARY TO QUESTION NO. 231 OF 1997

HON J J BOSSANO:

Can the Financial and Development Secretary give me what the total is for the whole I&D Fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is £925,663.

HON J J BOSSANO:

And this is in fact the June and July figures taken together.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes.

NO. 232 OF 1997

THE HON J J BOSSANO

I&D FUND - ESTIMATED EXPENDITURE

Have there been any alterations to the estimated expenditure of the Improvement and Development Fund for April and May this year since these estimates were provided?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

There has not been a change to the expenditure of the Improvement and Development Fund in April and May of this year since it was last provided in June 1997.

Nevertheless, it must be emphasised that these figures could still vary should any departmental adjustments be received by the Treasury.

SUPPLEMENTARY TO QUESTION NO. 232 OF 1997

HON J J BOSSANO:

So the position then is that if we take the £671,000 figure that was given in answer to Question No. 221 of 1997, we are talking about expenditure to date out of the I&D Fund is estimated to have been of the order of £1.6 million in four months?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, if it would help I can give the exact figure, it is £1,597,445.

NO. 233 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

How much has been collected in respect of corporation tax in June, July, August and September this year?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The sum of £325,285 has been collected in respect of corporation tax in June; £853,684 in respect of July, and £1,114,248 in respect of August. The figure for the month of September is not yet available.

SUPPLEMENTARY TO QUESTION NO. 233 OF 1997

HON J J BOSSANO:

Is there any particular explanation for the June figure being relatively low compared to the other months of this year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the collection of these taxes does vary from month to month. What I think is the more interesting figure is that compared to the previous year, not looking at it as a proportion of corporation tax, we have actually at this stage of the year collected a slightly higher proportion than we did last year. I think last year at this stage we had collected about 44 per cent of what we had estimated, this year we have collected about 46 per cent. But it does vary from month to month.

ORAL

NO. 234 OF 1997

THE HON J J BOSSANO

INCOME TAX - PAYE (BANKING SECTOR)

How much was collected in PAYE tax from the banking sector in the financial year 1996/97 and what was the comparable figure for the previous financial year?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The sum of £2,996,510 was collected in PAYE tax from the banking sector in the financial year 1996/97. In the financial year 1995/96 total PAYE tax collected was £2,814,649.

NO. 235 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY HEALTH CARE

Are the Government satisfied with the manner in which the trial period is working with the MOD in respect of the Gibraltar Health Authority providing them with secondary health care?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

In general terms the Government are satisfied with the way the interim trial agreement with the Ministry of Defence is working.

SUPPLEMENTARY TO QUESTION NO. 235 OF 1997

HON MISS M I MONTEGRIFFO:

Does that mean that the Government are now looking at coming into a long-term agreement with the MOD after the trial period?

HON K AZOPARDI:

We always said that we would treat the trial period agreement as precisely that, a period during which both sides could see how things could develop on an interim basis with a view to a long-term permanent arrangement. Negotiations continue, there was a meeting with the MOD held a couple of weeks ago. The formal review will take place in a couple of months time and yes, certainly we are looking towards a permanent arrangement. Negotiations continue but it is too early to say whether we will have a permanent arrangement or not. Negotiations will develop and no doubt the House will be told if and when an agreement is reached.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether he is satisfied that in the event that they actually come to a long-term arrangement with the MOD, that extra resources will be required as a result of absorbing extra MOD personnel at St Bernard's Hospital?

HON K AZOPARDI:

That is a matter that is going to be discussed in the negotiations. The Health Authority management staff, the finance people, are assessing the implications of any long-term arrangement and so obviously we will enter into an arrangement which we think protects the Health Authority and the Government's position fully. So we are going to take into account what the hon Member has suggested and I assure her that we will discuss that fully.

HON MISS M I MONTEGRIFFO:

So really the answer to my question is yes?

HON K AZOPARDI:

The answer to her question is that we will consider all relevant factors before we enter into a final arrangement.

HON MISS M I MONTEGRIFFO:

Is the Minister then satisfied that extra resources will be required? Can he confirm that?

HON K AZOPARDI:

I am not satisfied at this stage, we are assessing the position. It is a factor in the negotiation and we will see how things develop and the advice that I receive from the Health Authority staff. That assessment has as yet not been completed and so therefore I cannot tell the House or indicate to the House what attack we will take in the discussions.

HON A ISOLA:

Might I ask the Minister, what are the negotiations that are actually taking place at this moment bearing in mind, my understanding certainly is that the trial period will, at its conclusion, lead to a review of whether the trial period has been successful or not and at that stage, my understanding was, that negotiations would commence or be concluded as to the long-term arrangements. What I do not understand is what negotiations are actually taking place in this trial period?

HON K AZOPARDI:

As I indicated to the House, there is an implementation team which is made up of members of both sides, they constantly review the operation on the interim trial period and I think it is wise, certainly that is the position we have taken, that we do not leave negotiations until we are satisfied at the end of the interim trial period. If we are satisfied as things develop we continue to discuss matters with the MOD. There is the implementation team that are looking at the nitty gritty of the interim trial period and there are also, from time to time, meetings between the Health Authority top level of management and the MOD to discuss the possibility of entering into a final arrangement. They are discussing matters around the peripheries on the assumption that the specifics can be ironed out by the implementation.

HON A ISOLA:

Am I right in saying that the intention is that at the end of the review period negotiations will hopefully, if the trial period is successful, be concluded by that time, they are actually on-going throughout the trial period?

HON K AZOPARDI:

Yes, we would like to take a view, I think both sides would like to take a view before the interim trial period finishes but it may not be possible to conclude it simultaneously but certainly I think both would like to take a view before the trial period finishes that a long-term arrangement is possible and indeed is convenient for both sides.

NO. 236 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - HEALTH CENTRE RELOCATION

Are the Government now in a position to state whether they will be relocating the Health Centre?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government have taken an in-principle decision that we wish to relocate the Health Centre. However, negotiations continue between the Government and the relevant landlords and final agreement has, as yet, not been reached. Apart from this the Government await detailed plans in relation to the proposed project from the architects.

SUPPLEMENTARY TO QUESTION NO. 236 OF 1997

HON MISS M I MONTEGRIFFO:

Can the Minister inform the House who the relevant landlords are?

HON K AZOPARDI:

Yes, as indicated to the House, I think, last time, the relevant landlords are the landlords of the ICC.

HON MISS M I MONTEGRIFFO:

So the Government are only looking at the ICC as an option for the time being, is that correct?

HON K AZOPARDI:

Having evaluated the options that were available to the Government, the Government have reduced that option to one but it is not a certainty. We await final agreement with the landlords.

HON MISS M I MONTEGRIFFO:

Is there a possibility that if the Casemates development goes underway that the Health Centre might remain in its present location or it will not remain?

HON CHIEF MINISTER:

Indeed the relocation of the Health Centre is not an essential but an important part of the Casemates project so really it is the opposite of what the hon Lady says. I think the only thing that could cause the Health Centre to stay where it is is if we cannot agree commercial terms with the landlord of the ICC for its installation in that building. The Government are not going to agree to move to the ICC on any term, it has got to be on terms which are commercially acceptable to the Government. So although we have made the policy decision that we would like to move it to the ICC, it might still not happen if we cannot reach commercial terms.

NO. 237 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - MEDICAL REVIEW

Can Government confirm how many of the 98 recommendations contained in the Medical Review have been implemented to date?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

As indicated in January 1997 when making the Medical Review Report public, it is estimated that about 35 per cent of the Report's findings will be implemented by the end of the current financial year, 31 March 1998.

The Authority is on course to achieve that target and at present about 40 per cent of those recommendations identified for implementation in 1997/98 have been implemented.

SUPPLEMENTARY TO QUESTION NO. 237 OF 1997

HON MISS M I MONTEGRIFFO:

Is the Minister in a position to confirm now which of those recommendations make up the 40 per cent?

HON K AZOPARDI:

Yes, I can indicate to the hon Member, for example, I will list recommendations that have been made in the Report which we assess have been completed and implemented at the present time. We have appointed a Chief Executive; a Personnel Officer and Primary Care Manager have been selected, at the moment they are pending transfer from the relevant department; two GPs have been selected; the selection process of GPs now includes general practitioners as recommended by the Review Report; we are advertising for a dentist/orthodontist as she will have seen in the media recently, that has come as a result of an internal assessment of the dental services; there has been an increase in the medical secretary capability; the Management Board has taken on board the issue of noise within the Health Authority facilities and is tackling the same; the selection board for consultants has been reviewed in line with the same review that we have conducted for general practitioners, in other words, guaranteeing consultants a degree of input in the selection process; the Medical and Health Ordinance has been amended with the passage of the 1997 Ordinance to enact re-registration in all relevant professions, doctors, nurses, pharmacists and dentists; we have taken the policy decision that specialists over 65 should only continue in exceptional circumstances; the Specialist in Community Medicine has been redesignated Public Health Director as she will have seen by the amendment to the Ordinance that came as a schedule to the 1997 Bill that was presented in July; there has been a review of social work that has not primarily been considered by health but rather by health in conjunction

with education and the disabled via the Milbury Care Services Report and a Health Promotion Team has been established. Those are the ones that we have implemented. There is a batch of others that we expect to implement to bring that total to about 35 per cent of the Report.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether there are any recommendations in the review which the Government will not be implementing?

HON K AZOPARDI:

Yes, as indicated I think in answer to a previous question in another meeting of the House, indeed we are not going to implement the Report in its entirety. I would assess myself, though I have not counted them, that it is between 10 per cent and 15 per cent of the Report will not be implemented for a variety of reasons, primarily because the Government do not agree with those recommendations.

HON MISS M I MONTEGRIFFO:

In the same manner that he has given a detailed account of those recommendations that he has implemented, can he actually give a detailed account of those he will not implement?

HON K AZOPARDI:

No, as I say, I have not counted them, neither do I have the list because that is not the question that the hon Member was putting to the House today. Perhaps she can ask the question on another occasion and I will be glad to go into that detail.

HON CHIEF MINISTER:

That is another way of trying to get the Report published here and now because if we give the House details of the recommendations that we are implementing and details of the ones that we do not, that would amount to publication of the Report which will happen in due course. It was a good try anyway, I commend the hon Lady.

HON MISS M I MONTEGRIFFO:

I always try my best.

NO. 238 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - NURSING REVIEW

Can Government explain why the Nursing Review has not yet been made public since they received it in March of this year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government stated that we had received a report from the Nursing Review Team in mid-March. That report was not signed by all its members. It transpired that agreement on the contents of the final report to be submitted to Government had not been reached. Discussions have ensued in recent months between the members of the Review Team and a Report signed by all members was presented to Government on 29 September 1997.

Against this background it was impossible for Government to publish or implement any of the recommendations made in the Report we had previously received.

The Government will now consider the findings of the team and decide whether to make the report public.

SUPPLEMENTARY TO QUESTION NO. 238 OF 1997

HON MISS M I MONTEGRIFFO:

When the Minister says, "The Government will consider whether to make the Report public", does that mean that there is a possibility they will not make it public?

HON K AZOPARDI:

Yes, it is implicit in that answer that the answer must be yes to that.

HON MISS M I MONTEGRIFFO:

If I remember rightly the Minister has said in the House previously that the Government intend to make both reviews public?

HON MISS M I MONTEGRIFFO:

If the hon Lady will check Hansard, there is a previous question which she put to me some months ago, I think at the time that we received this report which then subsequently became clear had not been signed by all the members, that we had not taken a decision as yet in relation to this particular report. The reason, of course, is that the difference between this report and the other report is that this is a report made up entirely of staff members, it is more of an internal report than the other one which was made up also of external management consultants.

HON MISS M I MONTEGRIFFO:

I will have to check back in Hansard but if my memory is correct when the Government announced these two reviews I am sure that they said that they would be making it public but I will check. Are the Government then saying that the Medical Review is of public interest and the Nursing Review is not of public interest?

HON K AZOPARDI:

No, I am sure that all reviews into the Health Services are of public interest but perhaps what is more of public interest is the outcome of the reviews and the reforms that are implemented by the Government to ensure that the Health Service that we all enjoy is the best health service that we can provide. As I say, this is a matter that will be considered by the Government and we will take a decision on that in the same way, while we have considered the dental services internally and we have decided that another dentist/orthodontist should be employed, that internal assessment has not been made public but what is of interest to the public is that they are going to get another dentist. I think that is what the public are interested in.

HON MISS M I MONTEGRIFFO:

I am surprised in the answer by the Minister because the Government always subscribe to giving the Opposition a lot of information I will not be in a position then to see what recommendations will be implemented or those that will not be implemented. Will the Government accept that I am able to put questions in the House as to the manner in which the Report of the Nursing Review will be implemented?

HON K AZOPARDI:

It is not the Government that prescribe the rules in this House but Standing Orders. Under Standing Orders, I am sure, she can put any question which is relevant as deemed by the Speaker and so the Government will not prevent her from asking any question but I think rather she is premature in her assessment. If the Government decided not to publish it then she can take that line but at the moment Government have not decided whether to publish that report or not. Government will consider the report because a report which was signed by all the members was received only last Monday and so it is premature for us to have even considered that matter.

HON MISS M I MONTEGRIFFO:

I will await the outcome then.

HON A ISOLA:

Might I ask, what is the difference or is there any difference of any substance between the March report and the 29 September report other than the signatures were not on the document?

HON K AZOPARDI:

Obviously there were some differences because not all the members felt that they could sign the report which was submitted to me in March but I think it would be inappropriate for me to go into the differences at this stage when that clearly was not the report of the team. What I have now in my possession is the report of the team and we will consider that.

ORAL

NO. 239 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - POST OF CHIEF EXECUTIVE

Can Government confirm whether the post of Chief Executive for the Gibraltar Health Authority has now been filled?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Mr Gavin Jackson has been appointed Chief Executive of the Gibraltar Health Authority. He will be assuming his post on the 9 October, in other words, next Thursday.

SUPPLEMENTARY TO QUESTION NO. 239 OF 1997

HON MISS M I MONTEGRIFFO:

Can the Minister confirm who Mr Gavin Jackson's previous employer was?

HON K AZOPARDI:

Mr Jackson was Chief Executive, I believe, in the Orkney Islands. So I believe his employers would be the Orkney Islands Council or whatever it is.

HON MISS M I MONTEGRIFFO:

I assume that the post of General Manager has now disappeared? In that case can the Minister confirm who is going to be the second in command?

HON K AZOPARDI:

The post of General Manager has disappeared since the deletion of that phrase as a result of the schedule to the Medical and Health Ordinance which amended the Medical (Gibraltar Health Authority) Ordinance 1987. By virtue of that schedule which listed amendments to the 1987 Ordinance, the hon Lady, if I can refer her to that, will see that the title of the Finance Officer has also changed to Deputy Chief Executive and Finance Officer; the acting Chief Executive is Ernest Lima. He has always been Finance Officer as well so he will be assisting Mr Jackson directly as his next in command, if I can put it that way.

HON MISS M I MONTEGRIFFO:

Are the Government hoping that after Mr Gavin Jackson's contract expires the job will be taken over by a Gibraltarian?

HON K AZOPARDI:

It is Government's publicly stated view that we certainly expect at the end of the tenure of Mr Jackson to localise the position.

NO. 240 OF 1997THE HON MISS M I MONTEGRIFFO**GHA - NURSING QUALIFICATIONS**

Can Government confirm whether Gibraltar nursing qualifications are accepted in the EU?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Medical and Health Ordinance 1997 which went through all its stages in July this year inter alia transposes the relevant EC Directives on mutual recognition of nursing qualifications obtained in EEA States. The Government fully expect that same principle of mutuality of recognition to be respected throughout the EU in relation to nurses obtaining their qualifications in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 240 OF 1997

HON MISS M I MONTEGRIFFO:

I have heard the Minister say that he expects them to be accepted in the EU. Have the Government actually sought confirmation from the UK authorities like, for example, the UKCC to verify whether Gibraltar nursing qualifications will be accepted throughout Europe?

HON K AZOPARDI:

I say that I expect them to be recognised. I am sure in the same way that the previous administration expected them to be recognised as well but the previous administration encountered, when they were in office, that problem with the Gibraltar nurse who was in Barcelona, who was trained in Gibraltar, had UKCC registration and yet there were difficulties thrown in her path as for registration in Spain. That finally was cleared up as a result of a letter written by the Foreign and Commonwealth Office to the UKCC who then were able to issue the relevant certificate to her which she utilised to be registered in Spain. So while I say that the Government expect that, we are not naive in thinking that we may encounter problems, if we do encounter problems those problems will have to be addressed in the same way that problems were addressed in 1991 when that issue of the Gibraltar nurse in Barcelona arose, with the assistance of both the UKCC and the Foreign and Commonwealth Office. Certainly in that connection I am taking the matter up with the UKCC to discuss the issue with them and while we, as yet, do not need any assistance because there is no live issue in respect of any particular nurse who wants to register in any Member State of the EU with Gibraltar qualifications, I certainly wish to put them on notice that there may come a time in future that we may need their assistance and then I intend to ask them for that.

HON MISS M I MONTEGRIFFO:

Is the Minister aware because I was fully involved in the negotiations in the incident in 1991 with the local nurse who wanted to seek employment in Barcelona, is he aware that the problem was resolved only because she was accepted as being registered with the UKCC?

HON K AZOPARDI:

I have seen the correspondence. I think that is probably right. I think there are two scenarios which we could encounter in future. The first will be when a Gibraltar nurse takes up registration with the UKCC, if that happens I think the avenue of resolution will be the same as occurred with the nurse in Barcelona. In other words, I think it can be solved in the same way. The other scenario I think that we could encounter is that if there is a nurse in Gibraltar who obtains their qualifications here in accordance with the relevant EC Directive but does not take up registration with the UKCC because I understand that is optional and then wishes to go to another EU Member and practice there, I think that scenario has not been tested, to my knowledge, in the past, where a Gibraltar nurse has qualifications in accordance with the Directive but wishes to go to another Member State but is not UKCC registered. I think there is a mechanism that we could probably rely on with the assistance of the UKCC but certainly we will have to ask them for that assistance, that is why I want to discuss that possible scenario with them. It is clear to me how we can solve the first scenario but the second scenario I think can be solved in a particular way but that issue has never arisen before. I say that because hon Members will agree with me that it would have been more helpful of course to our position if in the relevant Directive, there had been a reference to a qualification endorsed by the MRB in Gibraltar and not necessarily through the UKCC. If that had been the case then the competent authority, the MRB, would be recognising the Directive in black and white and it would be easier for our nurses to directly go into other EU members without having first to go through the avenue of the UKCC. But irrespective of that, I believe that there might be a mechanism which is on the face of one of the amending Directives to 77/452 and so I think that there is a possibility that even in the case of a Gibraltar nurse who does not have UKCC registration we might be able to address that matter. I am going to take the issue up with the UKCC as I indicated to the hon Member and I hope that we at least have an understanding, in due course, that if the situation arises we can tackle that.

NO. 241 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - DIALYSIS CLINIC

Are Government prepared to provide funds for the establishment of a Dialysis Clinic in Gibraltar?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government are in discussion with the Dialysis Patients Association in relation to this issue and will consider any proposals that are made to us as long as we are satisfied that these are fully in patients interests.

It is worthy of note though that the previous administration did not establish a Dialysis Clinic in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 241 OF 1997

HON MISS M I MONTEGRIFFO:

I think just to clarify the last point that the Minister has made, we were not considering it because we had just encountered the problems we were having in La Linea and that is the reason why we had not established it, it was only a couple of months before we actually lost the elections and we started encountering problems with the La Linea Clinic. If the Minister is saying that he will consider it, that in effect to me means that in considering they are prepared to provide funds, is that the case?

HON K AZOPARDI:

We are prepared to consider, I think there have been many public statements made by the Chairwoman of the British Kidney Patients Association as to whether they would fund the capital costs of setting up a small force station satellite dialysis unit in Gibraltar. The position was that we discussed that matter when she arrived in Gibraltar. Certainly the patients feel that the service that is provided by La Linea is second to none, they are very satisfied with the actual service. I think perhaps they are concerned and anxious about the possibilities that it may be withdrawn or may not be withdrawn about perhaps difficulties they may encounter in transit through the border but I think with the service itself I think it is safe to say that they are very happy with the service itself that they receive. The position that was arrived at was that the Chairwoman of the BKPA suggested that we should ask those same doctors whom had the expertise, doctors in La Linea, to put a proposal to the Government to set up that satellite unit in Gibraltar and that they would look towards

the capital costs. It is not only cost that is a factor. I think the recurrent expenditure would be well over the expenditure we currently spend on the service. It is the medical factors that concern me most in this sense, the current La Linea Clinic is side by side with the Renal Unit of the hospital. We do not have a Renal Unit in our hospital, should an emergency transpire those same patients would have to be rushed to the nearest Renal Unit which is in La Linea in any event and the Spanish doctors themselves, even though I have asked them for a proposal, have expressed anxiety to me that they are not satisfied in a medical sense that it is in the patients' medical interest that a satellite unit be set up here when they have the emergency facilities side by side to the Renal Unit in Spain. But, as I say, we have asked for a proposal from the Spanish doctors. The situation with the BKPA is that they will provide capital money if a proposal is received by us which everyone is satisfied with financially and medically. A proposal has not been received as yet and so we shall await developments. But I have to say, on a note of caution, that when I first met the Spanish doctors back in June 1996, we discussed that possibility of a satellite unit here in Gibraltar and I asked them to put forward a proposal and they never sent me anything. So I am cautious about the possibility of actually receiving something.

HON MISS M I MONTEGRIFFO:

The Minister has given me a very lengthy reply but unfortunately he has not answered the question that I put to him originally. In the event that the Government receive proposals and they are happy with those proposals, are the Government prepared to provide the funds for the establishment of a clinic?

HON K AZOPARDI:

If we are satisfied with both the financial and medical factors, there is a possibility that we would provide funds but we would have to be satisfied with that and I indicated in that somewhat lengthy answer, which I do not concede did not answer the question, that that is the background to why and how the factors would be exercised.

HON J J BOSSANO:

The Minister said that the running costs would be higher than they are at present. What are the running costs at present?

HON K AZOPARDI:

The only costs at present, I am advised, are the set off costs which are payable to the UK under the reciprocal health care arrangements and I am advised that those are lower in proportion than would be if we run our own satellite unit.

HON J J BOSSANO:

Is it not the case that the problem with the clinic arises out of the fact that no bills have been submitted to the United Kingdom so how does he know what the bills are going to be if and when they ever arrive?

HON K AZOPARDI:

I say that because irrespective of the fact that no bills, as the hon Member says, have been submitted by Spain to Britain, the Finance Officer of the Health Authority projects a certain expenditure in due course in relation to the set off arrangements and he advises me that in due course when sums become due, when a claim is made, it will still be much more expensive to run a satellite unit here in Gibraltar. It is on the basis of projected expenditure.

HON J J BOSSANO:

Can the Minister give an indication of what that projected expenditure amounts to so that we can assess what much more expensive means?

HON K AZOPARDI:

I am advised, and I do so with a note of caution again, I do not have the figures in front of me, but I understand that we are talking about something like £30,000-odd in respect of the La Linea Clinic service but if we run a satellite unit the recurrent expenditure would amount to a sum in excess of £120,000 or £130,000, something like that.

NO. 242 OF 1997THE HON MISS M I MONTEGRIFFO**GHA - EMPLOYEES**

Can Government confirm whether their policy continues to be that Gibraltar Health Authority employees should cease to be employed as civil servants?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Gibraltar Health Authority employees, like other employees of Government departments or public sector agencies, are and will remain public servants. The exact terms of their engagement within the Authority (which is a separate statutory creation that dates back to 1987) is a matter for discussion between the relevant unions and the Chief Executive of the Authority when he takes up his post.

SUPPLEMENTARY TO QUESTION NO. 242 OF 1997

HON J J BOSSANO:

Is in fact the Minister seeking to draw a distinction between public servants and civil servants?

HON CHIEF MINISTER:

There is, in fact, no distinction; there is a distinction between industrial and non-industrial public servants but except in that respect the phrase civil servant or public servant are synonymous. The point that the Minister is trying to make is that those employees of the Health Authority will remain public/civil servants, depending on which phrase one uses but they will remain both, but that the Government have already given indication both publicly and privately to the unions concerned, that the Government have an interest in concentrating expertise within particular areas of the public service which we think benefits from the accumulation of expertise amongst its staff. One of the areas where the Government wish to see expertise concentrated on a long-term basis is the Health Authority and therefore the sort of things that we are talking about, although this is a matter for discussion and consultation with the unions and not for imposition, the sort of things that we are discussing is, for example, whether civil servants in the Gibraltar Health Authority should expect to be freely transferable on probation or otherwise. In other words, would they be free to apply on promotion outside the Health Authority. That is the sort of area that we have a long-term ambition to try and get civil servants to develop expertise in a particular discipline, a wide discipline, not too narrow a discipline obviously because otherwise it would affect promotion prospects, but to get civil servants to obtain expertise in a wide band of, we call it tube of expertise

and then to make a career within that tube but, of course, the Government recognises that that tube has got to give the people that stick within it a career structure and a career path which is not disadvantageous in relation to the one that they might have if the tube is the whole public service which is the position at the moment. There is much work to be done, there is much discussion to be done. The fact is, in essence, the principal area in which the Government would like in discussion to alter the position as against what it is at present.

HON J J BOSSANO:

Does the Chief Minister not agree that in fact none of that requires that people should be employed by the Health Authority instead of being employed by the Crown? That is to say, just like in the Customs Department or in the Port Department or in any other department there can be a careers structure within the department based on expertise within the department and obviously as happens in paramedical and nursing grades where transferability is not an issue because the skills that they have are only useful in medical services and nowhere else and are only found in medical services and nowhere else, we are really talking presumably only about administrative grades who previously had been transferable, even if the Government wanted to retain the administrative grades that are seconded to the Health Authority permanently in the Health Authority, surely it is possible to reach an agreement on that without them having to cease to be employees of the Crown?

HON CHIEF MINISTER:

Yes, that is true, it is technically possible to do that. We do not think, even if they were employed by the Gibraltar Health Authority directly, we would not, as the hon Member appears to assume is the case from what he has just said, we would not necessarily regard that as not being employment with the Crown. In other words, the link between the Gibraltar Health Authority and the Government is a clear and obvious one and certainly the Government have no intention, the purpose of this is not in any sense to prejudice or reduce any aspect of the terms of conditions of these employees or to disadvantage them in any way. It is an attempt to simply get employees of the Gibraltar Health Authority to think of themselves and of their future careers as being within the Gibraltar Health Authority and employees of the Gibraltar Health Authority to get that team spirit which I think would be to the advantage of the Gibraltar Health Authority. That is the principle as opposed to having people who think that they are in the Gibraltar Health Authority for a year or two and then they could be in the Port Department or in the Tourism Ministry and do not actually regard themselves as being career health administrators. That really is the point. But the hon Member is right, that objective can technically be achieved so long as the detail of the agreement is correct without them stopping being employees of the Crown.

HON J J BOSSANO:

Since we are talking therefore about that objective and the fact that it can be done within the existing system and that it applies in fact to a relatively small proportion of the total staff, this is something different from what was recommended at the creation of the Health Authority to which I think the Minister made reference in his opening reply about the Health Authority being a separate body since 1987. In fact

the Review Team recommended that people should have their contracts of employment with the Government terminated and replaced by new contracts of employment in a contractual relationship with the Gibraltar Health Authority and, as I understand it, the Review Team that has looked at what was recommended the last time has in fact recommended the same thing again.

HON CHIEF MINISTER:

And indeed the Government may still decide to adopt that recommendation, we just have not yet made that decision. But the important point to emphasise is that even if that were to happen it would not be at the expense of any of the terms and conditions, in other words, the employees even if they became contractually employees of the Gibraltar Health Authority as opposed to employees directly of the Crown, that would have no consequence to the employees in terms of their security of employment, in terms of their remuneration package, or in terms of the disciplinary regime to which they would be subject or any of the issues that can legitimately be thought of by employees as being consequential to them personally as a result of change. That is not the objective and certainly that will not be allowed to happen.

HON J J BOSSANO:

But the Government are aware, in fact, that this was one of the serious concerns that people had at the time in 1987 when they asked for what had been initiated to be reversed?

HON CHIEF MINISTER:

Yes. People's concerns are sometimes well-founded and sometimes simply the result of anxieties, the result of people not being clear and frank and sincere with them. This is a matter for consultation, this is a matter for discussion, this is not something that the Government are interested in rushing around to impose on people and I think that should the Government decide to do this, it would only be after that process of discussion and consultation which left the Government clear that the staff understood the position and realised and accepted that this had no short, medium or indeed long-term adverse consequences to their personal positions.

ORAL

NO. 243 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - PERSONAL EMOLUMENTS

Can Government give the estimated cost of personal emoluments of the administrative grades in the expenditure of the Gibraltar Health Authority for the financial year 1997/98?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The position is as reflected in answer to Question No. 165 of 1997.

ORAL

NO. 244 OF 1997

THE HON J C PEREZ

PEDESTRIANISATION - AMEY CONSTRUCTION

Can Government state what are the streets scheduled for pedestrianisation and included in the contract signed with Amey Construction last week, and what is the cost of the project?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The streets scheduled for beautification as a result of the agreement reached with Amey Construction are:

Phase 1

Cooperage Lane; Tuckey's Lane; Market Lane; Horse Barrack Lane.

Phase 2

Irish Town (incorporating Irish Place); Parliament Lane; Bishop Rapallo Ramp; Cannon Lane (north of Bishop Rapallo Ramp).

The estimated cost of the project is £1.2 million.

Government have, as yet, not taken a decision as to whether these streets will be pedestrianised or if so, the extent of such pedestrianisation.

SUPPLEMENTARY TO QUESTION NO. 244 OF 1997

HON J C PEREZ:

Can the Minister state what is the estimated length of the contract, that is to say, how long are the works scheduled before they are completed?

HON K AZOPARDI:

I believe the work started on 22 September, phase 1 which involves those streets that I have listed, will go on for five months. Phase 2 will run consequentially and will run for six months so we expect that by August next year the whole project will have been completed barring, of course, extensions that may arise as a result of things like archaeological works and infrastructural works which delayed Main Street somewhat.

HON A ISOLA:

By comparison to the cost of the original Main Street beautification costs, what is the comparison between phase 2 and phase 1 in terms of area as relative to cost? Because it seems that this figure is actually very close and I think it is in excess of the cost of the whole of Main Street area originally contracted.

HON K AZOPARDI:

By the time we finished with Main Street because of the infrastructural works, the archaeological digs and all of that, the final figure was something in the region of £1.6 million so it is not more expensive. In relation to the difference between costs of the phases as between themselves, I do not have those figures but I can certainly write to the hon Member with the figures of estimated costs in relation to the particular phases and indeed the particular streets if that is the information he wants.

HON A ISOLA:

Yes, that is the information but in fact, could he also give me, which I am sure he has from the costings, the cost per metre I think is how they calculate the cost of these works, for the original phase and for this one. Thank you.

NO. 245 OF 1997

THE HON J C PEREZ

STREETS - GENERAL CLEANLINESS

Are Government satisfied with the general state of cleanliness of our streets?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government are dissatisfied with the state of cleanliness of some of our streets and are reviewing the existing arrangements in that respect.

SUPPLEMENTARY TO QUESTION NO. 245 OF 1997

HON J C PEREZ:

Can the Minister give specific examples of the review that is taking place and what measures the Government intend to implement to improve the situation?

HON K AZOPARDI:

I have asked the Cleansing Superintendent to look at all the issues. He highlights several causes which he thinks in his opinion are the issues here. Firstly there is an issue of equipment that perhaps in some areas not proper equipment is being used; enforcement and monitoring needs to be tightened up and then the actual cleansing itself has to be done perhaps a bit more vigorously. I will give the hon Member examples of what I am talking about. In Main Street, for example, in the beautified paving, I think we all agree that it is not as sparkling as we would like it to be. The conclusion that we are discussing at the moment is that perhaps the equipment that we are using just simply cannot cope with the level of ingrained dirt, of chewing gum and things like that. At the moment my department is in discussions with the contractor who says that that paving has been laid in other cities in the UK and the ultimate product is indeed clean and that is as a result of different machinery that we use. So we are arranging for a demonstration trial for Main Street which we hope will result in perhaps a cleaner Main Street and if that is not the case and the cause is the equipment we know where we have to target our resources. In relation to things like enforcement, I think my department advises me that they are encountering problems with people not removing their cars in streets that have to be cleansed from time to time. This is as a result of a ruling of the Supreme Court that held that clamping could not be undertaken under certain circumstances, I know that the Attorney-General's Department has been looking at alternative legislation to see whether we can reintroduce a system which will help us to tackle cleansing whilst taking into account the concerns that the Learned Judge voiced in that particular case. There has not been I think vigorous enforcement of litter tickets which we hope will happen. I have a meeting scheduled with all the relevant agencies to take place within the next 10 days or so when we will discuss the Cleansing Superintendent's conclusions and action that needs to be taken. There also has to be, apart from a tightening by the departments and a vigorous implementation of cleansing by the contractors, public awareness, we all need to

make Gibraltar tidy. It is not my department or any Member of the Government who go around putting out bags, it must be either tourists or members of the community and I think we all have to be conscious that if we really want to have a good product in Gibraltar we all must assume a degree of responsibility for the product and we all must play our part in achieving that ultimate product. So I think the public have a lot to blame as well in this final product that we establish. I think also the topic has been discussed that there are so many contractors as well that there is a system of disjointed cleansing and monitoring to the extent that the cleansing monitors have to be very careful when monitoring the situation who they deal with because the map of Gibraltar in a street cleansing sense has literally been carved up into various different contracts and so it is not as if they have got to deal with one contractor, they have got to deal with a whole variety, six or seven of them, so that makes monitoring of course much more difficult as well. Those are all the issues that we are talking about. As I say, I have a meeting to discuss the conclusions of that and we hope to identify action that we can take and indeed take action towards that.

HON J C PEREZ:

Would the Minister consider a practice that was discontinued by the present administration in some streets where there was a ban on parking on one side of the road on a particular day and on the other side another particular day of the week to enable the vehicles to be removed so that adequate cleansing would take place? This was an effective way of dealing with some of the problems the Minister has identified and something which was suggested by the same Cleansing Superintendent that he has now.

HON K AZOPARDI:

I have not heard that suggestion before. Certainly I am willing to discuss any matter that will help the situation, certainly I am willing to discuss that when I next meet with him. But I think the issue is that irrespective of a ban, in areas that parking is still banned people are not removing their cars anyway.

HON J C PEREZ:

I concur with the Minister that it is not an easy task but I suggest that he should seek to find out what used to happen with the previous administration which was so highly criticised by the then Opposition who are in Government today. A lot of these measures were discontinued and as a result the result is that some people might be happier because they get less fines on their cars but the product, at the end of the day which is Gibraltar is much dirtier. I suggest the Minister gets back and looks at the history of the situation and he will find that a lot of things that he is looking at now had originally been implemented by us and criticised by them.

HON K AZOPARDI:

The Government certainly will look at any measures to tackle the issue of cleanliness but I suggest that if they were highly criticised by the Opposition which was the GSD at the time they cannot have been any good.

HON A ISOLA:

Bearing in mind the Government have said that they are not satisfied with the state of cleanliness in Main Street, directly because of the surface and the difficulties in tackling that surface, bearing in mind that that surface can be treated in other parts particularly in the United Kingdom to reasonable satisfaction, are Government satisfied that bearing in mind the difficulties they have had to date with cleaning the current surface that it is the right step to proceed to sign a contract for another £1.2 million for the next phase of pedestrianisation with the same surface? Have they considered looking at alternative types which may not be too dissimilar from the current surface which may be easier to clean and maintain in a more satisfactory state?

HON CHIEF MINISTER:

I just want to take the hon Member up on one of the premises of his question. The Government's dissatisfaction with the cleanliness of Main Street is not limited exclusively to the stains of the road surface. We are dissatisfied also about the extent of the litter and the emptying of rubbish bins and things of that kind as well and the Government's review of our cleaning arrangements extends to all those areas. The question of the condition of road surface itself, which I think is the principal thrust of the hon Member's supplementary, is a different issue and it is clear that the parts which are most stained are the parts where traffic has had access and in respect of the main part of Main Street, there are traffic stains even from the limited vehicular use, for example, the refuse lorry drips oil onto the parts of Main Street that are closed to traffic. And the other source of staining is chewing gum and the Government have invited proposals to deal with those issues. I would like my hon Colleague just to answer the main part of the supplementary but I just wanted to make it clear to the hon Member that our concern about the state of cleanliness, especially in relation to Main Street but not limited to Main Street, is not focused exclusively on matters which derive from the nature of the road surface itself.

HON K AZOPARDI:

Clearly the matter of cleansing must be tackled. The discussions that we are holding with the contractors, in those discussions we have received assurances that services are indeed extremely clean in the areas where they have laid it in the UK and that it is because of the deficient machinery that is being used at the moment. It is against that background that we have decided to proceed with that matter. We are arranging a demonstration and trial which hopefully will happen relatively soon within the next few weeks. As I say, I think we will be able to tackle those matters. I agree they are matters that need to be tackled but I am assured that they will be.

HON J GABAY:

Whatever comments the Minister has made with regard to analysing the problem, looking at proposals, trying to amend the situation, the reality is that some of our streets are absolutely filthy. Would the Minister confirm, as an example, that Naval Hospital Road, where we both live, is intolerably filthy and has been for the last year and that despite repeated calls to his department, that street has not been washed down for the last year apart from the providential rains?

HON K AZOPARDI:

I live on the same road as the hon Member so I see it every day. Let me say that the contractor that is supposed to clean that street was a contractor engaged by the previous administration who despite the numerous calls from my department fails to comply with his contractual duty, that is precisely the issues that I have been talking about. Not only is it public awareness and enforcement, it is actual cleaning of the contractors themselves that is deficient in certain circumstances and if there is anyone to blame it is the previous administration who engaged that particular contractor.

HON J GABAY:

May I add that we are facing again the usual problem and that is that the Government do not realise that they are holding the reins of power. What happened in the past or what happened with previous contractors, the fact remains. Surely the Minister would not refuse to accept that he has the political responsibility to make the necessary changes and that it is rather tiresome to be listening all the time about what was happening a year and a half ago?

HON CHIEF MINISTER:

Yes, the Government entirely accept the analysis of the hon Member and as we are clear that the contractual arrangements made by the Opposition Members do not work as well for us as they used to work for them, we are going to accept the responsibility of having our reins on Government and are reviewing these contractual arrangements because contractual arrangements that secured clean streets for the Opposition Members but which does not deliver clean streets to this Government is not a contractual arrangement that this Government are willing to tolerate. Precisely we are going to accept the responsibility of office and we are going to review all the contractual arrangements which everybody in Gibraltar agrees is not delivering clean streets to which everybody in Gibraltar feels that they were entitled and to which the Government are the first to recognise is presently not being delivered. So I think the hon Member, if what he wants to see is radical action from this Government on the matter of public cleanliness, he need only wait a while longer.

HON J GABAY:

Does the Chief Minister not feel that it is unreasonable, after almost a year and a half of complaints about the dirt in our streets, that something should have been done and not really come to us with promises of future success and criticism of the past?

HON CHIEF MINISTER:

No, I do not think it is true that it suddenly started to become dirty on the 17 May 1996, I do not know if the hon Member thought that they were dirty on the 15 May, but certainly the position of deterioration of the state of cleanliness has been gradual and it is not true that people have been complaining about the state of cleanliness for the last 18 months. The deterioration in the state of cleanliness has been gradual and we believe that the situation has now reached an intolerable situation where the Government appear not to be able to extract from historical

contractors the quality of cleansing service that the Government wish to deliver to the people of Gibraltar. And because the Government are not willing to tolerate finding ourselves with that situation, the Government are going to review those contractual arrangements to ensure that they deliver to the Government of Gibraltar the ability to deliver to the electorate and to the people of Gibraltar the standards of public cleanliness that they want and which we are quite happy to deliver to them. But the hon member will understand that I do not have time, although I would be very happy to do so if I did have time, nor does my hon Colleague, to sweep Main Street ourselves. So those that the previous administration contracted to sweep Main Street or any other street because it would be unfair to focus on Main Street, there is equally unacceptable degrees of lack of cleanliness in many, many areas of Gibraltar and as we cannot personally administer to sweep the streets then to the extent that those that have been contracted by the Government to sweep the streets for us are not performing, I accept the political responsibility for making alternative arrangements.

HON J C PEREZ:

Perhaps the Chief Minister might take a leaf from the Minister for Health responsible for cleaning and accept that there are issues unrelated to the contractors chosen by the previous administration which might have had a hindrance in the state of our streets such as measures taken by the Government about parking and the amount of vehicles and the problem with the parking tickets which is caught up, which has to do with the problems associated as the Chief Minister himself has recognised. Let us hope that the more sober and more responsible attitude wing of the Government prevails and we have not got a maniacal attempt at trying to clean our streets by virtue of the outburst of the Chief Minister in the House of Assembly which is usual of this Government.

HON CHIEF MINISTER:

I do not accept that it is maniac or anything of the sort. The fact of the matter is that none of the photographs that have appeared in the local press showing completely unacceptable states of uncleanliness in this town relate or flow from any litter control, parking, removal or non-removal of cars. Those that have taken the photographs have not focused on any problems that arise from difficulty with parked cars. Those that have taken the photographs have rightly focused on the simple failure to remove rubbish from parts of the highway from which they could quite easily be removed and for which indeed the taxpayer is paying for their removal. Therefore whilst I am not saying that all aspects of the problem relate to choice on the part of the contractor to perform under the contract, there is no doubt that the analysis is correct, in our opinion, that the existing structure of contracts for the delivery of cleansing services to the Government of Gibraltar is demonstrably and self-evidently not working. The Opposition Members are the first to point it out to us so they cannot make political capital out of the problem and then accuse us of being maniacs when we take the political responsibility for delivering solutions.

HON J GABAY:

Incongruous as it would appear to be to think of the Chief Minister sweeping the streets, I would add that whatever the contractual problems, is it not the responsibility of the Government not to insist on that but to do something to eliminate what he himself and everybody else describes as an intolerable situation of dirt in our streets?

HON CHIEF MINISTER:

Yes, I agree entirely with what the hon Member has said and indeed it is a responsibility that we accept.

HON J J BOSSANO:

Who is employed in the Government or in the Environmental Agency to monitor that the standard required in the contract is being observed by the contractor?

HON K AZOPARDI:

We have not changed the framework established presumably historically. There is a Cleansing Superintendent who then has cleansing monitors underneath him who are supposed to go around Gibraltar to check out all these areas and make a report to the Cleansing Superintendent.

HON CHIEF MINISTER:

If I could add, one of those persons employed to monitor, on behalf of Government, the performance of those contracts is not a public servant but an employee of the Gibraltar Information Bureau selected and appointed by the Opposition Members. It is not them that we are blaming, we are not saying that this is happening because the monitors, whether they are public servants or not, are not doing their job but at the end of the day there is a limit to the remedies available. If in fact the streets are not clean and a monitor spots a problem he can report it back, "On Tuesday morning I inspected Tuckey's Lane and it was littered with litter" and that report goes back to the Ministry of the Environment and all that the Ministry of the Environment can do is pick up the telephone and say to the contractor, "Why was on Tuesday morning Tuckey's Lane not swept?" That does not deliver a swept Tuckey's Lane on Tuesday morning, it simply means that the Government remain in the hands of the willingness of the contractor to, in good faith, deliver the service that he is contracted to deliver. At the moment we do not feel that that is our position.

HON J J BOSSANO:

Am I right in thinking that the Government do not think that their position is that they are giving the service in good faith? The Government think this is a deliberate attempt to pile rubbish so that the contracts can be removed from them?

HON CHIEF MINISTER:

To the extent that the contracts that are in place are the same contracts as were in place before 16 May 1996 because we have not done anything to change them. The cleaning arrangements in Gibraltar today are the same cleaning arrangements that were in place when the Opposition Members were in Government. To the extent that there has been a sharp deterioration in the state of cleanliness of Gibraltar, there has to be some explanation other than the contractual structure itself because it is exactly the same contractual structure as used to exist. Therefore it seems clear that whereas the contractual structure used to work for any number of reasons which is actually not necessary to analyse, but for any number of reasons it is not working at the moment and therefore we have to review the existing arrangements, try and identify the reasons for it and correct them or otherwise make brand new arrangements.

MR SPEAKER:

Can we turn a new leaf asking the last question and the last answer and carry on with the other questions.

HON J J BOSSANO:

Can I just say that I accept entirely the answer that he has given me. I do not know what the arrangements are, it is not something that I ever did. Is it that they have attempted to use the monitoring service that they have got in place and that is not producing the result because that would presumably be the first step to take. If the contractor is not producing the result then the first step would be for the monitors to take the matter up with the contractors. Has that been tried and not produced results?

HON K AZOPARDI:

Yes, that is one of the issues that we encounter.

NO. 246 OF 1997THE HON J L BALDACHINO**ETB - WAGE SUBSIDY**

Can Government state what is the expenditure by the Employment and Training Board on wage subsidy in each month since 1 April this year and the number of people and of employers involved in each of these months?

ANSWER

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

The expenditure by the Employment and Training Board in wage subsidy in each month since 1 April this year and the number of people, employees it is to be understood, and of employers involved in each of these months is as follows:

<u>Month</u>	<u>Expenditure</u> £	<u>No. of employers</u>	<u>No. of employees</u>
April 1997	42,550.02	56	126
May 1997	57,973.48	51	119
June 1997	25,786.90	42	76
July 1997	37,846.73	45	98
August 1997	43,170.47	35	92
September 1997	<u>17,901.03</u>	<u>24</u>	<u>43</u>
	<u>225,228.63</u>	<u>253</u>	<u>554</u>

As the hon Member knows the amount of money allocated to this vote in the financial year 1997/98 was £800,000. Therefore the total amount for the six months represents 28 per cent up to September 1997, with 72 per cent remaining in that particular budget.

SUPPLEMENTARY TO QUESTION NO. 246 OF 1997

HON J J BOSSANO:

Given that the fact that only 28 per cent has been used in six months, it means there is no problem of no money being available, can the Minister explain why the figures have gone down to such degree that he started off with 56 employers and 126 workers and he has finished up with 24 employers and 43 workers? Is there an explanation why not more people have taken it up?

HON J J NETTO:

No, not necessarily. One thing that the hon Member will need to bear in mind is that whilst employers are supposed to come every month for their payment, some of them perhaps do not come in three or four months and then we have an

accumulation that we have to pay for one employer and that is why the sums, as they appear on the table and the figures I have given, does not square up, but it is because of that kind of element into it. Yes, it is true that we have only used 28 per cent but that is not to say that during the next six months we can see a sharp rise if more demand is placed within this particular vote.

HON J J BOSSANO:

So the fact that the figures are not higher is because there has been no demand for wage subsidies and not because anybody has been turned down?

HON J J NETTO:

That is correct.

HON J L BALDACHINO:

Is it correct that wage subsidy only applies to persons over 25, that if somebody is under 25 and the employer asks for a wage subsidy he is directed to the cadets scheme, is that correct?

HON J J NETTO:

That is correct.

HON CHIEF MINISTER:

Can I also add, what I am sure hon Members will agree with, that there is no virtue in wage subsidy. Wage subsidy is a direct burden on the taxpayer and that what the Government certainly try to encourage and the Government would not regard, unless of course it was accompanied by a commensurate increase in the rate of unemployed Gibraltarians, but the Government would regard as a measure of success on our economic policies that the private sector felt increasingly able and confident to take on employees at its own cost and expense as opposed to the cost and expense of the taxpayer which is what the wage subsidy amounts to. The situation would be different, if we were simply discontinuing the wage subsidy and the result is that people that could have been employed through it were not now being employed and were simply staying on the unemployment circuit. So there is a sense in which a reduction in the cost of wage subsidy and the number of employees on it is to be welcomed and I am sure the hon Members would not dispute that.

HON J J BOSSANO:

Yes, I do not dispute that. Does the Chief Minister not realise that the wage subsidy goes to Gibraltarians and not to foreign nationals and there could be increasing employment with increasing foreign nationals and that would result in less people being on the wage subsidy and that one of the indirect advantages of the wage subsidy is that it is an incentive to employ some of the registered unemployed who might otherwise be more difficult to place?

HON CHIEF MINISTER:

Yes, except that that sort of structure in the economy is indefinite and forever. I do not know whether the hon Member really thinks that wage subsidy is anything other than a temporary measure to assist the economy through a temporary problem. This Government certainly see wage subsidy in that way and we do not believe in structuring the economy in a way which in effect transfers to the taxpayer the cost of employment of people in the private sector. I repeat what I said which I think is an answer to the point that the hon Member is making, which is if the reduction in wage subsidies for Gibraltarian workers were accompanied by an increase in Gibraltarian unemployment then of course what we would be doing is withdrawing the support before the economy is ready to have the support withdrawn. But the Gibraltarian employment statistics do not show that as a result of the reduction of the number of people on wage subsidy that this has resulted in increased Gibraltarian unemployment although of course it may be that some of the ones that are unemployed even without it being increased unemployment, might have been able to obtain employment if the element of wage subsidy were not available. But the fact of the matter is that the wage subsidy is available, it has not been withdrawn and what I am saying therefore is that the fact that the private sector is able to maintain and if not increase the number of Gibraltarians that it employs without access to the wage subsidy, is something that should be welcomed given that it has not been withdrawn, it is there but simply not being relied on and therefore the private sector is gradually becoming more and more self sufficient in that respect.

HON J J BOSSANO:

I do not know whether the Chief Minister is aware, it may have happened after he had left the Labour Party Conference, but the United Kingdom Government have just announced a similar scheme as a major way of tackling the unemployment situation in the United Kingdom, inducing private sector employers to take on employees by giving them £75 a week. So there is nothing detrimental in this. I accept that the answer from the Chief Minister was in fact that nobody is being refused, fine, we are happy to know that nobody is being refused, it nevertheless concerns us how it is that it is not being requested because irrespective of the health of the private sector, I do not know of any private sector businessman that would rather not have a subsidy than have it if it was available. Do the Government know why the take-up is less?

HON J J NETTO:

The only thing I can add to what the hon Member said before is that it is an incentive to try and get unemployed people into work. One thing is clear and although I do not know the result of the Labour Party Conference inasmuch to the introduction of this new scheme, the scheme in Gibraltar has been more generous than the UK, even the £75 in subsidy which the hon Member is saying will probably be paid for much shorter periods of time than the period allocated by ourselves. Perhaps one other factor could be that in the UK, historically speaking, they have looked more towards the wage subsidy as a means for people on long-term unemployment. The going category is between nought to six, six to 12, and 12 to one year, one year to two years and depending on that particular sort of level of how long one has been unemployed, the criteria in giving the wage subsidy. We have not had those terms of reference in UK but so far in the six months that we have run it is only 28 per cent.

HON J L BALDACHINO:

I asked previously, to which I have not had an answer, why is it that it is available to people over 25 and not to persons under the age of 25?

HON J J NETTO:

Well, simply because, as the hon Member knows well, we have the vocational cadet training scheme which caters from school leavers to the age of 25 and the wage subsidy has been clearly demarcated for people over 25.

HON J L BALDACHINO:

Is it not correct that the wage subsidy when given to an employer the employee becomes an employee of that employer which is much better for the employee and for the ETB than going through the cadets scheme? What I do not understand is why the age limit? If somebody wants to employ somebody who is 24, for example, why is it that he is denied the possibility of being employed automatically by the employer because he has not reached the age of 25?

HON J J NETTO:

I understand that during his period there were employers who were getting money for vocational cadets and at the same time, additional to that, money from the wage subsidy for the same employee. That is not the criteria and we have an example that we can quote, this is not the criteria that this Government are using. The criteria we are using to any particular person if he is under 25 and he falls within the definition of the vocational cadet we give him those monies which are allocated there, but if he is over 25 it will be the wage subsidy. But what the employer will not get, if it is a person under 25, is allowances for the vocational cadets training scheme plus the wage subsidy. As the Leader of the Opposition said before, it is an incentive; what it is not going to be is a continual perpetual financing of some employers for a number of years getting both vocational cadet training scheme monies plus wage subsidy.

HON J L BALDACHINO:

That never happened. I am not asking that the person should be in the cadet scheme and the person should be on the wage subsidy, what I am asking is why is it that somebody who is 24 years old, for example, the employer cannot get a wage subsidy for that person who will then be employed instead of going through the cadet scheme, that is what I am asking?

HON CHIEF MINISTER:

Because the Government have no interest in institutionalising practices that will make this scheme a permanent feature of our economy. What the Government's

economic policies are designed to bring about is a situation where the taxpayer does not subsidise employment in the economy in the private sector and our policies are calculated to enable the private sector to prosper in manner that the element of wage subsidy can disappear altogether. The hon Members argue as if there was a virtue in wage subsidy, as if we should all be wanting to have as much wage subsidy as possible for the private sector. Certainly I feel the wage subsidy as a temporary crutch to be removed as soon as it can be without causing hardship amongst people who are unemployed. That is the balance that the Government strike between subsidy and private sector unemployment policy. I therefore do not accept the premise of the hon Member's question that wage subsidy should simply be made available in order to make the tenure of employment of the person in question this or that, that is not the purpose of wage subsidy. In other words, because somebody with wage subsidy is an employee but somebody without wage subsidy may be under 25 is only on the youth training scheme, that that is less good for him and therefore the taxpayer should indefinitely subsidise his wage. I just do not see what the rationale is for that view.

HON J J BOSSANO:

It would appear the Chief Minister does not understand from the answer that he has given because he has gone into a long answer about the philosophy and the question has nothing to do with the philosophy. The length of the time for which it is paid need not be any greater or any less whether it is described as a vocational cadet or as a wage subsidy, the fundamental difference is that the vocational cadet is employed by the ETB and paid by the ETB every month and the employer in the case of the wage subsidy actually tops up between the wage subsidy and the full wage. So here we have got a position where somebody wants to employ somebody who is 24 years old and for the sake of argument he is willing to pay him £150 of which he would get £80 from the ETB and he is told he cannot do that. He is told what he can do is employ the person for £80 only and not for the other £70. That is the question we are asking, it has nothing to do with life subsidy or a private sector that can stand on its feet or anything else. We, having got the figures and having heard that some people have been told that the wage subsidy is only available if one is over 25, are trying to find out what is the rationale because it seems to us that if they agreed to give it to somebody under 25 it would be good for the employee, good for the employer and good for the ETB, so we do not understand why they are doing it. The explanation we have been given does not answer it.

HON J J NETTO:

The situation remains very clear to me. The criteria is that if it is someone over the age of 25 they get wage subsidy, if they are under 25 they get the vocational cadet training scheme money.

HON J J BOSSANO:

Is the answer therefore that notwithstanding the arguments that we have put to try and demonstrate to him that it is better not to do that, the Government are not willing to consider it?

HON CHIEF MINISTER:

The Government consider suggestions for improvement of the situation from wherever they come and certainly what the Government are not going to stand up here and say in the middle of this exchange of views before analysing all the arguments is that the position should be as the hon Member is saying. What the Minister has said is what the position is and what it will continue to be until such time as the Government decide to change it, if we decide to change it. Certainly amongst the factors that we will take into account are matters pointed out to us by the Opposition, they should not consider themselves to be people whose views we never take into account.

NO. 247 OF 1997THE HON J L BALDACHINO**I&D FUND - HEAD 101 - SUBHEAD 1**

Can Government state how much has been spent from the Improvement and Development Fund Head 101, subhead 1 - Replacement of balconies and windows, for each month of April, May, June, July, August and September?

ANSWER

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

Expenditure incurred in the Improvement and Development Fund, Head 101, subhead 1 - Replacement of balconies and windows, for the months of April, May, June, July, August are as follows:

April 1997	-	£10,133
May 1997	-	£13,074
June 1997	-	£12,687
July 1997	-	£ 7,603
August 1997	-	<u>£23,815</u>
Total	-	<u>£67,312</u>

September figures are not yet available.

SUPPLEMENTARY TO QUESTION NO. 247 OF 1997

HON J L BALDACHINO:

Will the Minister provide me with the figures once they become available so that I do not have to ask the question in the House?

HON J J NETTO:

Yes.

NO. 248 OF 1997THE HON J L BALDACHINO**ETB - VOCATIONAL CADETS**

Can Government state what is the total value of payments to vocational cadets in each month since 1 April of this year?

ANSWER

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

The amounts are as follows:-

April 1997	-	£118,189.00
May 1997	-	£106,968.52
June 1997	-	£109,562.73
July 1997	-	£117,165.21
August 1997	-	£105,284.14
September 1997	-	£ 95,560.83

SUPPLEMENTARY TO QUESTION NO. 248 OF 1997

HON J J BOSSANO:

Since in this case there are no employers involved, presumably this cannot show any under-recording because employers have not asked for the money yet which is what we were told in respect of the wage subsidy. This is in fact the money that has been spent and is not likely to go up, is that correct?

HON J J NETTO:

Yes, as I understand, this is the money being spent in those months.

HON J J BOSSANO:

The sums involved which come to something in excess of £600,000 represent around 33 per cent of the amount provided of £1.8 million. Do the Government expect that there will be any increase in the number of vocational cadets or do they expect not to spend the money that has been provided?

HON J J NETTO:

The trend this financial year seems very similar to the figures in 1994, that is to say, less employers seeking cadets at the ETB. So the trend does appear to continue during the rest of the financial year.

HON J J BOSSANO:

I remember when the figure of £1.8 million was put there and during the budget I asked how it had been arrived at and I was told it was simply what was there before. On the basis of the figures for these six months it does not look as if the £1.8 million is going to be spent, it looks as if £1.2 million are going to be spent because if we have now got £600,000 it is running at around £100,000 a month so in a year, if it stays at the same rate as it is at the moment there is going to be an underspending of £600,000. I am asking, does the Minister expect that he will be underspending £600,000 or does he expect that in fact there will be a greater take-up in the rest of this year so that it will come closer to the amount that was provided for which was the same as the previous year?

HON J J NETTO:

Yes, I do expect an underspending of the budget. I can give the hon Member some of the figures in terms of cadets being recruited; in 1984 there were 257, in 1995 there were 554, in 1996 there were 648 and in 1997 so far there are 193. As I said before, it does appear that as far as employers seeking cadets we are going back to the 1994 period. I have alluded in previous questions in this House that I do feel that employers and employees alike are not satisfied with the vocational cadet training scheme. I have also said that the Government are not satisfied with the quality of training of the vocational cadet training scheme and that is why we are actually reviewing the whole vocational training in Gibraltar. That is the only explanation I can give inasmuch as to the reason why I think that the numbers are dropping. But it is true, as the Leader of the Opposition says, we did carry over the expenditure from the previous financial year and it does appear by the end of this financial year that there will be an underspending, yes.

ORAL

NO. 249 OF 1997

THE HON J L BALDACHINO

ETB - CONSTRUCTION TRAINING

Can Government state how many applications have been received for each discipline of the construction training course by the closing date of 10 September and how many have been accepted?

ANSWER

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

The total received was 51. Bricklayer - 4; plasterer - 1; tiler - 4; painter - 10; plumber - 15; carpenter - 14; any, that is, with no preference - 3.

SUPPLEMENTARY TO QUESTION NO. 249 OF 1997

HON J L BALDACHINO:

I suppose that the figures that the Minister has given me are the preference of the people who have applied, is that correct?

HON J J NETTO:

That is right.

NO. 250 OF 1997

THE HON J L BALDACHINO

ETB - CONSTRUCTION TRAINING COURSES

Can Government state how many places were offered in each of the disciplines advertised by the Employment and Training Board in construction training courses?

ANSWER

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

Initially it is the intention to offer 40 training places as follows:

10 carpenters
10 painters
5 bricklayers
5 tilers
5 plasterers
5 plumbers

Final offers could change slightly given applications received for each discipline, results of written and aptitude tests and selection interviews.

The tests and interviews have been held during the course of the week and it is expected to make training offers early next week with a view to commencing the training programme as soon as possible.

SUPPLEMENTARY TO QUESTION NO. 250 OF 1997

HON J L BALDACHINO:

Taking the figure that the Minister has just given and the figure of applications, does that mean that 11 of the people applying will not be offered any discipline in any of the construction training courses?

HON J J NETTO:

It could well be, yes.

HON J L BALDACHINO:

If there are 40 places and there are 51 applicants does it mean that the 40 places might change to more places because those are the figures I have here, if one deducts one from the other there are 11 who will not be offered any places?

HON J J NETTO:

It could vary slightly but as I said before on occasions some of the people we have received applications from will not perhaps make it to the training centre. One of the factors contributing towards this is that with hindsight we can tell that one of the mistakes that was done by my predecessor, the Hon Mr Baldachino, when the training centre actually started in New Harbours was that they were not ready for the 130 places that he actually forced the managers to take at the time because it could only cater for 80. Part of the problem in this is that we then start getting a very high level of fail rate as opposed to success. This is one of the things that is uppermost in our minds.

HON J L BALDACHINO:

Is he aware of the fail rate in the construction training courses?

HON J J NETTO:

I can give him the figures of the entire vocational cadet training scheme including the training centre. For instance, in 1994, that is the year when the Hon Mr Joe Moss was the Minister for Employment, the fail rate was 64.2 per cent and the success rate was 35.8 per cent; in 1995, the fail rate actually went up to 71.5 per cent and the success rate was 27.5 per cent; in 1996 the fail rate was 62 per cent and the success rate was 18.4 per cent; in 1997, up-to-date, the fail rate is 44 per cent and the success rate 15.6 per cent. However, there are 40.4 per cent of cadets still in the system.

HON J L BALDACHINO:

I am talking about the construction training centre. I do not know what figures he has given but the construction training centre was not there in 1994. What I am asking is, given that there has been a percentage of failure because I put more people in the training centre than what I should have, I am asking him, what is the percentage of those who are now in the training centre who I put there, the 130, who have failed? I do not know if they have still completed the two year course, I do not think they have even completed the course, how does he know the failure rate? He has given me the 1994, 1995 and 1996 rate and the training centre was not there, I do not know what are the figures he has quoted.

HON J J NETTO:

The figures are ETB figures and while I have not got the percentage for the training centre what I can tell him is that there has been, since the introduction of the training centre in January 1996, a large number of drop outs during the actual scheme and that, to some extent, is due to the amount of trainees within the training centre.

HON J L BALDACHINO:

Is the Minister not aware that of the 40 that he is going to take on and maybe he has less numbers than what I had, there will be a percentage of people dropping out in every course like they do in universities and they do in colleges? Is there not a percentage of wastage which is a normal process in life anyway? Is he not aware of that?

HON J J NETTO:

Of course there is always people who will fall by the wayside but obviously this is not, by looking at these figures, something that the Opposition Members can be very proud of when they were actually in Government because when one has figures in general of fail rate well beyond the 50 per cent there is something fundamentally flawed as far as the vocational training is concerned in Gibraltar.

HON J J BOSSANO:

Apart from the fact that all he can tell us is that that is a figure that has been calculated by the ETB, can he tell us how it has been calculated? What is it that they failed at? This 70 per cent of failures, which does not reflect well on the output of the schools from which they came but I am sure not everybody in the Government benches will agree with that, what is it they failed in because in fact the vocational qualifications were introduced at a later stage? A percentage of failure in taking what exams?

HON J J NETTO:

Fail rate in the sense that at the recruitment stage whilst still cadets they actually drop out. Also that we have, included in that category, people who automatically as soon as they finish the cadet training scheme are made redundant on day one rather than being employed by the employer.

HON J J BOSSANO:

So in fact if somebody at the end of the cadet scheme was made redundant by the employer, that is now treated by the Government as a statistic indicating the failure of the vocational cadet and part of the percentage of failures which shows how bad we were at training people and consequently why the numbers being trained should be reduced so that we have a lower percentage of failures because people at some stage were made redundant when they finished their training, that is the answer we have just been given?

HON J J NETTO:

No, what is clear is that in the last stretch of the last general election when the Hon Mr Baldachino took office he inflated those figures for the sake of getting youngsters away from the unemployment queues and put them artificially in schemes which did not lead to quality training and long-term employment.

HON J L BALDACHINO:

Was not the system I had which was agreed with his hon Colleague the Minister for Tourism, where people could get NVQ qualifications at the end a better system than the one he has now which only gives the employer six months with no qualification?

HON J J NETTO:

It is interesting to note that earlier on in a different question the Opposition Spokesman, the Hon Mr Gabay, was actually pointing to the fact that the Minister concerned had to take political responsibility for whatever decision and whatever responsibility he has and here we have a Member of the Opposition who is trying.....

MR SPEAKER:

I think you are deviating now.

HON J J BOSSANO:

Can I ask how many places were filled last year in the construction training centre to compare with the 40 of this year?

HON J J NETTO:

In January 1996 we had the first intake of 130 and in September 1996 a second intake of 40. As I understand it, at the moment there are only 93 students in the training centre so if my mathematics are right, round about 77 have left.

HON J J BOSSANO:

That is 77 from the two intakes. Can I ask, because I am not really familiar with the details of the course, is it a three year course, do they have one more year to go the ones that started first?

HON J J NETTO:

No, the NVQ level 2 is a two year course. I also understand that from the original intake in January 1996 of 130, as they are nearing the end of the two year period, there are quite a lot dropping out at this late stage. Whether this is due to final exams being held in one or two months time, I do not know.

HON J J BOSSANO:

Does the Minister have any information as to whether in fact those that are dropping out are actually going into employment?

HON J J NETTO:

I have not got it with me but it is something that we can find out, it is not beyond the ETB to do that.

HON J J BOSSANO:

Well, I think it would be useful in the light of his remark that it might be due to the proximity of the exams, if in fact they are going into jobs it may be a different reason.

HON J J NETTO:

I will try and get the information and pass it over to the hon Member.

ORAL

NO. 251 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets were engaged by the Employment and Training Board each month since 1 June 1997?

ANSWER

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

Answered together with Question No. 252 of 1997.

NO. 252 OF 1997THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets have terminated their employment with the Employment and Training Board each month since 1 June 1997?

ANSWER

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

Cadets engaged are:	June	-	16
	July	-	45
	August	-	17
	up to 26 September	-	23
Cadets who have terminated:	June	-	29
	July	-	38
	August	-	51
	up to 26 September	-	25

SUPPLEMENTARY TO QUESTION NOS. 251 AND 252 OF 1997

HON J L BALDACHINO:

Does the Minister know of those that have terminated employment with the ETB, how many have been employed?

HON J J NETTO:

I have not got the information with me available. Had I been given notice of that I would have been able to have provided it for him.

NO. 253 OF 1997

THE HON J C PEREZ

VARYL BEGG ESTATE - CAR PARK

Is the Varyl Begg Estate car park at Europort Avenue now complete, and if so, have the parking spaces been allocated to tenants at the estate?

ANSWER

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

Further to my answer to Question No. 87 of 1997, the works stated as outstanding in that reply have yet to be carried out.

Nevertheless the Government have reviewed the parking problems at the Varyl Begg Estate in consultation with the tenants association and members of the Transport Commission, and an overall scheme has been prepared which includes the provision of motorcycle bays within the estate, plus additional garages.

All this work will be put out to tender shortly. Once this work is carried out Government will be able to allocate the parking spaces.

SUPPLEMENTARY TO QUESTION NO. 253 OF 1997

HON J C PEREZ:

Is it the intention of allocating parking spaces free or is there an agreement with the tenants association that there will be a nominal fee for each of the parking spaces allocated?

HON J J NETTO:

I think we have had this question before and I think the reply given was that this was in consultation with the tenants association and it would be for some sort of nominal fee to the tenants.

HON J C PEREZ:

Does the Minister think that that is it or that is it?

HON J J NETTO:

I am telling the hon Member it is.

HON J L BALDACHINO:

Is the nominal fee equivalent to that paid by the tenants of St Jago's Estate?

HON J J NETTO:

I am not aware of what the tenants in St Jago's pay.

HON J L BALDACHINO:

Can the Minister look into it and see what nominal fee the tenants of St Jago's pay?

HON CHIEF MINISTER:

No, if the hon Member is asking us to commit ourselves not to do one thing in one estate different to what happens in another the answer is no. As a matter of principle there is no reason why that should be the case.

NO. 254 OF 1997

THE HON J C PEREZ

ROAD WORKS PROGRAMME

Can Government give details of how much of the road works programme for the current financial year has been completed?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The following roads have been resurfaced to date as part of the resurfacing programme:

Parson's Lane; Glacis Estate; St Joseph's Estate and Upper Witham's Road.

Progress on the pavement construction and reconstruction programme is as follows:

Catalan Bay; Rosia Road, from the junction with Scud Hill to New Mole Parade.

Other works done, which were not in the original programme are:

Resurfacing of road leading to HM Prison; works on the southern section of Cannon Lane; works on Green Lane.

SUPPLEMENTARY TO QUESTION NO. 254 OF 1997

HON J C PEREZ:

Taking into account the rainy season which is upon us, does the Minister think that the whole programme is to be completed before the end of the financial year?

HON J J HOLLIDAY:

It is Government's intention to complete the programme during the course of this financial year but I am aware that obviously we could experience some problems in completing this. I have arranged a meeting with the Highways Engineer next week to overlook all the programme and try and see how much of it will actually be achieved during this year but it is still my objective to terminate this during the course of this financial year.

ORAL

NO. 255 OF 1997

THE HON J C PEREZ

ROAD WORKS - UPPER ROCK

Can Government state whether they intend to carry out repairs to the roads on the Upper Rock during this financial year?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

It is intended to carry out repairs on the Upper Rock roads during the course of this financial year.

A survey of the Upper Rock roads was completed a short time back and this identified the roads in most urgent need of repair. Meetings were subsequently held by the Highways Engineer with representatives of the Royal Gibraltar Police, the Fire Brigade and Sights Management Limited with regard to logistics and operational procedures.

The documents are now being prepared for the Upper Rock job to be put out to tender. The tender notice should issue this month. Work will then commence shortly thereafter.

ORAL

NO. 256 OF 1997

THE HON J C PEREZ

Question withdrawn.

ORAL

NO. 257 OF 1997

THE HON J C PEREZ

MAIN STREET - PEDESTRIANISATION

Can Government state whether the contractor responsible for the pedestrianisation works at Main Street has already handed over the finished project to Government and if so, when will Government be in a position to take decisions on matters related to traffic flow?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The finished Main Street project has not yet been officially handed over to Government. This will happen shortly.

Government have already taken an initial view on matters relating to traffic flow in respect of Main Street and the adjoining side streets, and the Traffic Commission is presently studying the Government proposals. Their report will be submitted shortly. It would be premature to state what the traffic flows will be, until the Commission has been able to report back to Government with their views.

SUPPLEMENTARY TO QUESTION NO. 257 OF 1997

HON J C PEREZ:

Is it the intention of the Government to make public the proposals of the Commission prior to taking a decision on the implementation of the recommendations? That is to say, will members of the general public or at least members directly involved in traffic such as lorry drivers, taxi drivers, bus drivers and so on be able to have an input into the recommendations of the traffic flow that the Traffic Commission are to propose in relation to the completion of the pedestrianisation works?

HON CHIEF MINISTER:

They will certainly be able to express their views and their views to the extent that they are persuasive will be reflected in the traffic flow plan. What they do not have, of course, is the right to make the decision themselves.

HON J C PEREZ:

I am not asking for that. I am asking the Government that in order to avoid controversy whether before such proposals are implemented it is the view of the Government that they want to seek views from the public and from those directly affected who are using the roads regularly to see whether they can have an input

that someone might have missed. There are going to be people in favour and people against whatever proposals are made, that is clear but at least in order to avoid making unnecessary mistakes that the plan of the traffic flow should be made public so that there is an input from the general public. Obviously the decision is of the Traffic Commission or of the Government as it may be.

HON CHIEF MINISTER:

Yes, I think this Government have already demonstrated a willingness to air proposals in advance. The beautification schemes have been available for public inspection. Certainly people will have an opportunity to express their views on the Government's proposals before they are actually implemented. That would be in keeping with what we have done in almost everything else that has been announced in other areas of our conduct.

NO. 258 OF 1997

THE HON A ISOLA

HOTEL OCCUPANCY

Can Government confirm that hotel bed nights sold have increased since the commencement of the Monarch schedule service to Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Monarch scheduled service to Gibraltar commenced on 2 May 1997. I have figures for the number of hotel bed nights sold in May and June 1997, and the July figures should be available shortly.

I can confirm that the number of bed nights sold in May 1997 saw an increase of 14.6 per cent over May 1996 and June 1997 saw an increase of 14 per cent over June 1996. The actual bed nights involved were 4824 in May 1997 compared with 4211 in May 1996 and 4665 in June 1997 compared with 4091 in June 1996.

What I cannot of course say is to what extent the increase has actually been due to the Monarch scheduled service.

SUPPLEMENTARY TO QUESTION NO. 258 OF 1997

HON A ISOLA:

Bearing in mind that in the past the indicating line of bed nights sold runs parallel almost to the number of seats available on aircraft and bearing in mind the otherwise unexplainable jump in May and June of an additional 600 bed nights sold in each of those two months, will the Government make every effort possible to seek to secure additional seat capacity both with the current schedule carriers and, if possible, by attracting more scheduled carriers and if possible even charter operations?

HON CHIEF MINISTER:

I do not accept that the hon Member has just said that the increase in bed nights sold cannot be explained except by reference to the Monarch service. I think that the increase in bed nights sold represents early success for the Government's tourism policy generally, including our marketing strategy, including the repositioning of Gibraltar in terms of international reputation, including what the Government have tried to do to improve the product available to tourism in Gibraltar and certainly also including, I have no doubt, the Monarch service. But certainly I would not share the basic premise of the hon Member's question which is that a rise in the number of bed nights sold cannot be explained other than by reference to the introduction of the Monarch service.

HON A ISOLA:

The question is whether hotel bed nights sold have increased since the commencement of the Monarch service and the answer I got was yes. The premise to my question is indeed that it is linked and in my view almost directly because if people cannot fly here then people cannot stay in our hotels. The Air Traffic Survey which has been laid on the table this morning indicates an occupancy level of 79 per cent load factor which is extremely high and I think indeed the report on air carriers suggests that anybody over 70 per cent means people are being turned away. Therefore the question is, bearing in mind that the hotel bed nights sold has increased by 14 per cent in May and June which is no coincidence since it is when Monarch commenced flying to Gibraltar on 1 May, does not that indicate that the more seats available on our aircraft the more possibility and in fact the result is that there has been more bed nights sold and therefore, bearing that in mind, would it not be good news for our hotel operators if Government pushed to have more scheduled carriers and more charter carriers?

HON J J HOLLIDAY:

I agree with what the hon Member has been saying and Government will obviously be wanting to pursue bringing in more scheduled and charter operators. I think that will obviously create the type of infrastructure to be able to continue developing the tourism industry.

HON A ISOLA:

Would the Minister agree that there is little point in marketing bed nights to be sold unless capacity to bring the people that want to come to Gibraltar is increased?

HON CHIEF MINISTER:

There are other means of filling beds in Gibraltar other than by people who arrive in aeroplanes.

HON A ISOLA:

I started off my first question which the Chief Minister said was based on the wrong premise by saying that the figures have indicated in the past, almost on a parallel level, that the number of bed nights sold is linked to the number of seats available on aircraft and that is the reason for that recommendation or somewhat raises the question. Will the government take note of the fact that the levels of bed nights and the levels of seats available are almost directly linked?

HON CHIEF MINISTER:

The Government will take note in fact that the availability of seats on aeroplanes is one of the determining factors in deciding what the hotel occupancy level is. We acknowledge that it is one of the most important factors and therefore we will continue to give it the priority that we have done since 16 May 1996.

NO. 259 OF 1997

THE HON A ISOLA

TOURISM - CRUISE LINERS

Can Government state how many cruise liners have booked to visit Gibraltar in 1998 and will they confirm whether any of these bookings are intended to entail passengers staying overnight in Gibraltar at the commencement or at the end of the cruise?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

As at 2 October 1997, 90 cruise liners were booked to call at Gibraltar in 1998.

There is one call from the P&O "Victoria" scheduled for 30 November 1998, when a Mediterranean cruise will conclude and a repositioning cruise to the Caribbean will commence. If P&O use scheduled flights for passengers travelling to or from Gibraltar, this will provide an opportunity for all passengers to stay overnight at Gibraltar at either the commencement or end of the cruise. If P&O opt to run charter flights to or from Gibraltar for their passengers, then this opportunity will not be available to these passengers and can only be available to those other passengers who fly to Gibraltar on scheduled aircraft or arrive via the land frontier with Spain.

I have already been in contact with P&O and the Gibraltar Hotel Association and I have provided P&O with details of Gibraltar hotels. I am informed that if P&O find this cruise call successful, other similar calls will follow.

NO. 260 OF 1997THE HON A ISOLA**TOURISM - CRUISE LINERS**

What have been the total number of cruise liner calls to Gibraltar to date during the year of 1997 and how many further cruise liners are expected until the 31 December 1997, and what are the corresponding figures for the years 1995 and 1996?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

There have been 76 cruise calls to 29 September 1997, and a further 31 cruise calls are expected between now and 31 December 1997, making a total of 107 calls for the year.

The comparative figures for 1996 and 1995 are:

	<u>1996</u>	<u>1995</u>
Number of cruise calls at 29 September	101	98
Number of cruise calls from 30 September to 31 December	<u>38</u>	<u>32</u>
	<u>139</u>	<u>130</u>

NO. 261 OF 1997

THE HON A ISOLA

TOURISM - PORT STUDY

What are the recommendations of the Port Study commissioned by Government and which of these recommendations do Government intend to implement?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

A draft of the Port Study commissioned by Government has been submitted and is being studied. A meeting with the consultants is scheduled for mid-October 1997, after which the draft study will be finalised.

It is not intended to publish the report in full, when it is submitted, as it contains commercially sensitive information. However, a synopsis of the report and its recommendations will be made public.

A decision in respect of which of the consultants' recommendations Government intend to implement will be taken when the final report is submitted.

NO. 262 OF 1997

THE HON A ISOLA

TOURISM - MADRID OFFICE

What criteria has been or will be used to fill the tourism positions advertised by the Gibraltar Development Corporation for the proposed Tourist Office in Madrid?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Two positions were advertised, that of Manager and that of Secretary/Personal Assistant.

The Manager will preferably be a person who is fully conversant with the Gibraltar tourist product and who has a proven track record in a sales and marketing environment. An outgoing personality, and an ability to work well under pressure and with minimum supervision are required.

The Secretary/Personal Assistant needs to have a good knowledge of the Gibraltar tourist product and must be able to provide all the necessary backup to the Manager. In particular, the person appointed must be capable of running the office single-handed when the Manager is away from the office.

It is expected that the selection procedure will be concluded by the end of October 1997.

SUPPLEMENTARY TO QUESTION NO. 262 OF 1997

HON A ISOLA:

Can the Government indicate how many applications were received before the closing date?

HON J J HOLLIDAY:

There were 41 applications for the post of Manager and 36 applications for Secretary/Personal Assistant. However, I must point out that there have been some applicants who have applied for both posts so there may be an overlap in terms of actual applicants.

HON A ISOLA:

Have Government brought it down to a short list?

HON J J HOLLIDAY:

No, the selection board has not yet convened a meeting to actually short list the candidates to then proceed to interviews.

HON A ISOLA:

Might I know what the selection board comprises of? Are they people within the Tourism Board?

HON J J HOLLIDAY:

The people that are going to be on the board have not yet been decided but a decision will probably be taken this week.

ORAL

NO. 263 OF 1997

THE HON J L BALDACHINO

SOCIAL SECURITY - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of April 1997 receiving -

- (a) Unemployment Benefits
- (b) Social Assistance
- (c) No payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 264, 265, 266, 267 and 268 of 1997.

NO. 264 OF 1997

THE HON J L BALDACHINO

SOCIAL SECURITY - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of May 1997 receiving -

- (a) Unemployment Benefits
- (b) Social Assistance
- (c) No payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 263, 265, 266, 267 and 268 of 1997.

ORAL

NO. 265 OF 1997

THE HON J L BALDACHINO

SOCIAL SECURITY - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of June 1997 receiving -

- (a) Unemployment Benefits
- (b) Social Assistance
- (c) No payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 263, 264, 266, 267 and 268 of 1997.

ORAL

NO. 266 OF 1997

THE HON J L BALDACHINO

SOCIAL SECURITY - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of July 1997 receiving -

- (a) Unemployment Benefits
- (b) Social Assistance
- (c) No payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 263, 264, 265, 267 and 268 of 1997.

NO. 267 OF 1997

THE HON J L BALDACHINO

SOCIAL SECURITY - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of August 1997 receiving -

- (a) Unemployment Benefits
- (b) Social Assistance
- (c) No payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 263, 264, 265, 266 and 268 of 1997.

NO. 268 OF 1997

THE HON J L BALDACHINO

SOCIAL SECURITY - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of September 1997 receiving -

- (a) Unemployment Benefits
- (b) Social Assistance
- (c) No payments?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The information requested by the hon Member is not yet available but I will undertake to write to him providing the answer to the questions as soon as possible.

SUPPLEMENTARY TO QUESTION NOS. 263 TO 268 OF 1997

HON J L BALDACHINO:

I can understand there may be a problem that the September figures are not available. Does the department not keep any records, for example, of May and April?

HON H CORBY:

The thing is that we have got to liaise with the ETB as well and we want to give the hon Member the exact figure. We have got to liaise with the ETB and this is why there is a delay.

HON J L BALDACHINO:

Can the Minister say what is the delay this time in conjunction to what has been given in this House in the past?

HON CHIEF MINISTER:

If I could just interject there. The hon Member is not asking for numbers of unemployed people which information he no longer needs to ask for because the Government voluntarily publish it monthly. What the hon Member is asking for is for figures about the receipt of benefits by unemployed people and the hon Member knows that that information is not available on a month to month basis.

HON J L BALDACHINO:

I have asked the same question in the past and it has been given to me without any problems. I am asking what is the problem now?

HON H CORBY:

I have just said that we are liaising with the ETB and as soon as I have the information I will give it to the hon Member.

HON J J BOSSANO:

Does that mean that when the same question was answered in respect of March 1997, the answer that was given is not necessarily accurate?

HON H CORBY:

No, I have no contention that that is the case. The thing is that there is a discrepancy from our side and we are trying to find out exactly the figures because there might be people employed who have not come to us and this is what we are trying to ascertain to give them the exact figures that he is asking.

HON J J BOSSANO:

What I am saying, since that difficulty apparently did not arise when the question was answered about the month of March, this is why it is from April on, is it that when the answer was given for March they did not realise there was a discrepancy and therefore the figures given in this House about March may actually also need to be corrected? That is my question.

HON H CORBY:

No, the inaccuracy has crept this time and this is why we are liaising with the ETB to give the exact figure.

HON J J BOSSANO:

So in fact what the Minister is saying is that the inaccuracy has occurred in respect of what, every month since April? Have they actually made an attempt to produce this information and found that they do not tally with the ETB figures in April but that they tally in March?

HON H CORBY:

They gave us a total and we have a total which is 30 difference and we want to establish what the 30 difference is. In order to do that we have to liaise with the ETB to find out.

HON J J BOSSANO:

I accept that. I am asking that 30 difference was discovered in respect of what, the month of April or all the months because presumably the 30 difference did not exist in March since in March we were given a breakdown which tallied?

HON H CORBY:

No, this is what we are trying to find out, this is why it is taking longer than it should. They gave us a total and we have a total through our own registers and we are trying to find out in which month is the discrepancy or whether the forms were not handed back to the DSS.

HON J J BOSSANO:

When we asked for this information about March 1997 the reply that was given showing the numbers on unemployment benefit, social assistance and not receiving payment, produced a figure of unemployed which was the same figure as those registered with the ETB. If they tried to produce that same figure or the comparable figure for April, is it that in April the figure did not tally? That is my question.

HON CHIEF MINISTER:

The position is as my hon Colleague has said. On the basis of having had five days notice of the question on this occasion, discrepancies have appeared on the information produced to us by officials and before giving the answer in this House the Government have wanted to double check the information and that process is taking place. As soon as that process has been completed, which process may or may not reveal a similar discrepancy in respect of the earlier questions, that will be clarified to the hon Member as well.

HON J J BOSSANO:

So then when I asked originally if it applied to March the answer is yes, he will look at the March figures as well?

HON CHIEF MINISTER:

The Government have wanted to have the information that was given to us to give to this House double checked. When it is double checked it will be given to the hon Members and not before.

NO. 269 OF 1997

THE HON J L BALDACHINO

HOUSING - POST-WAR FLATS

Can Government state how many post-war flats are vacant at present?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

On 29 September 1997 there were 41 flats that were vacant. Of these flats, 28 flats have been offered to persons on the waiting list and 13 flats are empty pending refurbishment by the Buildings and Works Department.

SUPPLEMENTARY TO QUESTION NO. 269 OF 1997

HON J L BALDACHINO:

Do any of the 13 remaining form part of the 39 that were vacant in June?

HON H CORBY:

Some of them are not, but what happens is that those 13 flats are in dire need of repair and people have gone to see them and they prefer Buildings and Works to refurbish those flats. The others we are waiting for a reply, they might take the materials and do it themselves or they might say, "We want Buildings and Works to do it". It depends on the person.

HON J L BALDACHINO:

What I can deduce from that answer is that the 13 can be refurbished for human habitation, is that correct?

HON H CORBY:

That is correct.

NO. 270 OF 1997

THE HON J L BALDACHINO

HOUSING - PRE-WAR FLATS

Can Government state how many pre-war flats are vacant at present?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are presently 35 pre-war flats that are empty and are waiting refurbishment by the Buildings and Works Department.

SUPPLEMENTARY TO QUESTION NO. 270 OF 1997

HON J L BALDACHINO:

Are the 35 flats part of the 47 that were vacant in June?

HON H CORBY:

Most of them are but these flats are in urgent need of repair and can only be undertaken by Buildings and Works, nobody will occupy them as they are. We are expecting a report from them in the near future whether we have got to put them void or not.

HON J L BALDACHINO:

Once the refurbishment is carried out they will all be suitable for human habitation, is that correct?

HON H CORBY:

We are expecting a report, as I said before, from Buildings and Works. Some of them might not, some of them might, we are awaiting a report from Buildings and Works.

HON J L BALDACHINO:

How many are there then with Buildings and Works at the moment that a report has been made and they are at the present moment being refurbished?

HON H CORBY:

The 35 pre-war flats are with Buildings and Works.

HON J L BALDACHINO:

I understand that but of the 35 are there any of them that a report has been made and have been certified that they can be prepared for human habitation or are they all under scrutiny by the Buildings and Works?

HON H CORBY:

They are all under scrutiny by Buildings and Works.

HON J J BOSSANO:

Can the Minister explain how it is that the Principal Auditor says that in February this year there were 200 pre-war flats that were voids? Is it that the difference between the 200 and the 35 are not repairable?

HON H CORBY:

I believe that Opposition Members had the same problem when they were in office.

HON J J BOSSANO:

So we have to ask the same questions.

HON H CORBY:

Fine, but it was the same as when they were in office. I have not got the statistics but I will find out and let the hon Member know.

HON J J BOSSANO:

My question is, if he said that they do not know whether the 35 are repairable yet, is it that they have already discarded of the 200 that there were then in February, the difference between 235? Presumably if the Principal Auditor identified 200 voids why is it that he is only talking about 35, that is my question?

HON H CORBY:

The 35 are pre-war flats that were handed over to Buildings and Works for refurbishment, that is the answer to the hon Member's question. These are the ones that I had for Buildings and Works to refurbish. Of the 200 voids the hon Member is talking about I have nothing to give the Buildings and Works so I will have to find out on that one for him.

HON J J BOSSANO:

So if in fact in answer to a supplementary the Minister said that the exercise that is being done on the 35 is to find out whether they can be made suitable, should not that exercise also be done on the remaining 165?

HON CHIEF MINISTER:

The Minister has available to him empty and at his disposal now to repair or to decide not to repair 35 flats. The policy of the Government is to try and repair everything that is conceivably repairable. The hon Member knows that that figure of voids cannot be relied on as an accurate figure of the number of empty flats available in the hands of the Government for repair and/or allocation. These figures just do not correlate in that way, he knows the historical difficulties that arises with the calculation of voids. In any case, this supplementary question presumably arises from a comment made in the Principal Auditor's document that has been laid in the House 15 minutes ago and does not arise as a supplementary to this question of which notice was given.

HON J J BOSSANO:

That the information has been provided in the House 15 minutes ago does not prevent me from asking this question. What is the point of laying in the House if I cannot refer to it. The question I am asking is, are they doing anything about the other 165 to find out whether any of them are useful?

HON CHIEF MINISTER:

We are doing as much or let me say we are doing more than they did about the same statistics when they were in office.

HON J J BOSSANO:

Is the position of the Government Members that they tend to spend the whole year judging their performance by comparison with us?

HON CHIEF MINISTER:

What we will spend four years doing is two things; first of all governing Gibraltar a good deal better than they did and, secondly pointing out to the community the sheer inconsistency of their political position wherein they try and criticise the Government for doing things which they declined and omitted to do anything about during eight years. Certainly I fully intend to spend the next four years pointing out the inconsistency and the element of lack of transparency in their political position in that respect.

HON J J BOSSANO:

So it is presumably the case that the Chief Minister is not only satisfied in having praise showered on him by the Governor, he expects that to be the role of the Opposition as well in a democracy. So instead of asking them to give us information to judge their performance we are supposed to say how wonderful they are.

HON CHIEF MINISTER:

No, the hon Member gets all the information that he asks for and certainly much more than he was willing to give when he was sitting in the Government benches. I am not doubting the hon Member's right to seek information, what I am questioning is the hon Member's right to stand up with a straight face and challenge the Government for not doing something which they themselves had the opportunity to deal with during eight years and declined to do so. That is what I am challenging.

HON J J BOSSANO:

I am not challenging anything. My question, which was directed at the Minister for Housing was as a result of his answer, that 35 properties are being looked at. I am asking are they looking at the remaining 165, that is not challenging anything. Is the answer that they are not looking at them?

MR SPEAKER:

He does not want to reply.

NO. 271 OF 1997

THE HON J L BALDACHINO

HOUSING - APPLICATIONS

Can Government state how many applicants there are in the housing waiting list, broken down into the different lists according to room requirements for those that have:

- (a) Reached the two year qualifying period
- (b) Not reached the two year qualifying period?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As at 29 September 1997, the number of applicants on the housing waiting list stood as follows:

- (a) Reached the two year qualifying period 299 applicants
- (b) Not reached the two year qualifying period 229 applicants

This can be further broken down as follows. Of the applicants that have reached the two year qualifying period there are:

- 85 applicants on the 1RKB list
- 21 applicants on the 2RKB list
- 94 applicants on the 3RKB list
- 77 applicants on the 4RKB list
- 18 applicants on the 5RKB list
- 4 applicants on the 6RKB list

The 229 applicants that have not reached the two year qualifying period can be broken down as follows:

- 102 applicants on the 1RKB list
- 32 applicants on the 2RKB list
- 64 applicants on the 3RKB list
- 27 applicants on the 4RKB list
- 4 applicants on the 5RKB list

SUPPLEMENTARY TO QUESTION NO. 271 OF 1997

HON J L BALDACHINO:

What was the figure for the 1RKB on those that have not reached the two year qualifying period?

HON H CORBY:

There are 102 applicants.

NO. 272 OF 1997

THE HON J L BALDACHINO

HOUSING - REMEDIAL WORKS - ALAMEDA HOUSE

Can Government state when it is intended to start remedial works at Alameda House?

ANSWER

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

Remedial works at Alameda House are scheduled to commence when the works at Kingsway House have been completed. However, given that the main task to be carried out is the re-roofing of the block, it would be unwise to carry out this work until the end of the rainy season.

SUPPLEMENTARY TO QUESTION NO. 272 OF 1997

HON J C PEREZ:

Is the Minister aware that tenants at Alameda House were told last year that their leaking roofs could not be repaired because of the rainy season and that we are now in the rainy season one year afterwards?

HON J J NETTO:

I am aware of much more than that. I am aware for instance that the then Director of Buildings and Works on 29 March 1994 said to the Alameda Tenants Association, "Please refer to your letter of 25 March 1994 on the future of the works programme for Alameda Estate. I am pleased to inform you that arrangements are now in hand to commence on the rehabilitation at Alameda Estate. This work will commence shortly". In other words, I am well aware of what the previous Minister for Buildings and Works had been saying since 1994 and since then. I am also aware to finalise this point, that Kingsway House will be finished in about two months and hopefully by April of next year Alameda House will start.

NO. 273 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

How many social insurance cards have been issued since 1 January 1997, to persons not previously in employment?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Since 1 January 1997 a total of 997 insurance cards were issued to persons not previously in employment.

SUPPLEMENTARY TO QUESTION NO. 273 OF 1997

HON R MOR:

Can the Minister provide a breakdown under the different nationalities, that is, Gibraltarians, Spaniards, UK, etc?

HON H CORBY:

Yes, I can give the hon Member the figure. Most of them are in the construction industry, there are 25 Gibraltarians; 38 British; 373 Spanish. In the retail industry there are 63 Gibraltarians; 25 British and 35 Spanish. In the restaurants there are 15 Gibraltarians, 35 British and 22 Spanish. The bulk of it again is in the banking and finance industry where there are 59 Gibraltarians; 30 British and 4 Spanish. All the rest are scattered in ones or twos, I thought he might want the bulk from where they came from.

NO. 274 OF 1997THE HON R MOR**PRISON - NUMBER OF INMATES**

What has been the total number of persons imprisoned during 1996 broken down under Gibraltarians and other different nationalities and what are these same corresponding figures up to the end of August 1997?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

During the course of 1996 a total of 278 persons were imprisoned at HM Prison, Gibraltar. These can be broken down by nationalities as follows:-

British (Local)	81
British (UK)	27
Spanish	84
Moroccan	68
Italian	1
Indian	1
Belgian	1
Maltese	1
Belo-Russian	2
Austrian	2
French	3
Ukrainian	2
Palestinian	1
Czech	1
German	2
Georgian	1

For the period 1 January 1997 up to 31 August 1997 a total of 146 persons were imprisoned. By nationalities these were:-

British (Local)	23
British (UK)	27
Spanish	49
Moroccan	43
Italian	1
Indian	1
Belgian	2

NO. 275 OF 1997

THE HON R MOR

SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND

Can Government state what was the balance of the Closed Long-Term Benefits Fund as at 30 June; 31 July; 31 August and 30 September 1997, showing the amount from UK and local funds and the expenditure to former Spanish workers and to pensioners from local funds?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The revised forecast balance of the Closed Long-Term Benefits Fund as at 31 May 1997 was £5.8 million. The hon Member will be aware that all current contributions continue to be paid into the Open Fund. However, moneys are taken from the Open Fund to pay the pensions now payable under the Closed Fund. In effect, for financial purposes the Open and Closed Funds are as a single Fund.

Receipts from the UK for the months of June 1997 and July 1997 were £1 million and £1.2 million respectively from which the expenditure of Spanish pensions totalled £1.1 million and £584,000 during June 1997 and July 1997 respectively.

Payments of local pensions totalled £918,000 and £698,000 for the months of June 1997 and July 1997 respectively. Other receipts of the Fund included interest earned on investments totalling £17,000 and £13,000 for June 1997 and July 1997 respectively.

The forecast balance of the Fund for June 1997 and July 1997 is £4.8 million and £4.7 million respectively.

The August and September 1997 balances are not yet available.

SUPPLEMENTARY TO QUESTION NO. 275 OF 1997

HON J J BOSSANO:

Can the Minister clarify what he meant by that remark that the Open and the Closed Funds are a single fund, I did not quite follow that?

HON CHIEF MINISTER:

For financial purposes they are a Single Fund, in other words, the hon Member will recall when we debated the two Bills that set up, the Closed Scheme and the Open Scheme, that the funds are interchangeable between the two because obviously as all current contributions are being paid into the Open Fund, the Closed Fund has no revenue at the moment and therefore for the purposes of financing the pension payments as opposed to entitlement under each scheme there is in effect one pot of money because the money flows freely on the basis of the schemes between the fund that sits on top of the Open Scheme and the fund of money that sits on top of

the Closed Scheme. The hon Member knows, for example, that the capital value of the Closed Fund is rapidly diminishing because it is paying pensions and receiving no share of the contribution as a logical consequence of splitting the schemes into two schemes as opposed to the one Ordinance scheme. The position remains as it has always been, in effect the current contributors are paying the pensions of current pensioners and that situation remains as it has always been.

HON J J BOSSANO:

I can understand what has been said which is effectively that there are two Ordinances because current contributors are apparently paying the benefits from the Closed Scheme as well as the benefits from the Open Scheme and I understood that the system was that the law provided that people would get a pension that would be made up of two sources, that is that they will get part of their entitlement from contributions post 1 January 1994 and part of their entitlement from contributions made pre-December 1993. That is as I understood it when we debated the two Bills. It does not seem quite to tally with the answer we have been given now.

HON CHIEF MINISTER:

The position is exactly as he has now described it which tallies perfectly with the answer that I have given which he has obviously not understood or misunderstood or I have not explained it clearly enough. There are two schemes each set up under a different Ordinance, the Closed Scheme and the Open Scheme. I said in my answer to the supplementary that for financing purposes there was, in effect, one pot of money because both financial funds, both the Open Scheme Fund and the Closed Scheme Fund were accessible to pay the pensions out of either scheme. It has always been the case that current pensions are in effect paid financially out of current contributions because the hon Member knows jolly well that the capital of the pension fund is insufficient without current contributions, incidentally, a position which we fully intend to address given what we regard as historical under-funding of the pension fund in Gibraltar. The hon Members know that the bulk of the moneys collected since the pensions schemes were frozen have been channelled into the Gibraltar Development Corporation Scheme Fund and that at the moment they are sitting in the Open Benefits Fund but although they are sitting in the Open Benefits Fund they are available to pay the Gibraltarian, but not the Spanish, pension liabilities due to current pensioners under the Closed Scheme as well.

HON J J BOSSANO:

So if they are available does it mean that it has not yet happened, that no payments have yet been made in respect of benefits from the Closed Scheme out of receipts in the Open Scheme?

HON CHIEF MINISTER:

No, that is not the case. There is sufficient capital left, one cannot separate the question of capital and interest. If we allowed the £5.8 million, I suppose we could run the £5.8 million of capital that there is left in the Closed Scheme Fund, we could reduce that before we started feeding it. The answer to the hon Member's question is as yet there have been no fund transfers from the Open Scheme Fund to the Closed Scheme Fund, that is why the figure is still reducing to £5.8 million but the

Government are taking steps very shortly to boost the amount of money that there is available and therefore the provision for the future in both funds, in both the Open Scheme Fund and in the Closed Scheme Fund, because we believe that there has been under-funding historically of the pension fund, not in respect of current pensions but in respect of what actuarially we believe will be the obligations of this fund in the future. But if the hon Member's question is the very narrow point, has there yet been a transfer of funds, in fact from the Open Scheme Fund to the Closed Scheme Fund, I would like the opportunity to check but my understanding of it is that as a matter of accounting, there has not yet been a transfer because there is still £5.8 million left in the Closed Scheme.

HON J J BOSSANO:

When pensions are paid at the moment to persons who are entitled, partly from the Closed Fund and partly from the Open Fund, how is that being accounted?

HON CHIEF MINISTER:

There are already some such people, I do not know how many there are. I believe there are about 300 or 400 but do not rely on that. I can tell the hon Member, if he is interested, exactly how many pensioners there already are who became pensioners after 1 January 1994 and therefore collect a small part of their pension entitlement from the Open Scheme and a large part of their pension entitlement under the Closed Scheme, there are a number of such people in that category and I believe that those are being drawn from the funds from which the entitlement derives. In other words, to the extent that somebody is due x per cent of his pension from the Closed Scheme he is getting that from the Closed Scheme Fund and to the extent that he is due y per cent of his pension under the Open Scheme he is getting that part of it from the Open Scheme. But I would be grateful for the opportunity to confirm that because it is really after all a bookkeeping matter rather than a matter of substance. But if the hon Member is interested in that detail I will certainly ensure that he receives it.

HON J J BOSSANO:

Returning to the point that the Chief Minister said that it was always intended that this should be a single pot of money as if two funds had not been created, is it not a fact that he said at the time that there was no provision for dealing with a future situation because there was no income coming in and that some way of supplementing the fund would need to be found? That is what he said at the time.

HON CHIEF MINISTER:

I do not remember saying anything of that sort. Is the hon Member referring to the business about the ability to increase the rate of pension?

HON J J BOSSANO:

No, it was the ability to keep on paying the pensions given the fact that there is no provision for income in the Ordinance.

HON CHIEF MINISTER:

The Government's ability to continue to pay the pensions is exactly the same as it was before the 16 May 1996, let us be clear, on the contrary what we have taken is steps to increase the amount of funding available to the pension fund. The hon Member will recall that the opposite of what he has asked in his last supplementary is true. There is actually a mechanism in both Ordinances to ensure that there can be a flow of funds from the Open Scheme Fund to the Closed Scheme Fund and, although it is unlikely ever to happen in practice, vice versa.

HON J J BOSSANO:

Is the mechanism that the Chief Minister is referring to the fact that the Financial and Development Secretary may authorise the transfer to another fund if there is surplus money?

HON CHIEF MINISTER:

No, there is specific provision, I do not recall if it is in the principal Ordinance itself, I believe it is, but if it is not in the principal Ordinance it is most certainly in the Regulations that were passed to establish the funds themselves but it does not rely on sub-section (4) of section 20 of the Public Finance (Control and Audit) Ordinance which is the one that gives power to transfer money from one special fund to another, it does not rely on that mechanism and there is actually specific statutory provision in the pensions legislation itself that enables this transfer of funds to meet the liabilities of one or other funds.

NO. 276 OF 1997THE HON R MOR**SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the number of pensions being paid or with entitlement to payment in June, July, August and September 1997, from the Closed Long-Term Benefits Fund, giving a breakdown of pre-1969 Spanish pensions and locally funded pensions, showing the number of Gibraltarians, Moroccans and other nationalities?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The following pensioners were in receipt of payments from the Closed Long-Term Benefits Fund in June, July, August and September 1997 -

	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>
Pre-1969 Spanish pensioners	8600	8607	8615	8623
British pensioners (Gibraltar and UK nationals)	4625	4637	4651	4665
Moroccan pensioners	819	827	833	835
Other nationalities	228	233	236	244

ORAL

NO. 277 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

Can Government state how many social insurance cards were in issue as at 31 December 1996, and how many have not been renewed to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There were 12,500 social insurance cards in issue as at 31 December 1996. Of these, 426 have not yet been renewed.

SUPPLEMENTARY TO QUESTION NO. 277 OF 1997

HON R MOR:

Is the figure of 12,500 accurate?

HON H CORBY:

Yes, it is an accurate figure.

HON R MOR:

What is the position on those 426 which have not been renewed?

HON H CORBY:

Initially there are follow up letters which are sent to the employers who have not returned the 1996 insurance cards as required by law. Those cases of non-compliance which are still outstanding are now being assessed and referred to the recently created Central Arrears Unit who will take whatever legal action is necessary to recover the arrears due.

NO. 278 OF 1997

THE HON R MOR

PRISON - NUMBER OF INMATES

What is the current number of Gibraltarian and other different nationalities held in prison and in respect of Gibraltarians, will the Government provide a specific breakdown of the offences leading to their imprisonment?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

On 29 September 1997 there were a total of 33 inmates held in prison. Of these 13 were British (local); 3 were British (UK); 11 were Spanish; 5 were Moroccans and 1 was French.

As regards the Gibraltarians currently in prison, one inmate is serving a sentence for theft, false accounting, perverting the course of public justice; three inmates are serving prison sentences for burglary; one inmate is serving a sentence for causing grievous bodily harm and wounding with intent; one inmate is in prison for contempt of Court; one inmate is serving a prison sentence for drug related offences; one inmate is serving a sentence for theft, handling stolen goods and burglary; there are two persons on remand for drug related offences; one person is on remand for violent behaviour and wounding; one person is on remand for burglary, attempted burglary and causing damage; and another person is on remand for using threatening and insulting words.

SUPPLEMENTARY TO QUESTION NO. 278 OF 1997

HON R MOR:

Of the five Moroccans who are in prison, are they related in any way to the rescue at sea that took place recently?

HON H CORBY:

These are illegal immigrants who will be deported.

HON R MOR:

So does that mean that they are in prison as a result from an Order from the Governor?

HON H CORBY:

I will have to check on that one because there might be Moroccans who are there for drug related cases.

HON J L BALDACHINO:

Seeing that they are illegal immigrants, have the Government sought legal advice so that the fate of these Moroccan nationals will not be the same as the Russian nationals?

HON H CORBY:

I think that the hon Member will bear with me on this one. Illegal immigrants passing through the Straits are held in the Moorish Castle. There is an arrangement with the Consul in Algeciras who then produces passports and the necessary documentation and then we deport them back to where they came from. It is a different set-up insofar as the Russians are concerned.

NO. 279 OF 1997

THE HON R MOR

SOCIAL SECURITY - SELF-EMPLOYED INSURANCE CARDS

Since the 28 June 1997, how many self-employed social insurance cards have been issued broken down as follows:

- (a) Gibraltarians
- (b) UK nationals
- (c) Spanish nationals
- (d) Other EU nationals
- (e) Non-EU nationals?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Since the 28 June 1997 there are:

- | | |
|------------------------|----|
| (a) Gibraltarians | 6 |
| (b) UK nationals | 11 |
| (c) Spanish nationals | 1 |
| (d) Other EU nationals | 1 |
| (e) Non-EU nationals | 2 |

SUPPLEMENTARY TO QUESTION NO. 279 OF 1997

HON R MOR:

As regards the non-EU nationals, do we have an indication of the nationality?

HON H CORBY:

No, I have not got it now but I can give it to the hon Member later on. Does the hon Member want the information?

HON R MOR:

Not particularly but perhaps for subsequent questions it might be given.

HON H CORBY:

Will the hon Member then say in his questions by nationality so that I can have it for him next time.

ORAL

NO. 280 OF 1997

THE HON R MOR

FRONTIER WORKERS

Can Government state what is the latest number of frontier workers classified as self-employed broken down as follows:

- (a) Gibraltarians
- (b) UK nationals
- (c) Spanish nationals
- (d) Other EU nationals
- (e) Non-EU nationals?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The latest number of frontier workers classified as self-employed is as follows:-

(a) Gibraltarians	Nil
(b) UK nationals	22
(c) Spanish nationals	16
(d) Other EU nationals	2
(e) Non-EU nationals	1

ORAL

NO. 281 OF 1997

THE HON J J GABAY

EDUCATION - STUDENT TUITION FEES

Will Government give a commitment that they will not follow the UK Government policy of charging students tuition fees for university education as from 1998?

ANSWER

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

The tuition fees for EU students, including Gibraltar students, following designated courses (ie First Degree or Higher National Diploma) are met by the Local Education Authority (LEA) in which their university or college is located. Our students apply for a fees only award to the LEA as soon as they arrive at the start of every academic year. It is not yet clear how the LEA will deal with this matter next year, when UK students will be charged tuition fees. The Government will consider these options when these are available and not before.

SUPPLEMENTARY TO QUESTION NO. 281 OF 1997

HON J J GABAY:

The Minister must be well aware of the seriousness of the debate that has accompanied this radical decision on the part of the present Government in the United Kingdom. There are large numbers of students in the United Kingdom extremely anxious as to how they are going to meet the expenses that will be forthcoming which are calculated to amount to some £10,000 at the end of a three year course if we take into consideration the abolishing as well of the maintenance grants, I feel that it is of great importance to ask the Minister this to know where the Government stand in respect of the next academic year and therefore would the Minister not think it of consequence to explain his philosophy on this subject and whether in fact the Government will commit themselves to pay the fees themselves which have been paid from other sources currently?

HON DR B A LINARES:

I am well aware of the debate in Britain, as a matter of fact I was present during the debate in the Labour Party Conference when David Blunkett actually put forward his ideas on the subject. I have to say that not all the reactions to the proposals by the new Labour Government are exactly reflected by the views expressed by the Opposition Member, nevertheless I do agree with him that they are a cause of concern to us and when we know the position more clearly, obviously, that will be the time when we will be declaring our options in that respect.

HON J J GABAY:

Could I therefore ask the Minister to give this matter extreme urgency because there are quite a number of students locally extremely concerned? Unfortunately would he not agree, that it is the students from poorer backgrounds that are far more concerned and people are asking what the attitude of the Government will be? Students coming from less favoured backgrounds may well be deterred by the possibility of having to incur a debt of some £10,000 at the end of the three year course. Therefore, will the Minister consider giving the matter a great deal of urgency if only to allay the anxieties of the current group heading for university in the next academic year?

HON DR B A LINARES:

I can assure the Opposition Member to that effect. In fact, when I was in the Labour Party Conference I tried to get as much information as to how the tuition fees regime which is going to be implemented in Britain, what implications it will have for European students. As I say, no one could give me a clear answer but as a matter of urgency we are already in close contact with the Department for Education and Employment in Britain to get official information to that effect.

HON CHIEF MINISTER:

If I could just add to that, that although I have not been in receipt of any of this concern that the hon Member alluded to, but since he obviously has, perhaps he could tell those who have expressed to him concern that in my judgement there is unlikely to be any reason for them to be concerned.

HON J J BOSSANO:

Can the Chief Minister explain how his judgement is arrived at? Is it because he thinks it is unlikely that European students will pay or it is unlikely that the Government will refuse to pay?

HON CHIEF MINISTER:

Both, for one reason or the other. We are in the realms of speculation, indeed the whole question is speculative because there is no, as the Minister for Education has explained now twice, there is not yet a problem, there is no indication that whatever happens in the UK that there is going to be any change at all in relation to how Gibraltar students are treated by local education authorities. Therefore we are in the realms of complete speculation here. I think it is highly unlikely that any change of policy in the United Kingdom will be followed by, certainly not immediately, any change of policy on the part of the Government of Gibraltar. All that the Minister has said which is the position, is that we will consider the problem when and if there is a problem and that is not the position at the moment. In the meantime, if there are local students lying awake at night worried about whether they are going to be able to complete their courses without enormous financial pressure, my advice to them would be that there is no cause for them to be concerned.

HON J J BOSSANO:

If that is the advice that we have to transmit it would have been easier to transmit it if the original question had been answered saying, "In the event of students here being required to pay, the Government will not make them pay". If that had been the answer it would have been very simple and if it does not happen it does not happen and, of course, it would be preferable for Gibraltar that it should not happen. But is it not in fact the most likely thing, would the Government not agree that it would be a highly controversial thing in the United Kingdom if students from other Member States did not have to pay and UK students did? Therefore all the expectation naturally would be that it should not happen and it is possible, I think, for the Government to decide how they will handle the problem if it materialises without having to wait for the problem to materialise.

HON DR B A LINARES:

I think the whole issue has to be put in a factual context. When the question is put to me in terms of the Government in Britain charging students tuition fees and I myself in my answer also spoke of that in the same tone, it is not exactly what the real situation is. I think perhaps the hon Member will know that the latest statement coming through is that these tuition fees will be means tested, in fact, the figures are not yet clear but figures are coming through now such as any parental income less than £17,000 the tuition fees will not be chargeable at all to the student and it is only above the figure of parental income of about £34,000 tuition fees will be charged £1,000. As a whole in between the £17,000 and the £34,000 there will be a pro rata available, so as I say the factual content is still not there and that is why my answer was not as committed as perhaps I would want.

HON J J GABAY:

As a final comment on this, I would like to say that we are all aware of the development of this problem in England and the degree of uncertainty, that it is precisely as well because of the degree of uncertainty that a large number of students are anxious and the National Union of Students has actually made the point and other organisations as well, so it is simply to allay any worries on the part of our students. I do not agree with the Chief Minister that it is not very likely to come across those who have sleepless nights because when one comes to think of it, the same as being in England in respect of paying tuition fees, tuition fees for public schools range up to some £15,000 a year so nobody is going to bat an eyelid for the payment of £3,000 in terms of university tuition fees but there is an element that we need to consider who are genuinely worried even if the Chief Minister has not come across them. This is the point that I was trying to make and this is why I was asking for some sort of a commitment either on the philosophy of it or the financial capability of the community to put up with what might be something like £600,000 if we were to pay it.

ORAL

NO. 282 OF 1997

THE HON J J GABAY

EDUCATION - COMPREHENSIVE SCHOOLS

Will the Minister for Education inform the House whether any pupils have been suspended or expelled from either of the Comprehensive Schools during the last academic year?

ANSWER

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

During the academic year 1996/97, 11 pupils were temporarily suspended from both Comprehensive Schools, seven from Bayside and four from Westside. There were two indefinite exclusions at Bayside and none at Westside.

SUPPLEMENTARY TO QUESTION NO. 282 OF 1997

HON J J GABAY:

I presume that indefinite exclusion is the euphemism for expulsion and if they have been expelled could he possibly comment on the reasons for their expulsion and the age of the pupils concerned?

HON DR B A LINARES:

The age is 15 year olds; the reasons I am afraid are too personal and could lead to identification and I think it is prudent not to indulge in that.

HON J J GABAY:

May I just simply ask whether they were 15 plus or below 15?

HON DR B A LINARES:

I think that when they were excluded they were under 15, at present they are over 15, for the comfort of the Opposition Member let me say that these two students although they are excluded from the school ambience they are being attended to very directly by a specialist teacher, a very experienced teacher, in fact, an ex-head teacher of a special school in UK for children with behavioural problems and they

are directly being tutored by this lady outside the school ambience, in fact, in Bayview House where social workers operate and occasionally in the medical suite of the school because there is hope of an eventual reintegration of these students into the school community.

HON J J GABAY:

I am pleased to receive that information. My concern was in respect of under 15, whether there was a satisfactory follow-up system and not simply turning them out into the street.

NO. 283 OF 1997

THE HON J J GABAY

EDUCATION - GCE 'A' LEVEL

Will the Minister for Education consider taking into account an "A" grade in Spanish at 'A' level when taken and achieved in year 12 in conjunction with two "A" grades in year 13 when awarding Gibraltar Scholarships?

ANSWER

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

The Educational Awards Regulations 1990 state that students must obtain three "A" grades at 'A' level in one sitting to be awarded the Gibraltar Scholarship. The subjects in which these 'A' grades are obtained are not specified. Allowing students to be awarded the Gibraltar Scholarship in two sittings will mean that it will be less of an achievement to obtain this award. The Regulations as they stand at present, I will remind the hon Member, were introduced by the previous administration and this Government consider them very adequate and therefore we do not contemplate changing them at this stage.

SUPPLEMENTARY TO QUESTION NO. 283 OF 1997

HON J J GABAY:

On the question of achievement I, of course, disagree with the Minister. The whole point of the question was that in my own opinion, of course, a student for example who takes 'A' level Spanish a year before his usual time and acquires an "A" grade and then takes three 'A' levels at his normal time and gets two grade "A"s should be compensated with the Gibraltar Scholarship. The reason why some students are doing the 'A' level Spanish a year before is quite obvious, that they are not receiving a full education if they are talented because the demands made by Spanish, as the exam stands today, is virtually negligible. So an increasing number of talented, hardworking pupils prefer to take three normal 'A' levels and discard the Spanish in one year still obtaining an "A" grade and a star as well in the oral which is no great achievement, as we well know. So therefore I think those who take three normal ones at the end should be commended. I think it is unfortunate for somebody to get an "A" grade in Spanish 'A' level and then two "A" grades in say, maths and physics and a "B" in some other subject and still not be awarded a Gibraltar Scholarship. It is on grounds of achievement that I propose this.

MR SPEAKER:

What was the question?

HON J J GABAY:

Does the Minister agree with this suggestion?

HON DR B A LINARES:

It is very much a matter of opinion. I think any student doing 'A' levels and getting any form of achievement at 'A' levels is worthy of commendation of sorts. Where one sets the ceiling and one sets the targets is, as I say, a matter of opinion. What is not a matter of opinion is that lowering the targets is also lowering the sense of achievement and I think the targets as placed at the moment through the Educational Awards Regulations are perfectly adequate and gives a sense of motivation to students to achieve the top.

HON J J GABAY:

May I add to this that it is not a question of lowering the standards.

MR SPEAKER:

It is a question, that you have got to ask.

HON J J GABAY:

Is it not a question rather of putting it into a true realistic perspective as to the educational value of that particular 'A' level given the system that we follow?

HON DR B A LINARES:

I think it is a matter of opinion and we may differ at this stage, perhaps at a future date we may reconsider.

NO. 284 OF 1997

THE HON J J GABAY

EDUCATION - MANDATORY SCHOLARSHIPS

Will Government consider removing the two year limit on school leavers for eligibility to mandatory grants for higher education?

ANSWER

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

The two year limit is stipulated in the Education Awards Regulations 1990 introduced by the previous administration. I guess this two year limit is meant for students who want to defer a year or two either because they have been unsuccessful in securing a place in the university of their choice and want to try again or for those who want to take a year or two out before going to UK. At this stage, we believe the two year limit is adequate and reasonable. Applicants who may not qualify under the present conditions may still obtain grants from Government on a discretionary basis.

SUPPLEMENTARY TO QUESTION NO. 284 OF 1997

HON J J GABAY:

My reason for feeling that there might be some sense in withdrawing that limitation completely is based on two arguments. One, does it not make sense, for example, that a 25 year old might subsequently to leaving school develop, seek a place, obtain it and being more mature do extremely well at university and this, of course, may be applied to older age groups as well; might there not be some sense in eliminating it completely whatever Government set it up in the past?

HON DR B A LINARES:

There is some sense in that, a mature student as described by the hon Member. As I say, that mature student can still obtain a grant or an award to go to university but I think he will agree with the wisdom of the present system whereby late aspirants and mature students would do well to be filtered through the present discretionary mechanism because not all of them will be the type of student that the Opposition Member described a moment ago.

HON J J GABAY:

Might it not, however, be worthwhile giving more strict guideliness to the Scholarship Board with regard to the discreionary award? The Minister will know that there have been quite a few controversial cases and if the situation was defined a little more clearly then perhaps these could be avoided and we have had the opportunity to discuss other cases.

HON DR B A LINARES:

I do believe there is a question from the hon Member precisely on the criteria which have been defined for the Scholarships Awards Committee. Perhaps we can discuss that when we come to that question.

HON J J BOSSANO:

Can I ask the Minister, has anybody, for example, this year or last year to his knowledge been rejected because of the two year limit having had the necessary 'A' levels to get a place in university? Is it affecting anybody, the two year limit?

HON DR B A LINARES:

Not to my knowledge but I would like to check that one up.

HON J J GABAY:

May I add that there might be a little bit of confusion here in the sense that one particular candidate has been rejected not on the grounds of 'A' levels which she had not taken but she had actually obtained a place at university, in fact she had two offers, having done an entrance exam, so this showed a great degree of commitment on the part of this particular candidate. So the feeling was that the grant would have been automatic which was not and this has led to some disappointment and dissatisfaction. This is why I was saying whether it might not be possible to give a more specific guideline and regulation with regard to the basis upon which these grants are made?

HON DR B A LINARES:

When the time comes I will be describing to the hon Member the guidelines and criteria which have been sent to the Scholarships Award Committee, as I said a moment ago.

NO. 285 OF 1997

THE HON J J GABAY

EDUCATION - DISCRETIONARY AWARDS

Will the Minister explain the criteria used this year in making discretionary awards?

ANSWER

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

The criteria provided by me for the Scholarship Awards Committee are:

1. Relevance in broad terms to the needs of the local community (eg careers in the finance sector, tourism, service industries, etc). The Committee is asked to deal with this in a discretionary manner.
2. Higher degrees, that is masters, doctorates: no longer is the Committee to insist as a condition on a first class honours in first degree. Again, a more discretionary approach by the Board with particular attention to the student's track record and his/her acceptance for a higher degree by the academic institution or university concerned.
3. Applications for non-degree courses which are not available locally should be considered as well.
4. Post Graduate Certificates of Education: applications for these, the students year locally as a form of probationary year is not compulsory anymore but this option may be fully taken up by the applicant if he or she wishes.
5. Applicants for courses outside UK should be interviewed by the Board and appropriate recommendations on the intrinsic merits made to the Minister.
6. Whereas the Board should be mainly concerned in assessing the intrinsic merits of each application, this should be balanced against the financial costings involved.

SUPPLEMENTARY TO QUESTION NO. 285 OF 1997

HON J J GABAY:

This brings me to the point that I was trying to make earlier on and that is that there is a requirement for more detailed criteria so that not only justice is done but appears to be done. Is not the Minister aware that there is a degree of dissatisfaction and that some of the reasons given for refusals at times tend to make little sense when compared with other parallel cases? This is why I feel that and, hopefully, he might feel, that a more detailed list of criteria might be available.

HON DR B A LINARES:

As regards the adequacy or validity of the guidelines given to the Committee, I can tell the hon Member that the Committee which is made up of very professional and demanding persons, educators and persons in high places in industry, feel perfectly at ease and comforted by the guidelines that I have been able to provide them and that they feel they have the parameters in the context in which they can make adequate assessments of individual applications. As regards the disappointment and feelings and controversy to which the hon Member refers, let us be blunt about it. Any person who is rejected and fails to achieve the scholarship for which they aspired, obviously there will be an element of disappointment and even of controversy and of rejection, that is life and we all know well that situation and of course we share the sentiments of the individuals concerned but nevertheless there is very little that one can do about it when one has a systematic mechanism for these assessments and for these grants that are accountable, of course, to the Government because they involve a great deal of taxpayers money.

HON J J BOSSANO:

Can the Minister say how many applicants have been rejected for discretionary grants this year?

HON DR B A LINARES:

I am sorry, I should have had the figures with me but I have not. A very rough guess, I think a good 40 per cent of applicants have been accepted, 60 per cent have been rejected but we had an extraordinary high number of applications this year. I am sorry, I apologise I do not have the figures at my fingertips but I can obtain them later on this evening.

NO. 286 OF 1997

THE HON J J GABAY

EDUCATION - OPEN UNIVERSITY

Can Government confirm whether any grants have been made this year to persons undertaking courses with the Open University?

ANSWER

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

Yes, grants have been awarded this year, may I say, for the first time, to persons undertaking distance-learning courses including the Open University courses. These have taken the form of a subsidy to help students cover tuition fees, it does not cover the cost of attending weekend courses.

The main objective has been to support those more mature students who, for one reason or another, mainly job and family commitments, are unable to study in the UK.

Seven students are being supported with their distance-learning studies, four of whom are Open University students and the remaining three are studying with other distance-learning institutions; two students with the University of London and one student with the College of Estate Management.

SUPPLEMENTARY TO QUESTION NO. 286 OF 1997

HON J J GABAY:

If this is a new dimension, perhaps even a welcome dimension, why is it not circulated widely in the community? Why should it have to become a surprise to others who might have applied and be interested in it?

HON DR B A LINARES:

Let me explain, there is a public advertisement inviting all members of the community to apply to the Government for financial support and funding if they wish to follow any course of education, whether by going to UK to a college or university, as I explained a moment ago, for a whole variety of courses not necessarily degree courses, and these students who have actually obtained the subsidies went through that process. They applied for support and funding and they were fortunate enough to be assessed positively by the Committee and they were granted their awards. To move directly to the question, we make a public announcement inviting applications for all persons, whether for studying in UK or for studying through distance-learning mechanisms locally and they all apply for these awards. I do not see what the hon Member means by actually giving further information in this respect.

HON J J GABAY:

Apart from the global aspect of these applications, surely the Minister would not question that some people would rather doubt whether the grants would be given for an Open University course because this has been reflected in comments made to me and it was also considered, even wrongly, that these courses were there for people working and could afford them and making the sacrifice to pay for it themselves. But the idea of grants for Open University courses or indeed for any other correspondence course had not crossed their minds. So would it not have been better simply, since it is a new dimension, to publicise it? I am not saying it is not contained in the global regulations, part of the problem is there are too many global regulations and too little detail perhaps.

HON DR B A LINARES:

I am tempted to score cheap political points by saying that I can understand that given the negative regime that prevailed before, many students had never thought that they would have any chance in applying for these distance learning courses but I will be delighted actually to give the widest publicity to this possibility now. Obviously there is some political kudos to be obtained from that so I will be delighted to do so, yes, indeed.

HON J GABAY:

The Minister is welcomed to his political capital.

HON J J BOSSANO:

Is it that the policy decision was taken that for the first time financial assistance would be given to people undertaking courses by correspondence this year?

HON DR B A LINARES:

The possibility has never been explicitly or statutorily excluded but there was a policy in terms of practical application this year whereby the Committee were advised that they could positively consider and assess applications in that respect.

HON J J BOSSANO:

Is it that the committee were advised, presumably by the Minister, that this year they could consider applications for this type of assistance because the Minister had a sudden feeling that there were going to be people applying this year who had not applied previously?

HON DR B A LINARES:

There is a sense in which that is the case, obviously I was drawing on experience, I think hon Members will know that it is not in any personal vested interest involved. But simply because I can draw the experience of demands and people who are crying out for this type of support, there are more mature students now beginning to see, particularly in the general employment situation that they should divert their opportunities by seeking further education and further studies, that is something that we sense from general contact and feedback from the community and in response

to that we felt that it would be very wise and proper that we should attend to bona fide cases because there are also applications in this area which are not intrinsically meritorious and we felt, when I say "we" I mean myself and my advisors in the department, that it would be proper to respond to this demand and this need.

HON J J BOSSANO:

Can I ask, apart from the seven that were accepted, how many other applicants asked for assistance for correspondence courses and were rejected?

HON DR B A LINARES:

Again I should have my figures before me and I apologise but I have a feeling that there were only seven applications and that the seven were fortunate to be considered meritorious and deserving, I can check on that later.

HON J J BOSSANO:

Obviously we will not know what the dividing line between the meritorious and the non-meritorious are until we discover who becomes non-meritorious. At the moment all we happen to know is presumably it is the level of the studies, are these for degree courses?

HON DR B A LINARES:

Yes, mostly for degree courses which will take longer, of course, because they are by correspondence. But there are many indicators for the deserving and intrinsic merit of each application. For instance, I can give one example that was manifest. Students who have already done a year's course with the Open University or with another College at their own expense initially and they have actually scored well, they have passed their first year, they have a good report from the tutors in the Open University and now they come with that evidence and recommendations from the tutors at the Open University and that, of course, is an indicator to the Board that this is a bona fide case deserving of support. That is only one example of the type of evidence that the Committee will look at in making their assessment.

HON J J BOSSANO:

Can I ask how much the level of support is and is in deciding whether to provide the support or not, any account taken of the student's financial circumstances?

HON DR B A LINARES:

I think the level of support is the tuition fees as a whole which I think is generally £1,000 a year. There are other expenses involved in buying books and equipment but at this stage the support has been limited to the tuition fees.

HON J J BOSSANO:

And the second part of my question was, in deciding whether somebody should be given £1,000 to pay for their tuition fees, is account taken of that individual's ability to pay, his financial circumstances?

HON DR B A LINARES:

At this stage we have not gone the way of David Blunkett in means testing for the tuition fees and since we are saving here, in these cases the greater expense of maintenance grants, travelling expenses, we have decided to have a standard rate of £1,000 in terms of tuition fees.

HON J J BOSSANO:

I do not quite follow how the Government are making a saving in providing something that never existed before. Is he suggesting that these people chose to do it by correspondence rather than going to the United Kingdom and that, in fact, the saving comes because they have been encouraged not to go to the United Kingdom, that they might have gone?

HON DR B A LINARES:

No, the decision to enter into a distance-learning course and not go to a university in the United Kingdom is entirely a voluntary decision of each individual, there has been no compulsion in that respect. When I said a saving perhaps it was the wrong word. I mean since we do not have to pay for maintenance grants it would have been rather mean again to means test the funding of the tuition fees.

HON J J BOSSANO:

Are we talking then of people who have never had a grant before and have never studied before?

HON DR B A LINARES:

I think so. If I can throw my mind back on the seven individuals, after all there are not so many to think of, I think they are all individuals who at this later stage in life feel that they would like to go back into the world of academia and develop their intellectual and educational potential and I have said it before, we thought that this should be supported by the Government.

ORAL

NO. 287 OF 1997

THE HON J GABAY

EDUCATION - SUMMER 'LITERACY COURSES'

Do Government consider that there is a need for the setting up of summer 'Literacy Courses' for some middle school leavers prior to entering the Comprehensive Schools?

ANSWER

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

Summer 'Literacy Courses' are an innovation introduced by Blair's New Labour.

The Department closely monitors all UK initiatives and tends to wait for objective evaluations before embarking on similar ventures. In exercising this caution, the Department usually consults with colleagues in UK. Should it decide to offer such a scheme, the Department would need to identify the most appropriate age at which to offer these courses. It also has to weigh up the labelling that can result, Gibraltar being a small place, against the benefits that may accrue, if any. It also needs to decide on criteria for selection.

SUPPLEMENTARY TO QUESTION NO. 287 OF 1997

HON J GABAY:

It is quite well-known in the United Kingdom that this project has been a great success as reviewed in the Times Educational Supplement, I do not think there is much doubt about that. I think the matter was also highlighted at the Labour Conference which the Minister attended. Whatever is going on in the United Kingdom, does the Minister not feel that in respect of our own needs that one of the serious handicaps in the way that some of our children where mostly Spanish is spoken at home there is the lack of the command of the language when they go into the Comprehensive Schools and that a number of so handicapped children would be able to get the sort of personal attention that they have never had before. Would he not agree that one of the wonderful points about this project has been that some of the children have gone across their first experience of the sort of personal attention that can be given in these 'Literacy Courses' with excellent results? I feel it does not take a great deal of imagination to realise how beneficial such a project would be for the community if we could so arrange it to give those who have not full command of the language the opportunity to strengthen their command of the language prior to going to Comprehensive School where the demands are obviously greater.

HON DR B A LINARES:

Yes, I do entirely agree with the thinking put across by the hon. Member. I feel that I ought to say that he must not go away with the idea that we have totally abandoned the intensive literacy programmes but my view and the view of my advisers is that these programmes should be concentrated more at a very early stage, even the pre-school age for them to yield results in later stages rather than this summer courses just before entering Comprehensive. But that, again, is a matter of educational judgement. What I do want to say is that we very conscious and I do agree that intensive treatment of programmes aimed at the development of literacy at whatever age we can discuss that and debate that, are obviously beneficial and particularly in the linguistic context of Gibraltar particularly appropriate and that my department is very conscious of that and we will monitor methodologies and techniques which are being developed in the UK for their possible adoption locally.

NO. 288 OF 1997

THE HON J GABAY

EDUCATION - NUMBER OF STUDENTS COMPLETING THEIR STUDIES IN UK

Can the Government state how many students completed their higher education studies in the UK in the academic year 1995/96 and of these, how many have since remained in Gibraltar?

ANSWER

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

This same question was asked of me under Question No. 28 of 1997 and the answer to it will be the same. If the hon Member likes I will quote the figures that I quoted then but they are in Hansard.

As far as this present year is concerned, perhaps that is a more relevant question if he is interested, I can tell him that the department has very recently received notification from the Personnel Department to release all students from their contract, except those who have been employed as teachers, seven as permanent and pensionable teachers and four as supply teachers. What is happening at the moment is that the department is writing to each student to inform them of their release from contract and in that same letter they will be receiving a questionnaire to elicit the information required by the Opposition Member. I have a copy of the questionnaire which I think very adequately elicits the outcome in terms of employment of these students and I will be very happy to give the hon Member a copy of that.

SUPPLEMENTARY TO QUESTION NO. 288 OF 1997

HON J J BOSSANO:

The Minister said the rest were being released but he did not say how many the rest were, seven are not being released, what is the number for those being released?

HON DR B A LINARES:

I am sorry, I have not got the figure. He is catching me out with figures this afternoon but I will get him the exact figure.

ORAL

NO. 289 OF 1997

THE HON J GABAY

EDUCATION - GOVERNMENT NURSERIES

Will the Minister for Education provide specific information on the criteria used to allot places in Government nurseries?

ANSWER

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

The criteria used for selection are:

- (a) special education needs (assessed by Principal Educational Psychologist and the Senior Speech and Language Therapist)
- (b) medical problems of children and these are checked with the GHA by the Principal Educational Psychologist
- (c) number of other children in the family
- (d) children expected in the family
- (e) mother working full-time or working part-time and an employer's letter is required to verify this
- (f) mother wanting to work - evidence required
- (g) mother caring for an elderly or sick parent
- (h) financial hardship, for example, recipients of supplementary benefits in the family
- (i) problems at home which are verified by the health visitors.

Points are then allocated on the basis of these criteria and an order of priority is drawn up. Those obtaining the highest number of points obtain places as required by them. Others are placed on the waiting list or offered alternative placements in other nurseries for which they have not explicitly applied.

SUPPLEMENTARY TO QUESTION NO. 289 OF 1997

HON J GABAY:

Are the children of single parents given any special priority given the particular circumstances?

HON DR B A LINARES:

Children of single parents are given a degree of priority in the context of the other social and family factors which I have described in the criteria.

ORAL

NO. 290 OF 1997

THE HON J GABAY

EDUCATION - TENDER AWARD - COMPUTERS

Will the Minister for Education explain how the supplier of computers for the Education Department was selected?

ANSWER

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

The supplier of computers for the Education Department was selected following established Government tender procedures. The Department wrote the advert specifying its requirements. The Treasury Tender Board authorised its release. A Departmental Board met to recommend to the Treasury Tender Board its preferred supplier, with reasons. The Departmental Board consisted of the Director of Education, the Education Adviser, the Higher Executive Officer and the Chairman of the National Curriculum Working Group for Information Technology. The Treasury Tender Board accepted Departmental recommendations.

SUPPLEMENTARY TO QUESTION NO. 290 OF 1997

HON J C PEREZ:

Would the Minister not consider it odd that one of the reasons given for having accepted the specific tender was due to service and maintenance whereas when the tender was advertised there was no mention of service and maintenance but equipment only? That is to say, when the tender was advertised by the Department they only sought a particular equipment and the reasoning for having selected the successful tenderer was an added clause that said that service and maintenance was taken into account. There are certainly some people who tendered for the equipment who say that no one either from the Tender Board or from the Department bothered to assess their service and their maintenance before a decision was taken.

HON DR B A LINARES:

Precisely because that was not specifically mentioned in the advertisement, all the firms were approached after the closing date precisely to clarify this one and very essential aspect as regards school use of computers since this was not very clear from the start. In this case we accepted a slightly more expensive tender because it offered an after sales service like the Department has never had before. For the first time schools are getting an excellent service.

HON J C PEREZ:

I believe that the information that the Minister has and the one that I have is certainly in conflict. I am not saying that they should not have selected this or any other tender. What I am saying is that two of the companies that tendered for the equipment say that there was no approach made to them to look at the service and the maintenance and that since the rationale for having selected a higher price tenderer was advertised as being for service and for maintenance that that approach would have had to be made in order to make that assessment.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If I may respond from the Treasury Tender Board's perspective. I do not have all the details of this in front of me, but as I recall it, two tenderers were significantly cheaper than all the other tenderers and as a result the Treasury Tender Board determined, I agree with the point the hon Member is making that in fact the tender should have specified it at the outset, but we decided as the two were significantly cheaper in this circumstance it was only necessary to go to those two and then to make a selection on that and as a result the one chosen, even with the addition of the maintenance albeit more expensive than the two short listed, was actually cheaper than all the others still with the maintenance. I think that might satisfy the hon Member.

HON J C PEREZ:

What the Financial and Development Secretary is telling me is that out of all the people that applied there was a short list and the short list was then contacted to see the service and maintenance, but the people that were not short listed are saying that no one went to them and said, "What is your maintenance and service like to be able to determine whether your service is better or worse?" I accept that the decision was that a short list was made and that that procedure was taken through the short list but not all the people that applied.

HON CHIEF MINISTER:

I do not know if the hon Member is implying that there has been some impropriety in the tender procedure. The hon Member should be aware that although the Government are entirely satisfied that this tender has been carried out in accordance with Financial Regulations, if the staff of the Department of Education were a little rusty on tender procedures it is because according to them they have not been involved in these procedures for the last eight years.

HON J C PEREZ:

They might have avoided these difficulties.

NO. 291 OF 1997

THE HON J GABAY

EDUCATION - PERCENTAGE OF 18 YEAR OLDS STUDYING IN UNIVERSITY

Will the Minister for Education state what percentage of 18 year olds in Gibraltar are currently studying for a first degree at university?

ANSWER

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

The students who sat for their 'A' level exams this past summer, that is the 18 year olds to which the question refers, started at the Comprehensive Schools during the academic year 1991/92 - 215 boys started at Bayside School in September 1991 and 199 girls started at Westside School in September 1991, that is a total of 414 pupils started at the Comprehensives during the academic year 1991/92.

This year, 125 of those 414 have proceeded to UK for higher education, that is in answer to his direct question, 30.2 per cent. A total of 177 scholarships were awarded this year and that, I would say, is a more relevant statistic, that is 44 per cent. We have to bear in mind that a number of students who sat for their 'A' level this summer decide to take a year out either because they have not found as yet a place of their choice or because they have decided to defer for a year. No doubt most of them will proceed to higher education next year. Of the 52 non-18 year olds that we had this year, some are precisely those students who deferred last year.

SUPPLEMENTARY TO QUESTION NO. 291 OF 1997

HON J GABAY:

I believe that the percentage of 18 year olds going to university in the United Kingdom is 30 per cent. What I was looking for really was the percentage of 18 year olds globally here going for further education. Specifically I have asked this point because, is the Minister not aware that His Excellency the Governor on board the Britannia with a little overboard quoted that we had 50 per cent of our 18 year olds at university? It is very encouraging but it seemed a little unrealistic and this is the reason for the question.

HON DR B A LINARES:

It is not a correct analysis of the statistics. I can give the figures over the last three years - 177 this year and that is 44.2 per cent of the intake; last year 180 which amounts to 45 per cent of the intake; in 1995 201 which is over 50 per cent of the intake. If we take these three years together and it is certainly a recurring pattern, we arrive at a figure every year, on a yearly basis, of 46.5 per cent over the time because as I explained in my answer, one cannot just focus on the 18 year olds this

year because some of them will be going next year so that there is an overlap and a recurring number and therefore the pattern must be seen over a number of years and certainly statistically the relevant figure is around 46.5 per cent and I am sure the hon Member will not want to depreciate this achievement of our educational system.

HON J J BOSSANO:

Whilst nobody wants to be involved in depreciating anything, least of all the achievements that people on the Government want to claim for themselves, is it not important to have accuracy if we are comparing our performance with the United Kingdom and if, in fact, the achievement in the United Kingdom is I think something like 32 per cent of the age group is entering degree level learning then we want to know whether in fact 50 per cent of our 18 year olds or 30 per cent are, not for the sake of devaluing or taking away anybody's achievements but to know whether we compare favourably or otherwise with what exists in the UK now and which the UK itself is trying to increase, in fact? Is it in fact the case that if we are comparing it using the same criteria as the UK, the figure this year would be 30 per cent?

HON DR B A LINARES:

The UK use also the concept of intake every year, on a yearly basis the number of students who go into university that year is a percentage of the intake and on that score, as I say and I am absolutely convinced of this, that the 30 per cent of the UK has to be related in terms of statistical equivalence to the 46.5 per cent that we are achieving on the basis of a number of years. So although His Excellency the Governor may have gone a bit over the top, I think he said nearly 50 per cent, well 46.5 per cent is not far off.

NO. 292 OF 1997THE HON J GABAY**EDUCATION - SCHOOL LEAVERS AGED 15 YEARS**

Will the Minister for Education state how many children left the Comprehensive Schools at the age of 15 in each of the last two academic years, 1995/96 and 1996/97?

ANSWER

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

The number of children who left the Comprehensive Schools at the age of 15 in each of the last two academic years, 1995/96 and 1996/97 are as follows:

<u>Westside</u>	1995/96	-	19 children
	1996/97	-	11 children
<u>Bayside</u>	1995/96	-	33 children
	1996/97	-	24 children

SUPPLEMENTARY TO QUESTION NO. 292 OF 1997

HON J GABAY:

I am grateful for that statistic. Is there any follow-up with regard to the reasons why they leave the school? It might be an interesting point to find out whether we know exactly the reasons where there might be difficulties in the home background or whatever.

HON DR B A LINARES:

When we are dealing with such small minimal figures it is very difficult to actually describe the generic reason, there are a whole variety of reasons, I think the hon Member has pointed to one, it could be family background, demotivation. There is also the attraction of the construction training courses and the cadet scheme for some students and, as I say, a whole multiplicity of reasons because we are dealing with a very small sample. I think the hon Member will agree that out of an intake of roughly 400 only about 47, another good indicator is that both Westside and Bayside the number of children leaving at 15 has dropped from 1995/96 to 1996/97.

NO. 293 OF 1997

THE HON J GABAY

EDUCATION - NATIONAL DAY

Have Government give any consideration to the possibility of commencing the school year after the holding of the National Day celebrations?

ANSWER

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

Government have considered this possibility but no decision has been taken at this stage.

SUPPLEMENTARY TO QUESTION NO. 293 OF 1997

HON J GABAY:

Would the Government give it more urgent consideration in view of the fact that it appears that a lot of time is wasted actually as a result of children either arriving late or not arriving at all or arriving exhausted and that it might be possible, in fact, to arrange the school year in a way that by eliminating the summer hours prior to the summer holidays that week could be made up so that it would not conflict with the new academic year starting in September?

HON CHIEF MINISTER:

Yes, this is indeed a dilemma and the Government are aware that as National Day celebrations become more festive and therefore more popular and enjoyable there is an increasing need to address the issue that the hon Member raises. The Government have the matter under review, obviously we have a degree of time in which to do it but at this early stage I think it is much more likely that we would advance the celebrations rather than retard the commencement of the academic year.

HON J C PEREZ:

Given that consideration was already being given by the Director of Education in early 1996 to do this and the only problem seemed to be that there had to be a number of academic days per year for each teacher, one of the solutions that was being looked at then was to extending the half-day period during the summer and eliminating the half-day period in September and that was something that was going to be considered when I was in office. Is that not possible rather than have the Chief Minister upset a lot of people by making National Day earlier?

HON CHIEF MINISTER:

No, no one has said anything about moving National Day. I said advancing the celebrations.

HON DR B A LINARES:

There is another point to that. There are many factors that have to be weighed up and that is why I feel that perhaps now that we have a newly formed organising committee representing different experiences and sectors of the community, that this is a good forum in which all the different factors can be considered but I will give just one. Encroaching into the summer period of the traditional summer holidays will certainly not help examinees, students entering for the public examinations because they are examined in May/June and that to them will mean the loss of 10 days of examination preparation and work which is quite crucial, I assure the House, because of the very tight schedules and syllabuses that they have to cover in the two years of examination work. That is an area that would not be covered by that device, apart from other factors that I think in any case this is not the proper forum to weigh them up but actually leave it to the experts. I am in consultation also with the educators.

ORAL

NO. 294 OF 1997

THE HON MISS M I MONTEGRIFFO

SPORTS DEVELOPMENT - EXPENDITURE

Can Government state how much money they have spent to date from this year's estimates, Head 4-F Sport, subhead 5(a) and (b), Sports Development?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 298 of 1997.

NO. 295 OF 1997

THE HON MISS M I MONTEGRIFFO

GFA - SCHOOL OF EXCELLENCE

Can Government confirm whether the premises at South Barracks, including the area for the School of Excellence, has now been handed over to the Gibraltar Football Association?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The premises at South Barracks known as the old recreation rooms, have not yet been handed over to the Gibraltar Football Association.

SUPPLEMENTARY TO QUESTION NO. 295 OF 1997

HON MISS M I MONTEGRIFFO:

Can the Minister give the reasons why they have not been handed in view of the fact that we are now one and a half years on after it was earmarked for the Gibraltar Football Association?

HON LT-COL E M BRITTO:

The previous GFA Council who resigned recently had been sent a copy of the licence documents for their perusal and approval in principle. As the hon Member knows, events have overtaken that and I am awaiting the opinion and the views of the new GFA Council. I am expecting to meet them shortly and I presume that at that meeting those views will be expressed.

NO. 296 OF 1997

THE HON MISS M I MONTEGRIFFO

COMMUNITY SPORTS FACILITIES

Can Government explain the delay in providing community use for sporting entities?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government do not accept that there has been any abnormal delay this year, compared to other years, in the provision of community care sports facilities. It has been the norm, since its inception, for facilities to become available at the end of September or the beginning of October, and this will be the case this year.

SUPPLEMENTARY TO QUESTION NO. 296 OF 1997

HON MISS M I MONTEGRIFFO:

Will the Minister confirm that there has been in actual fact a couple of weeks delay with what has been the norm in the past?

HON LT-COL E M BRITTO:

I have just said that the norm has been for the facilities to be available at the end of September or the beginning of October. The facilities are available as from tomorrow which is the 4 October so there has not been a delay with what has been the norm in the past.

HON MISS M I MONTEGRIFFO:

Will the Minister not accept that the norm in the past has been that they have actually been provided before the end of September?

HON LT-COL E M BRITTO:

No, I do not accept that from the information that has been made available to me.

NO. 297 OF 1997

THE HON MISS M I MONTEGRIFFO

POST OF SPORTS DEVELOPMENT OFFICER

Can Government state their policy as to the filling of the new post of Sports Development Officer?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Following Mr Holden's rejection of the offer of employment as Sports Development Officer, and on the recommendation of the Gibraltar Sports Advisory Council, Government have sought a consultation with the United Kingdom Sports Council on the setting up of the Sports Development Unit. A dossier of information, including a copy of a report on Sports Development compiled by the Gibraltar Sports Advisory Council, has already been submitted to the UK Sports Council and a consultant is expected to visit Gibraltar shortly.

On the advice of the Sports Advisory Council, the Government will await the results of the consultation with the UK Sports Council before taking any further steps to set up the Sports Development Unit.

SUPPLEMENTARY TO QUESTION NO. 297 OF 1997

HON MISS M I MONTEGRIFFO:

I assume that the consultant will be paid by the Gibraltar Government?

HON LT-COL E M BRITTO:

The consultant will be paid out of funds allocated for sports development so the answer is yes.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm that it is Government's intention that the post should be advertised locally?

HON LT-COL E M BRITTO:

The post will be advertised locally but not exclusively for filling by people locally. The policy for advertising has not yet been completely finalised. I need a clearer indication of what is in the hon Member's mind.

HON J J BOSSANO:

Is it being treated as a vacancy in the civil service or not?

HON LT-COL E M BRITTO:

We are in a completely new situation now. We had a situation which arose out of direct identification of Mr Paul Holden by the Gibraltar Football Association which led to a particular set of circumstances. We are now engaging a consultancy which will throw up new recommendations and once we know what those recommendations are we will then assess the new situation that has arisen.

HON MISS M I MONTEGRIFFO:

So it could be that the post of Sports Development Officer in the Estimates might disappear?

HON LT-COL E M BRITTO:

That is a hypothetical question.

HON CHIEF MINISTER:

Yes, there is a possibility.

HON J L BALDACHINO:

When the Minister says that the post will be advertised locally, does that mean that it will only be advertised locally and nowhere else?

HON LT-COL E M BRITTO:

I have already answered that. As and when the consultation report is available, we will then decide how to proceed further.

HON J J BOSSANO:

Is it that in the terms of reference of this consultant are included whether a Sports Development Officer should be employed? Is that one of the things that he is going to be asked to advise on?

HON CHIEF MINISTER:

Well, it is a question of the job specification that is recommended. In other words, the consultant will advise the Sports Advisory Council of the sort of qualifications that this person should have. People with those qualifications may or may not be available in Gibraltar. If they are available in Gibraltar then logically we will wish to prefer local recruitment but as the Government do not yet know what the level of qualification the Sports Advisory Council is going to recommend to the Government for this particular position, we cannot yet know whether the post can be filled by a local recruit and as we do not yet know whether the post can be filled by a local recruit we cannot yet say whether recruitment advertising will be limited to Gibraltar. Of course, it goes without saying, that our preference would be to recruit the person locally if there is locally available a person with the qualification that the sportsmen themselves advise the Government is what is required.

HON J J BOSSANO:

What I am not clear is whether in fact the degree to which this is in the melting pot is as to the type of person that is considered to be needed to fill the post or even bigger than that, whether the post is needed at all because it seems that the post was created because the person was there and now that the person is not there the post is not necessarily there?

HON LT-COL E M BRITTO:

There is a danger in the questions narrowing down onto the Sports Development Officer. The topic is a much wider one than that since the situation has changed after the rejection by Mr Holden. I have been in contact with the Chairman of the UK Sports Council and of the English Sports Council, I have already met him once and I shall be meeting him again in a fortnight's time during a Sports Development Conference that is taking place in Edinburgh and which will also be attended by the Minister for Sport from UK who I also am arranging to meet. In that context the consultation that is taking place is much wider than that of the appointment of a Sports Development Officer. The approach that I have made to the UK Sports Council and to the English Sports Council includes the provision of assistance for sports development as well as the consultation. The form that that assistance can take can be varied and wide-ranging. It can include, although I said before that the Government will pay for the consultation, assuming that there is a fee, but such assistance could include a reduction in the fee or no fee at all. There is at the moment a much wider context and that is why I hesitate to narrow it down to the Sports Development Officer. At the moment we are looking at a completely new situation which I have been able to create because of the contacts that we have made in the Sports Council and it is only until such time as those contacts are developed and we can see to what degree that help and expertise of the UK Sports Council of which I may say that in the initial meetings and contacts that I have already had there has been a very positive indication of assistance being forthcoming, until that indication is given, we are not in a position to give further information simply because once that consultancy is available, it will come to the Sports Advisory Council, the Sports Advisory Council will assess it and the sportsmen themselves will assess it and then we will be in a position to make a policy decision. It is not that I am trying to hesitate and not giving information, it is simply that the information is not available at this moment in time.

NO. 298 OF 1997THE HON MISS M I MONTEGRIFFO**GRANTS TO SPORTING ASSOCIATIONS**

Can the Government provide a breakdown of the grants received by sporting entities to date?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

This information requested in Question No. 298 has already been made available to the hon Member through the approved minutes of the Gibraltar Sports Advisory Council which are regularly copied to her, to all the recognised sports associations and to the local media. Nevertheless these are the grants that have been allocated to date from Head 4-F:-

From subhead 6 a total of £24,670 as follows:

Gibraltar Island Games Association	£15,000
Gibraltar Federation of Sea Anglers	£ 2,200
Gibraltar Amateur Basketball Association	£ 2,590 (interim payment)
Gibraltar Pool Association	£ 1,100 (interim payment)
Gibraltar Federation of Sea Anglers	£ 1,280 (interim payment)
Gibraltar Shooting Federation	£ 2,500 (interim payment)

From subhead 5(a) a total of £20,900 made up as follows:

Gibraltar Island Games Association	£13,200
Gibraltar Rifle Association	£ 1,500
Gibraltar Clay Pigeon Association	£ 1,500
Gibraltar Pistol Shooting Association	£ 500
Gibraltar Football Association	£ 2,400
Gibraltar Amateur Basketball Association	£ 300
Gibraltar Volleyball Association	£ 1,500

From subhead 5(b) - nil.

SUPPLEMENTARY TO QUESTION NOS. 294 AND 298 OF 1997

HON MISS M I MONTEGRIFFO:

I would like to clarify what the Minister has said. The reason why I have asked for the information is because I wanted to compare the grants that are being given by the Government from one Head and as the Minister informed me during the Budget session that he would actually be using monies from subhead 5(a) for certain sporting activities.

HON LT-COL E M BRITTO:

I am not certain what the question is. Can she clarify?

HON MISS M I MONTEGRIFFO:

I am clarifying what the Minister said in the Budget.

HON LT-COL E M BRITTO:

Yes, essentially subhead 5(a) is sports development and the funds allocated from there have been for projects which are intended to be sports development orientated and those which come from subhead 6 are those which were the traditional grants to sports societies and associations to compete away from Gibraltar.

NO. 299 OF 1997THE HON MISS M I MONTEGRIFFO**PREMISES FOR SPORTING, CULTURAL AND CHARITABLE ENTITIES**

Can the Government state how many sporting, cultural and charitable entities have now signed their new licences for those premises that were left earmarked by the GSLP administration?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government do not accept the suggestion implicit in the question that it is carrying out the programme of allocation of the previous GSLP Government. After coming into office the Government revised the list of applications for premises from sporting, cultural and charitable entities, allocated new priorities and conditions and have drawn up our own programme of allocation.

Twenty-three entities have been sent copies of updated Licence Documents for their acceptance. To date, six entities have accepted in writing and one has decided to decline the offer and wait for other premises to become available. Five have written requesting further information. Reminders have been sent by Land Property Services Ltd to the other 13 entities to reply in writing, although some have been making verbal commitments.

SUPPLEMENTARY TO QUESTION NO. 299 OF 1997

HON MISS M I MONTEGRIFFO:

Is it possible for the Minister perhaps not in this House as he might ask me to write to him, to actually send me the information of the difference from his new licence to the one that we had put in place before he was elected into Government? Is that possible?

HON LT-COL E M BRITTO:

Yes, this is already in the public domain. The licences that the hon Member was offering, obviously she has a copy of. The licences that this Government are offering have already been sent to 23 entities but, of course, if she asks me for one I am quite happy to provide a copy to her, there is absolutely no problem.

HON MISS M I MONTEGRIFFO:

Can the Minister also confirm whether the new licences, we are talking about sporting, cultural and charitable entities that were, if my memory serves me right, 76 when we were in office, are there any other premises that will also have the new licence applied?

HON LT-COL E M BRITTO:

The list that I have at the moment runs to a total of 71 including the various categories that I have mentioned and some which are special categories. They are mostly sports because some of the more cultural and charitable entities, some of them have been taken over and are under the aegis of my hon Colleague the Minister for Education and have been allocated by him. I understand the licence terms are on a similar basis but I am not certain of that. Certainly all the units that I am allocating all have the same licence in the sense that we have tried to standardise and have exactly the same conditions for everybody including on the level of rents which rather than have a standard figure, as the previous Government had, we now have three levels based on the parameters of size of the areas of the premises concerned.

NO. 300 OF 1997THE HON MISS M I MONTEGRIFFO**SPORT - FINANCIAL ASSISTANCE**

Can the Government confirm whether they will be pursuing their policy that certain sporting standards will have to be met before they provide financial assistance for specific events?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Gibraltar Sports Advisory Council has recommended and the Government adopted as policy that, particularly as regards participation in official international competition abroad, it is necessary for the sports associations themselves to specify standards which must be seen to be met before qualifying for financial assistance from Government. The standards in question are not just related to the level of quality of the participants but also regarding adequate preparation and selection procedures. The process is, and will continue to be, monitored by the Sports Advisory Council.

SUPPLEMENTARY TO QUESTION NO. 300 OF 1997

HON MISS M I MONTEGRIFFO:

Will the Minister not agree that on occasions it is important for Gibraltar to be represented and that the policy could debar Gibraltar from being represented abroad?

HON LT-COL E M BRITTO:

No, I do not agree. It is not important to be represented irrespective of the standard of the team or association that participates. There has to be a balance and there has to be value for money in the contribution that the Government decide to make.

HON MISS M I MONTEGRIFFO:

Will the Minister not agree that sporting associations in the past have actually used standards in order to determine whether their sports people represent Gibraltar abroad?

HON LT-COL E M BRITTO:

I am not aware that all sports associations have set standards on every occasion. In fact, the indications that I have are that that is not so. On the other hand, it is clear that some associations have and one clear example is the Commonwealth Games Association which has now for many years been running a system where the member associations that wish to participate in the Commonwealth Games set their own standards, those standards are put forward to the Commonwealth Games Association who vets them, agrees them or asks for them to be changed and then

supervises the trials or the meeting of those standards and that, fundamentally, is the sort of situation that we are trying to create. The policy is not intended to prevent people from participating abroad, it is not intended as an economy measure to spend less money in helping people to participate abroad but in a developing situation that we have where every year there are more sportsmen who want to participate abroad, we have to ensure that those that receive financial help from the Government are those who are best deserving and best deserving is being defined to include not just having the right selection procedures, having the right preparation but also being seen to meet the right standards.

HON MISS M I MONTEGRIFFO:

So, can the Minister confirm if the associations are happy with the selection procedures and with the standards, will that be sufficient for the Government to accept that they will actually provide assistance?

HON LT-COL E M BRITTO:

That is not quite what I envisage happening. The associations will be asked by the Sports Advisory Council to set the standards, the associations themselves will set the standards and the procedures and the Sports Advisory Council will agree them or otherwise. If the Sports Advisory Council advises the Government that it is satisfied then the Government will accept that recommendation.

NO. 301 OF 1997

THE HON J C PEREZ

NYNEX - INTERNATIONAL CALL FACILITIES

Will Government state whether Nynex will be permitted to provide its customers with international call facilities, as an extension to their existing licence and without having to use Gibtel in January 1998?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government are in the process of finalising legislation to transpose into Gibraltar law a number of Directives on the liberalisation of telecommunications. Among those Directives is one which will liberalise voice telephony services as from 1 January 1998. The Government intend to bring the new Ordinance to the House as soon as practicable.

However, the Government are currently in discussion with the shareholders of both Gibraltar Nynex and Gibtel over the feasibility of a merger of the two companies and the final outcome will have a bearing on the provision of international voice telephony service after 1 January 1998.

SUPPLEMENTARY TO QUESTION NO. 301 OF 1997

HON J C PEREZ:

I presume the Minister means that it will have the outcome on the actual provision of the service but not on the legislation that needs to be passed? The legislation is to apply a directive regardless of whether the merger takes place or not.

HON LT-COL E M BRITTO:

The thrust of the original question is whether Nynex will be able to provide international call facilities outside the terms of their existing licence. What I am saying is that the priority of the Government is to achieve a merger between the two telecommunications companies locally and in a situation where that merger is achieved, then the question of one company or the other company providing international services no longer applies.

HON J C PEREZ:

So the possible merger would not affect the legislation, it would affect whether there are two companies providing the same services by the 1 January or only one.

HON LT-COL E M BRITTO:

That is correct, that is exactly what I am saying.

HON J C PEREZ:

Could the Minister state how hopeful he is that in the time span left between now and the 1 January that there would be a successful outcome to try and achieve a merger of both companies?

HON LT-COL E M BRITTO:

I do not have a crystal ball to give a direct yes or no in answer to that question. But as the hon Member knows, this is a policy that goes back for some time now and so far the progress that has been made has been positive all the way. The indications are that it will continue to be positive, I cannot be more clear than that in my answer.

HON J C PEREZ:

I take it that the study that has been conducted into both companies is now completed and available to the three parties, that is, the Gibraltar Government, Nynex and Gibtel? That in itself could be an indicator of how successful the conclusion of this might be.

HON LT-COL E M BRITTO:

Yes, the answer to the first part of the question is yes, the studies are complete, the final reports have been drawn up and the information is available to all three parties and is and has been studied by all three parties. There has been informal contact between shareholders and the next stage of the process will be an actual meeting of shareholders which is scheduled to take place soon.

HON J J BOSSANO:

Can the Minister clarify, in answer to the original question, is it the case that once the legislation is brought in there will be no way of preventing Nynex from expanding in this direction if it chooses to?

HON LT-COL E M BRITTO:

There is another element to this equation which has not been mentioned so far and that is the subject of a question later on in the Order Paper, of the complaints by both companies to the European Commission and specifically about the problems of the numbering plan and of the Gibtel roaming agreement. In the absence of a solution to those two problems, it will in effect not be possible to liberalise on 1 January. So although it is intended to bring the legislation to the House, it will not be possible to give it practical effect in the absence of a solution to the subject of the complaints to the European Commission. But if the merger situation has been brought about or at least agreed in principle, then the problem no longer arises because there is no longer a conflict on who is providing the international service as envisaged in the original question.

HON J J BOSSANO:

So it is a case then, in light of that answer, that other than on practical grounds because of the external problems, the licence that Nynex has today will enable them, if they could do it physically, to expand their service or does it require that they submit an application or something like that and then they will be authorised?

HON CHIEF MINISTER:

That is the point that I wanted to interject, there is of course an administrative process, it is not just a question of turning up on Monday morning the 2 January and offering the service. There is a legal entitlement to participate in the market place provided one applies and that one complies with certain criteria and that is a process that would take some time to resolve but in principle there is no legalistic way of preventing the service being delivered.

ORAL

NO. 302 OF 1997

THE HON J C PEREZ

LYONNAISE DES EAUX - WATER PRODUCTION

Can Government state whether Lyonnaise des Eaux will be able to meet potable water demand for the next five years from the production sources presently available?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The annual output from the water production sources currently available are as follows:

<u>SOURCE</u>	<u>MAXIMUM ANNUAL OUTPUT (CUBIC METRES)</u>
Waterport Desalination Plants	750,000
North Front Wells	170,000
Purchased from Refuse Incinerator/Power/Desalination Plant under contract between "In Town/GOG"	<u>650,000</u>
TOTAL	<u>1,570,000</u>

The current average potable water annual demand is 1,080,000 cubic metres. The projected annual demand for potable water in five years time is estimated at 1,268,000 cubic metres.

The ability to meet demands currently and in five years time is heavily dependent on the operators of the Refuse Incinerator/Power/Desalination Plant meeting the obligations of the contract between In Town Developments Ltd and Gibraltar Government. The annual average being produced by that plant under the current operating regime is 260,000 cubic metres.

The inability of the plant to deliver the contracted amount is one of the matters being addressed by the arbitration proceedings currently under way between In Town Developments Ltd and the Gibraltar Government.

Lyonnaise is preparing the technical ground to be ready to invest in additional desalination plant capacity if it is judged that the Refuse Incinerator/Power/Desalination Plant will not be capable of producing the amount of water required.

SUPPLEMENTARY TO QUESTION NO. 302 OF 1997

HON J C PEREZ:

Am I right in saying that the figures that the Minister has provided estimates that the present amount of potable water sold is 1,080,000 total and that the totality of the production is 1,026,000, or something like that?

HON LT-COL E M BRITTO:

No, 1,570,000 is the total production availability.

HON J C PEREZ:

That is if the incinerator were actually producing the 650,000 cubic metres which it has not done since it started to operate?

HON CHIEF MINISTER:

The point that the hon Member is making is correct. In terms of actual production capacity the current figure is very close to current demand.

HON J C PEREZ:

I do recall a report that was submitted at the time that I was the Chairman of Lyonnaise where the projections over five years actually recommended that there should be investment in more plant even if the 650,000 tons of the incinerator was met. Obviously if that is not going to be met and we need to wait for the result of the arbitration there will be other sources of water that need to be done. Could I ask the Minister whether when he talks about Waterport Desalination Plant, whether the reverse osmosis plant production is included in the amounts there?

HON LT-COL E M BRITTO:

There are various aspects to that question. Let me take the hon Member back to the original supplementary question and confirm that on present levels of production by In Town we run into problems somewhere towards the beginning of 1999/end of 1998. So the short-term strategy is, in answer to his final supplementary, to refurbish the reverse osmosis plant in Waterport which is currently mothballed and not working and needs capital investment or maintenance investment, depending which way we look at it, basically to bring in the new membranes which are currently in a good condition and that is why that is not working; and that decision is very fresh, in fact, was made at the Lyonnaise Board meeting only yesterday, to refurbish the plant and bring it into service to make sure that there is no shortage in the water supply. The report to which the hon Member refers is a much longer term view. We are now projecting into the year 2011, I think, or something like that, where it will be necessary to provide again further desalination capacity even allowing for In Town meeting its contract commitments but that is further down the line and the decision that we have made in the short-term strategy is to refurbish the membranes, bring back the reverse osmosis plants into operation next year, see the development of the problem with In Town Developments and then, at that stage, make the longer term strategy decisions about multi-stage plant desalination which, as the hon Member knows, at the end of the day, provides cheaper water and is more suitable, I should say and not necessarily cheaper water, but is more suitable for the sea conditions around Gibraltar.

HON J J BOSSANO:

The figure of 750,000 cubic metres from Waterport is without the reverse osmosis plant because he has told us it is mothballed. What will that figure increase to when the reverse osmosis plant is put in?

HON LT-COL E M BRITTO:

I need notice of that question. Without going through the whole document, I do not think I can provide at short notice but I can make it available at a later stage in the meeting to the Leader of the Opposition.

HON CHIEF MINISTER:

140,000 cubic metres extra.

HON J C PEREZ:

That is for both the osmosis plants not for each? I believe it is 70,000 per reverse osmosis plant.

HON CHIEF MINISTER:

That is together, for both.

ORAL

NO. 303 OF 1997

THE HON J C PEREZ

GBC - SECOND TELEVISION CHANNEL

Have GBC informed the Government of any further developments in connection with the introduction of a second television channel?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Proposals by the Board of the Gibraltar Broadcasting Corporation for the introduction of a second television channel have been submitted to the Government and are under consideration.

The introduction of the second television channel forms part of the Board's proposals for the restructuring of the Radio and Television services provided by the Corporation.

SUPPLEMENTARY TO QUESTION NO. 303 OF 1997

HON J C PEREZ:

Does that involve added expenditure on the part of the Government? That is to say, not on an annual recurrent but on a one-off basis? Does that involve an investment by the Government into a second channel?

HON LT-COL E M BRITTO:

I am afraid I do not have that information available.

HON J C PEREZ:

He still has not read the submission?

HON LT-COL E M BRITTO:

Well, I say it is under consideration but it is not at the stage where I can have individual figures available off the top of my head.

HON CHIEF MINISTER:

There is a capital investment programme generally for GBC and I cannot remember offhand what part of that is required by the second channel itself. The information can be provided.

NO. 304 OF 1997

THE HON J C PEREZ

POST OFFICE - RELOCATION

Are Government considering moving the General Post Office and the Sorting Office from its present location in Main Street.

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes.

SUPPLEMENTARY TO QUESTION NO. 304 OF 1997

HON J C PEREZ:

We have read in the Chronicle the report of the Minister for Trade and Industry that one of the things that they intend to put in the present Health Centre at Casemates is the General Post Office. Would the Sorting Office be going in the same location or would there be a different location for the Sorting Office? Could the Minister state whether they have given consideration to the location of the PO Boxes as a result?

HON LT-COL E M BRITTO:

Yes, the answer to all those questions is yes. The cause is the projected pedestrianisation of Irish Town and as well as the condition of the building which presently houses the Post Office and which the order of repairs is, if I remember rightly, of something like £80,000 or more. Taking those considerations into account, the in principle decision has been made and a feasibility study is being carried out of moving the Post Office counters, the administration and the accounts department into the Health Centre ground floor. The Parcel Post Stores at present in Landport Ditch, the Sorting Office, the PO Boxes and the Postmen's Room will be moved to what is presently the Moroccan Hostel on top of Grand Casemates Battery. In other words, going north from the Health Centre along Line Wall Road there is a little hillock up on the right hand side and once one gets in there there is a very large building which is presently part of the Moroccan Hostel. As part of the move of the Moroccans out of that area, that building will become available and that will be converted into the Post Office facilities.

HON J C PEREZ:

Accessed from Line Wall Road.

HON LT-COL E M BRITTO:

Accessed from Line Wall Road, yes.

HON J C PEREZ:

So the PO Boxes really would be when one comes south from Smith Dorrien Bridge to the left?

HON LT-COL E M BRITTO:

The PO Boxes will be just past the Health Centre on the right hand side travelling north, not in the Health Centre but in the Moroccan Hostel.

HON J C PEREZ:

At the Line Wall Road level?

HON LT-COL E M BRITTO:

At the Line Wall Road level.

NO. 305 OF 1997

THE HON J C PEREZ

ORANGE BASTION DEPOT - RELOCATION

Can Government state when they expect to be able to move the Orange Bastion Depot of the Electricity Department to the new site at Rosia Road?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Demolition works have already started on those of the existing buildings which are to be pulled down at the Rosia Road site where the Electricity Department Depot, at present at Orange Bastion, will be relocated.

It is the intention of Government that the move be carried out as soon as possible. A precise date for the move cannot be given at present as the completion date for the new buildings required will depend on a number of technical aspects which have yet to be finalised.

SUPPLEMENTARY TO QUESTION NO. 305 OF 1997

HON J C PEREZ:

The Minister could have some idea, whether it is going to happen within this financial year or not, I am not trying to be specific. The works are being done but there are certain technical aspects.

HON LT-COL E M BRITTO:

There is no mystery here. The works have began and in the process of the works beginning a number of facts have emerged which have delayed the completion of the project and they are basically heritage sensitive, for example, there is some sort of tunnel that has been discovered under the buildings which was not chartered or unknown before. There is a greater possibility of uncovering the walls which had not been realised previously, so there is a little bit of reassessment being done. Within that concept the intention is to do it as soon as possible and certainly the aim has always been to do it within the current financial year.

NO. 306 OF 1997

THE HON J C PEREZ

POST OFFICE - DELAYS IN LOCAL MAIL

Are Government aware of the growing complaints from the general public as to the delays being experienced in the conveyance of local mail?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are aware that abnormal delays have been experienced over the past few months in the delivery of local mail mainly because of absenteeism due to sickness and uncertificated sick leave.

SUPPLEMENTARY TO QUESTION NO. 306 OF 1997

HON J C PEREZ:

Is the situation now normal or are there long-term sick people? Is there a need for temporary replacements as a result?

HON LT-COL E M BRITTO:

No, there is no need for any of that. The situation is now back to normal, the cause of this situation was over the period between 14 July and the 28 August where there were an abnormally large number of people absent and this has created the shortfall. As the hon Member may know, it is Post Office policy not to have less than 12 and preferably 13 postmen available at any given time so that the 12 walks that are chartered can all have at least one postman with a little bit of spare. During that period the number of postmen available, I think I am right in saying was never above the figure of 11 and was on occasion as low as eight due, as I say, to the annual leave and special leave having been exceeded by uncertified sick leave and sick leave.

NO. 307 OF 1997THE HON J C PEREZ**MANAGEMENT OF THE INCINERATOR**

Can Government state whether a Spanish company has taken over, wholly or in part, the management of the incinerator?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government's contract on the running of the incinerator is with In Town Developments Ltd which is a locally based company. Since the commissioning of the incinerator the plant has been managed under contract on behalf of In Town Developments Ltd by Kruger Ltd, an agreement which still continues today. Kruger have decided to appoint their sister company, Esys Montenay, as their sub-contractors to operate the plant on their behalf. This company operates a number of incinerators for Generale Des Eaux, this being the parent company of both Kruger and Esys Montenay. The running of the incinerator is currently being undertaken by the same personnel who operated the plant under Kruger.

SUPPLEMENTARY TO QUESTION NO. 307 OF 1997

HON J C PEREZ:

But Kruger itself, if I understand it, have given a subcontract to their Spanish firm. Has the Minister been asked permission for this to happen or contacted in any way before this happened? I remember the anxiety that the Minister expressed when I was in office about rumours that Kruger might be selling off the incinerator to Sevillana, that is why I am asking whether he is as concerned as he used to be when he was in Opposition?

HON CHIEF MINISTER:

Esys Montenay is the Spanish subsidiary of an American company. There is no provision in the contract, which of course we inherited from the previous administration, between the Government and In Town to enable the Government to prevent In Town to prevent its contractor from subcontracting out. In other words, there is a difference between the plant being sold to Sevillana, which is what I remember, expressing concern about and I would be equally concerned about it today. [HON J C PEREZ: So would I.] The difference between that which can be prevented under the terms of the contract and the transfer by the operator who is not in contractual arrangements with the Government of his operating contract to a sub-contractor which is (a) a company within the same group of companies as the present operator, and (b) which however unhappy we might be, we are not particularly unhappy with it, but even if we were very unhappy about it, we are powerless to prevent on the terms of the contract that is in place.

HON J J BOSSANO:

Did Kruger require the agreement of In Town to do this?

HON CHIEF MINISTER:

I would need notice of that question. My understanding of it is that they did not but even if they did not they have it. In other words, I do not think In Town are upset or in any sense aggrieved by that. But if the hon Member is interested in knowing what the precise legalistic position is I will have to refer to the contract and I will let him know.

NO. 308 OF 1997

THE HON MISS M I MONTEGRIFFO

CATALAN BAY - BEAUTIFICATION

Can Government confirm whether they intend to proceed with the beautification of the Catalan Bay area, as announced by the Minister for the Environment and Health in his budget contribution of 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are indeed proceeding with the beautification works for the eastside as had previously been announced. Certain works in this respect have already commenced with the first phase of the Sir Herbert Miles Road widening scheme having started in May of this year, this section being from the Caleta Palace Hotel up to the northern end of Both Worlds complex. The need to maintain public vehicular access to all properties at all times, together with the requirement to provide public access and parking to beach users during the summer months, has prevented us from undertaking other phases of these works in parallel. However, now that the bathing season is over, other phases of these works, which do not necessitate a complete road closure, will be commenced. These phases include the section of Sir Herbert Miles Road from the Piccolo Bar up to the southern portal entrance to Williams Way Tunnel and the section of road along the full length of Both Worlds.

Another element of the Eastside Development Programme which has now commenced is the development of the White Rock Camp area. Tenders were invited for the development of this site and a contract has been awarded for the construction of 13 luxury terraced houses with works on the construction of the same already having started.

The completion of the Eastside reclamation area and the development of the resulting site for leisure activities, is another element of the Eastside Development Programme which the Government will shortly be undertaking. The need to reprovide certain land occupiers on the site has resulted in the delayed start of the first phase of these works which consists of the reclamation and the levelling of the site. Such issues have now been resolved with the reprovisioning of the affected third parties currently being undertaken. On completion of the reprovisioning, works will immediately commence on the first phase of these works. In connection with these works, road improvement works at the Black spot will also be undertaken with the aim of eliminating this notorious danger area.

SUPPLEMENTARY TO QUESTION NO. 308 OF 1997

HON MISS M I MONTEGRIFFO:

Just one further point if the Minister is able to answer, in these refurbishments works that the Government have said they will be carrying out, does it include Catalan Bay Village at all?

HON P C MONTEGRIFFO:

No, none of the plans currently in train include Catalan Bay Village itself. The only thing I would add, if I am going to be completely extensive in replying, is that as the hon Member knows there is a plot of land known as "La Terrasa" where there was going to be a development above the area of what is now the Masai Grill and I am certainly personally interested in seeing the extent to which we can get that plot moving and if we do get a development on that plot, it would be a useful opportunity to then consider whether an element of work should be extended down to the Village itself because it would an appropriate time to combine both activities. But that is very much a general thinking and not anything that is currently planned.

HON J L BALDACHINO:

The Minister said that within the project is to eliminate the Black spot in the road, may I ask how will that be achieved, would it be by eating into the right hand side and if that is done how will that affect Shell which has the road that leads to Williams Way?

HON P C MONTEGRIFFO:

This is linked to the whole question of the future of Williams Way. In general terms and without going into too much detail, the Government are in discussion with Shell and their joint venture partner with regard to the future of Williams Way. Those plans involve the relocation of the current delivery depot which is indeed located on the right hand side of the road in that very spot known as the Black spot. What is envisaged is that the delivery point will in fact move to the left of that plot, namely, on to the reclaimed area thereby releasing land on the right hand side for the straightening of the road. Quite apart from the question of straightening of the road, I should add that the move is motivated more by safety considerations rather than Government's own desire to straighten that stretch of road. It is generally recognised by the operator of the facility that having a delivery point so close to where rockfalls occur is really a very unsatisfactory state of affairs.

HON J L BALDACHINO:

I understand what the Minister is saying. I was just wondering, because not only is the provision of Shell there but the road there leads into the tunnel. and I was wondering if that has been taken into consideration as the Fire Brigade would need access.

HON P C MONTEGRIFFO:

Obviously all those things have been taken into account, yes.

ORAL

NO. 309 OF 1997

THE HON J L BALDACHINO

RELEASE OF MOD PROPERTIES

Can Government state how many MOD properties have been released to Government and of these, how many have been put out to tender for residential purposes?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

All releases to Government of MOD properties since May 1996 to date, have been of residential properties. Of these three have already been sold by tender, as follows:-

51A and 51B Europa Road - sold by tender as residences.

59 Europa Road - sold by tender as residence.

The position on the others is as follows:-

19 Europa Road - this is pending a decision on the demolition of 17 Europa Road to enable the widening of the road and the surplus land being added on to this property to go out as one tender as a residence.

17 Europe Road - this is basically currently awaiting a decision on demolition.

Edinburgh House - that has been handed over and will be given for housing allocation after refurbishment.

Part of Old Naval Hospital - the south section was released to enable the demolition of two buildings affected by the landslide at Rosia Bay.

SUPPLEMENTARY TO QUESTION NO. 309 OF 1997

HON J L BALDACHINO:

Was the release of the one that was affected by the landslide prior to the landslide or after the landslide?

HON P C MONTEGRIFFO:

It was obviously after the landslide, it was released really in order to accommodate the works that had to be done with regard to the landslide. Generally on Old Naval Hospital I can tell the House that this is a very valuable property as far as Government are concerned in terms of its potential. The MOD is aware of the importance we give to this property and we are looking towards the handover probably in February of next year. That is not to say that we will not be seeking development proposals in advance of February so that we can actually make headway in possibly even selecting, on a tender basis, possible developers prior to that handover date.

NO. 310 OF 1997THE HON J L BALDACHINO**HOUSING - SALE OF RESIDENTIAL PROPERTIES**

Which residential properties have been sold by Government to sitting tenants since 16 May 1996 and at what price?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Twenty-six residential properties have been sold by Government to sitting tenants since 16 May 1996 as follows:

May 1996

E Montado	- 4 Mount Road	- £89,800
M J Sheppard-Capurro	- 1B St Bernard's Road	- £37,000

June 1996

A C & F A Isola	- 26 South Barrack Road	- £75,000
J P & J J Imossi	- 23 Scud Hill	- £97,000

October 1996

L & S Casciaro	- 4 Transport Lane	- £29,750
M E Correa	- 26 Morello's Ramp	- £20,667
C & G Pons	- 21 Willis's Road	- £35,000

November 1996

L Appleton	- 63/5 & 6 Europa Road	- £36,500
L Edmonds	- 5A & 12 North Pavilion Road	- £40,000
R & A Chichon	- 3B Flat Bastion Road	- £27,000
J J & A Vella	- 41/6 Europa Flats	- £27,000
J & B Winwood	- 41/5 Europa Flats	- £27,000

January 1997

J & S Montegriffo	- 1 Rosia Steps	- £14,000
R & P Santos	- 6 Transport Lane	- £25,000

February 1997

C Coelho	- 7 Transport Lane	- £19,000
F Picardo	- 5 Willis's Road	- £43,000
H & L Alvarez	- 3A Flat Bastion Road	- £29,700
J & E Cruz	- 3 Castle Steps	- £17,000

March 1997

L & A Romero	- 8 Transport Lane	- £36,000
M C Estella	- 1 Transport Lane	- £35,000
C & A Schembri	- 1B Engineer Road	- £22,500

July 1997

H & V Lugaro	- Unit 'F' Devil's Gap, Upper Rock	- £39,000
A & J Gordon	- 11 Chicardo's Passage	- £50,000

September 1997

M Martinez	- 61 New Passage	- £15,300
Dr C & Mrs M Montegriffo	- 30 South Barrack Road	- £110,000

SUPPLEMENTARY TO QUESTION NO. 310 OF 1997

HON J L BALDACHINO:

Will the Minister say if in Transport Lane, for example, and there have been two sales, if the offer has been to all the tenants who are living there but only two have taken up the offer?

HON P C MONTEGRIFFO:

I really could not reply in detail to that but, by and large, certain offers are made when it is a block or a unit which is comprehensive and coherent to all the tenants. Of course the only other case where sales take place really is when sitting tenants themselves approach the Government and seek a sale, a trend which we are very keen to encourage. Frankly, if people are prepared to buy their properties and to that extent invest in ownership, that is something that I think we are very, very willing to promote.

HON J L BALDACHINO:

May I ask one final question, the formula applied to the sale of properties to sitting tenants, has it changed since we left Government or is it the same formula or is it that they are applying a new formula now?

HON P C MONTEGRIFFO:

The formula is the same except in one respect and that is that under the previous administration we are advised that if sitting tenants could not afford the reduced price, they would do get a reduced price I think of 60 per cent of the market value, as thus calculated the previous administration was prepared to contemplate giving the tenant less than a 99 year lease and having a pro rata reduction of the purchase price thereby giving the same value, for example, to the last 10 years of the term as to the first 10 years of the term. Many sales went through in that basis, many sales went through on the basis of 70 year leases as opposed to 99 with a significant

reduction in price accordingly. The view taken by this administration is that that is not a fair valuation or fair basis for reduction in price because clearly the value of, say, the first 20 years is much in excess than the value of the last 20 years so a simple mathematical year for pound value is not justifiable. So the policy we are proceeding with is that essentially sales to sitting tenants are for 99 year periods and there is no reduction below that period to accommodate those sort of situations the previous administration tried to accommodate in the way I have described.

HON J J BOSSANO:

Does it mean then that all the ones that he has listed are for 99 years?

HON P C MONTEGRIFFO:

No, because those that were in respect of commitments already entered into, we have respected those negotiations that had taken place with the previous administration which de facto involved, and it is more than one it is a number of them. We thought it unfair if effectively negotiations had got to a stage that were quite advanced to reopen that situation. It is only for sales that have only been initiated when this administration has been elected.

HON J L BALDACHINO:

In an estate, and let me declare here an interest, must there be a percentage of people who have to buy or will the Government contemplate, that if there are two, then they will sell to the two?

HON P C MONTEGRIFFO:

We have not got a policy with regard to estates generally other than those estates where sales have taken place historically, for example, Shorthorn and Rosia Dale. Government are very keen to sell and I think the only thing that would impede a sale is pure practicalities. In my view and this is pure pragmatism, if at least the majority of tenants wanted to buy, that I think would be enough for us to want to proceed with the sale. I very much hope that the sort of values that people will be offered in Elliott's will induce people to go that extra step and take long leases and thereby acquire ownership.

NO. 311 OF 1997

THE HON J C PEREZ

AFRO-ASIAN SATELLITE COMMUNICATIONS PROJECT

Can Government state whether the Afro-Asian Satellite Communications Project is to proceed?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have no information to indicate that Afro-Asian Satellite Communications Ltd do not wish to proceed with their project in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 311 OF 1997

HON J C PEREZ:

Can I ask whether the Government continue to have contact with the office of the Afro-Asian project or is it that we have not heard anything at all from them?

HON P C MONTEGRIFFO:

No, we are very vigilant as regards to this and the other telecommunication projects. As the hon Member knows these are very complex arrangements which involve many jurisdictions and involve very large sums of money and therefore there is great delays in moving in what appear to be very simple steps. The current position is that ASC are still not back in contract with Hughes. Hon Members will recall when I last answered a question on this I indicated that they were hopeful that they would get back into contract with Hughes for the production of the satellite. They are still not back in contract but we are informed by ASC that they hope to be back in contract by the end of the year. Government are conscious of the fact that we are earmarking areas of land in Lathbury Barracks; we are dedicating significant resources in terms of drafting; a lot of thinking is going into the licensing structure and that frankly we have got to make sure that we are going to get value for money. We are not going to invest time and energy unless we have real evidence that these projects are going to come to fruition. We are confident that the delays are delays which are explicable which are normal when something so complex as a satellite operation is being put together but I can assure the House that the matter is very much under the scrutiny of the Government and our officers.

HON J C PEREZ:

If the project goes ahead can the Minister confirm that the plans to have Gibraltar as one of the two gateways of the project has not been changed?

HON P C MONTEGRIFFO:

Yes, that continues to be the plan. As the hon Member may recall from the time he discussed this matter with them and generally with regard to such projects, since these projects are international in nature there often tends to be quite a lot of jealousy in the different nations that are involved in these projects wanting to grasp a larger slice of the economic activity. We are very keen to have obviously as much of the activity based in Gibraltar and I can assure the hon Member the current plan remains as originally conceived that there should be that presence in Gibraltar with the consequent employment that that would generate.

ORAL

NO. 312 OF 1997

THE HON A ISOLA

WESTERN BEACH

What plans do Government have for the use of Western Beach and the adjacent area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have no plans for the use of Western Beach and the adjacent areas.

ORAL

NO. 313 OF 1997

THE HON A ISOLA

QUALIFYING COMPANIES

How many qualifying companies have been registered since 1 April 1997?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Three companies have been registered as qualifying companies since 1 April 1997.

ORAL

NO. 314 OF 1997

THE HON A ISOLA

QUALIFYING COMPANIES

What was the number of qualifying companies as at 16 May 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

There were 73 qualifying companies registered as at 16 May 1996.

ORAL

NO. 315 OF 1997

THE HON A ISOLA

EXEMPT COMPANIES

How many exempt companies have been registered since 1 April 1997?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Seven hundred and fifty-six tax exempt companies have been registered between 1 April 1997 to 26 September 1997.

ORAL

NO. 316 OF 1997

THE HON A ISOLA

EXEMPT COMPANIES

What was the number of exempt companies as at 16 May 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Detailed figures on exempt companies registered on particular dates during past financial years are not readily available. However, we do have data for completed financial years. As at 1 April 1996 we estimate there were 7,100 tax exempt companies registered.

ORAL

NO. 317 OF 1997

THE HON A ISOLA

HAMILTON SPIRIT MANAGEMENT LTD

Can Government state what has been the outcome of the investigation into the activities in Gibraltar of Hamilton Spirits?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

There is currently a criminal investigation under way led in the United Kingdom by the Serious Fraud Office with the assistance in Gibraltar of the Fraud Squad of the Royal Gibraltar Police. This investigation is currently at an early stage and it is expected that officers from the Serious Fraud Office will return to Gibraltar shortly to continue their investigation.

An investigation is also being carried out in Gibraltar under Schedule 10 of the Companies Ordinance. The outcome of this investigation has been a recommendation that the company be liquidated. Further to this recommendation a petition has been presented to the Supreme Court for the winding up of Hamilton Spirit Management Ltd which is due to be heard on 17 October 1997. A provisional liquidator is already in place.

NO. 318 OF 1997

THE HON A ISOLA

LATHBURY BARRACKS - PROSPECTIVE DEVELOPERS

Will Government list the seven prospective developers that have submitted proposals for parts of Lathbury Barracks?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The following are the seven prospective developers that have submitted proposals for parts of Lathbury Barracks:

1. Montagu Group
2. Gibraltar Confectionery
3. Prime Trust Corporation Ltd on behalf of a developer in the United Kingdom
4. Abco (International) Ltd
5. University College of Gibraltar in association with the University of Buckingham
6. Mr Robert Smith
7. The Rt Rev Mgr C Caruana on behalf of the Registered Trustees of the Roman Catholic Church

SUPPLEMENTARY TO QUESTION NO. 318 OF 1997

HON A ISOLA:

Would the Minister indicate what the proposals relate to insofar as the nature of the development? Obviously some of them are self-explanatory but some are not.

HON P C MONTEGRIFFO:

The outline proposals submitted and I set this out in the same numerical format that I listed the bids in, are as follows: The Montagu Group - for conversion of the site into a hotel/health clinic and adventure holiday centre, essentially a development for a hotel and touristic development; the Gibraltar Confectionery proposal is just to convert the Officers' Mess and the Key Tunnel into a 20 room hotel, banqueting, conference and meeting room with facilities for outside catering, but that is a proposal limited only to the Officers' Mess; thirdly, Prime Trust Corporation which is acting at this stage for an undisclosed developer in the UK, is conversion into a holiday village; fourth, Abco, that is for conversion into a retirement home complex for about 250 residents; the fifth proposal, the University College of Gibraltar is obviously for conversion into a University; the sixth, Mr Robert Smith, was for converting the Guard Room into a media studio, it is purely for that particular building; and with regard to the Catholic Church, it was just to convert the Officers' Mess into a Pilgrimage Youth Centre. Obviously the proposals are being evaluated.

NO. 319 OF 1997

THE HON A ISOLA

KING'S BASTION

Have Government now decided on their preferred use for King's Bastion?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are currently assessing the feasibility of converting King's Bastion and the adjoining Generating Station into a Leisure, Cultural and Sports Centre.

SUPPLEMENTARY TO QUESTION NO. 319 OF 1997

HON A ISOLA:

Does this preferred use arise out of any individual proposal? Will the development be a Government development or will it be privately sponsored, is it the subject of a proposal?

HON P C MONTEGRIFFO:

As hon Members will know part of the Government's electoral commitment is to provide a leisure centre for Gibraltar. Over the last year and a half we have been considering various sites and the site at King's Bastion and the adjoining areas have seemed to us to be the area which is most appropriate for various reasons. There have been private sector interests in the development of a leisure centre on various sites but this decision is driven more by Government's own thinking rather than by any private sector initiative. I could also tell the House that we have contracted the services of the consultants and architects that undertook the conversion and works of the Jersey Leisure Centre, Roger Quinton and Associates, and they have already been out to Gibraltar, they have assessed the site, they have met the relevant people and we are awaiting their report on the feasibility of conversion.

NO. 320 OF 1997

THE HON A ISOLA

FINANCE CENTRE - LOWE BELL FIRST FINANCIAL

Have Government directly or indirectly employed the services of a Financial Services Public Relations Company and, if so, at what cost and on what terms?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have engaged the services of Lowe Bell First Financial to promote the development of the Finance Centre in Gibraltar. The arrangement is for a period of 12 months, commencing 1 August 1997, for a fee of £5,000 per month plus expenses.

SUPPLEMENTARY TO QUESTION NO. 320 OF 1997

HON J J BOSSANO:

Can the Minister give some indication of what it is they will be doing for the department? Presumably the consultant the Minister has already for £85,000 free of tax was already supposed to be promoting the place.

HON P C MONTEGRIFFO:

We are talking about placing Gibraltar's finance centre and our whole industry, taking it into another league and really moving it in a very competitive environment. What First Financial do is effectively to monitor developments in the UK that affect Gibraltar and deal with issues that arise and act as a supporter to private sector initiatives in promotion. It is not uncommon for Finance Centres to have such PR firms. I should add that the recommendation of the Finance Centre Council and indeed of the General Economic Advisory Council that Government consult in economic matters has been very much that Gibraltar should have a PR firm. The brief includes many aspects, it involves also having a say in the sort of promotional literature that we produce; in assisting the private sector; speaking to editors in the UK, making sure that the Gibraltar message is clearly understood; promoting, for example, the insurance conference in the UK which we are going to hold in Gibraltar at the end of November. It is a general eyes and ears function in London where we think Gibraltar has to be very carefully sold where any issue that affects Gibraltar has to be very professionally handled. I am conscious of the fact that this is serious money when it comes to a place like Gibraltar, £5,000 a month is a lot of money for a place of our size but I am utterly convinced that it is only by tackling issues with that professionalism that Gibraltar is really going to be able to make that jump. That sort of quantum leap into first class financial services which the legislation and the regulatory structure and the professional infrastructure is in place to cater for but

which we have to generate interest from in the outside world. Therefore these are hard decisions to take; we are very transparent in the way the information we give to the House and that will continue to be certainly our policy. We understand that some people might find it hard to appreciate how value is achieved from these things but I am persuaded that this is the only way which Gibraltar really gives itself the best possible chance of promoting itself in an area which is so, so competitive.

HON A ISOLA:

The company the Minister has said is to provide support to the private sector by marketing and other things. Would it not be useful to tell the private sector that they exist in order that they can receive that support, assistance and guidance by communication, press release, at least tell the private sector and if that does happen what assistance can the private sector seek to obtain from this company?

HON P C MONTEGRIFFO:

The private sector should know about it. I am not sure how many meetings the previous Minister with responsibility for the finance centre had with finance centre operators but they certainly cannot be more than the ones I am having or that Anthony Fisher is having. We certainly are pursuing a very close consultative relationship with the industry, the Finance Centre Council is certainly very aware of this development and certainly anybody who approaches our Finance Centre Development Director, Anthony Fisher, will be informed of the assistance that we can provide to them. I think every time I have got on my feet to answer questions of this type I repeat the same offer to every single company in Gibraltar that may want Government support, both morally and in other respects, that we are here to help the industry promote itself because whatever the Government do it is ultimately much less than the private sector of its own volition can do because the clout often comes with the service provided, it is the professionals who deliver Gibraltar's products. If the message has not been transmitted loudly enough well I shall certainly ensure through Mr Fisher that the services that are available are well understood. The sort of help that is available is, for example, if somebody in the private sector wished to access media in the UK in the writing of articles then Lowe Bell can be helpful in getting into the specialist media. If there was to be some form of attempt to speak to people in specific institutions in the UK, Lowe Bell is very well connected in the financial institutions and we could put those opportunities if there were any private sector interest. Generally anything that has to do with promotion in the UK accessing potential clients or people of influence in the industry, Lowe Bell and the Finance Centre Unit here is at the disposal of the industry to do everything possible to assist. I want to make sure it is clear and understood that we have an open door policy here, it is open to everybody to come and to seek to what extent their plans can be helped by what we bring into it.

NO. 321 OF 1997

THE HON R MOR

SOCIAL SECURITY - INCOMPLETE CONTRIBUTION RECORDS

Have Government now worked out the overall cost of increasing pensions to persons with incomplete contribution records as a result of contributions not being compulsory or possible in their case?

ANSWER

THE HON THE CHIEF MINISTER

Yes, indeed we have. It is estimated that the overall cost of increasing pensions to those persons with incomplete contribution records who did not contribute because of the £500 earnings limit, or because they were self-employed at some time before 1975 is as follows:

Existing pensioners, that is to say, people who are already pensioners, including the widows of past contributors who may have died = An extra £358,713 per annum.

Future pensioners, that is to say, people who are in the category described in the question but who have not yet reached pensionable age = An extra £15,812 per annum for the first year increasing to £110,794 per annum by the year 2012.

Therefore the annual cost of the exercise at the end of 1998 would be £359,912 and by the end of the year 2012 it would be £469,507.

It is estimated that by the year 2012 all those persons with incomplete records for the reasons included in the question and in the answer will have reached pensionable age and I should also add, as a word of explanation and caution, that of course those are maximum costs. It does not take into account deaths between now and then, of course, which actuarially there will be many but that actuarial calculation of how many pensioners will fall out of the system during those 14 years has not been allowed for. So these are maximum figures which will certainly not be reached and therefore the net real cost will, in respect of the year 2000 be much lower than the figure of £469,507.

SUPPLEMENTARY TO QUESTION NO. 321 OF 1997

HON R MOR:

In another question, related to the same subject, we were given a total in the region of 754 affected.

HON CHIEF MINISTER:

No, from memory, it was 476. What is the hon Member referring to?

HON R MOR:

I am referring to the question that we asked, "Have the Government identified the number of people who have been affected?" and we were given a breakdown which were the current pensioners, the employed persons under pensionable age, persons under pensionable age who were no longer in employment but who had not contributed after January 1975 and persons of pensionable age no longer in employment who had not contributed after January 1975 and who had left Gibraltar and possibly some of them had died. The total that was provided here was 754.

HON CHIEF MINISTER:

Well, I have not got my working papers with me on this issue but I am almost certain that the total number of people affected by both categories, that is to say, existing pensioners and people who have not yet reached pensionable age, including widows, I will confirm this on Monday to the hon Gentleman, but I am almost certain that the total figure is 476 or of that order but I will bring the figure for him on Monday.

HON R MOR:

May I ask, what are the Government going to do now?

HON CHIEF MINISTER:

The Government are considering the position and hope to make an announcement very shortly.

ORAL

NO. 322 OF 1997

THE HON R MOR

MILBURY CARE SERVICES

What is the total value of the contract awarded to Milbury Care Services?

ANSWER

THE HON THE CHIEF MINISTER

The negotiations with Milbury Care Services are still on-going and it is therefore not possible at this stage to say what the total value of the contract, if awarded, will be. However, in accordance with this Government's policy of open Government, the hon Member will be able to read all the details of any contract entered into with Milbury when it is laid before the House.

SUPPLEMENTARY TO QUESTION NO. 322 OF 1997

HON R MOR:

Cannot the Government give us an estimate of the kind of contract they are talking about?

HON CHIEF MINISTER:

I think that question cannot easily be answered, an estimate of the kind of contract. It is a contract basically to deliver management expertise and consultancy services for the development of existing services and new services which do not presently exist. That is the basic nature of the exercise but that will include the structure of the employment of personnel and things of that kind. The Minister for Education and the Disabled has already given quite a lot of public detail about the nature of the contract. Part of the contract will relate to the new expertise that they will be injecting, that will contribute into social services in Gibraltar; the other part of the contract relates to the restructuring of the existing facilities and personnel other than those that are employed by Government who will continue to be employed by Government, for the employment of people who are presently employed other than by Government engaged in the delivery of social services in Gibraltar today. To be specific, the employees of the Dr Giraldi Trust.

HON R MOR:

I am well aware of what has been made public so far. What I am trying to find out is, what kind of cost are we talking about?

HON CHIEF MINISTER:

That is not the subject of a supplementary, that is the subject of the original question which I have answered. It is not possible to give even an estimate of valuation because we have not yet finalised the extent of the services that they will

be providing or what is a reasonable valuation of those services. That is precisely one of the principal matters still under negotiation. I am certainly not willing to prejudice those negotiations by giving premature and speculative information which will be of use to Milbury in the conduct of that negotiation and, in any case, it would be entirely speculative, I would not wish to mislead the hon Gentleman.

HON J J BOSSANO:

Who is Milbury negotiating the price of this contract with?

HON CHIEF MINISTER:

With the Government of Gibraltar.

HON J J BOSSANO:

Yes, but is it with the politician or with the civil servant?

HON CHIEF MINISTER:

It is with politicians and civil servants. That is to say, the detailed negotiation is conducted by a group of people that includes politicians and includes civil servants.

HON J J BOSSANO:

Does it follow from what the Chief Minister has said that the contract may not materialise if it is not possible to arrive at a price acceptable to the Government?

HON CHIEF MINISTER:

Absolutely, it is much really the same as we said this morning about the relocation of the Health Centre. A desire to do something is one thing and whether it can be obtained for a price that one is willing to pay is a very different thing and if we cannot agree mutually acceptable commercial terms then we will not be able to proceed with this highly desirable improvement to social services in Gibraltar.

HON J J BOSSANO:

Apart from the commercials in the answer, we will judge how desirable it is when we see what it is. In fact, the indications that have been given publicly therefore that that is now on the road and ready to proceed are not quite accurate, it may not happen?

HON CHIEF MINISTER:

The Government have made a policy decision to proceed along this line. In other words, the Government have made the decision that we want to do this, the Government have identified with Milbury and there is broad agreement on the nature of the services that Milbury will prepare and basically now we are haggling about price which, as the hon Member knows, is always the last item left on the haggling list.

HON J J BOSSANO:

Can the Chief Minister say whether in fact the proposals from Milbury are similar to the ones that were put in 1993, if he knows about the 1993 ones?

HON CHIEF MINISTER:

The proposals are not the same proposals. They are proposals which reflect what we told them we wanted rather than what they might have suggested when they first put proposals to the previous administration.

HON J J BOSSANO:

Do the organisation that are currently carrying out this work, which would be replaced by Milbury if an agreement was reached with Milbury, have to be given a period of notice before they are replaced?

HON CHIEF MINISTER:

I think that there is an arrangement, I am not sure if it is a firm contractual arrangement of one month's notice but let me say that that organisation is delighted at the initiative that the Government have taken.

HON J J BOSSANO:

What is the position with regard to Mount Alvernia? What would be the involvement of these people with Mount Alvernia which has been mentioned as part of the things they are taking on?

HON CHIEF MINISTER:

The contract that is presently being discussed does not extend to the actual delivery of any services in relation to care for the aged but the contract presently being negotiated does include a thorough review of that area with the idea of making specific proposals to the Government on making new provision in that whole area for the future. So the present contract contains an element of consultative input from Milbury in the whole area of care for the aged but does not extend to managing Mount Alvernia or to taking over Mount Alvernia, it is purely consultancy in relation to that aspect.

HON J J BOSSANO:

Can the Chief minister confirm that in fact there is no provision for this at present in the Estimates because this was not on the cards at the beginning of the financial year?

HON CHIEF MINISTER:

All of the activities that Milbury would take over, under the contract being discussed with them, are financially provided for somewhere or other in the budget. These are all existing activities which are provided for either in the form of a subvention to the Dr Giraldi Home or a departmental budget to the Bishop Healy Home or to the St Bernadette's Occupational Therapy Centre, for example. So there is financial

provision for the activity but, of course, the Estimates do not speak of it as being a fee to Milbury, it speaks in terms of the present structure. But to the extent that it will cost more money to deliver these services through Milbury than as at present, for example, Milbury are doing it for a profit, then that element of additional cost is not presently provided for in the budget and that would have to be the subject matter of a supplementary appropriation.

HON J J BOSSANO:

And that is the element that is currently under negotiation, is that correct?

HON CHIEF MINISTER:

Principally but there is also some discussion about the extent of the existing resources that Milbury should take over. In other words, it is a question of to what extent their proposal is gross or net of existing resources which they would inherit.

ORAL

NO. 323 OF 1997

THE HON R MOR

RGP - NUMBER OF ASSAULTS ON POLICE OFFICERS

What was the total number of assaults on police officers recorded during 1996 and how many have been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 324, 325, 326, 327, 328, 329, 330 and 331 of 1997.

ORAL

NO. 324 OF 1997

THE HON R MOR

RGP - NUMBER OF SEXUAL OFFENCES

What was the total of sexual offences recorded during 1996 and how many have been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 323, 325, 326, 327, 328, 329, 330 and 331 of 1997.

ORAL

NO. 325 OF 1997

THE HON R MOR

RGP - GBH WOUNDING OR ASSAULT OFFENCES

What was the total number of offences involving grievous bodily harm, wounding or assault against persons recorded in 1996 and how many have been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 323, 324, 326, 327, 328, 329, 330 and 331 of 1997.

ORAL

NO. 326 OF 1997

THE HON R MOR

RGP - NUMBER OF THEFTS AND BURGLARIES

How many thefts and burglaries have been recorded during 1996 and how many have been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 323, 324, 325, 327, 328, 329, 330 and 331 of 1997.

ORAL

NO. 327 OF 1997

THE HON R MOR

RGP - NUMBER OF MURDERS AND MANSLAUGHTER

How many cases of murder or manslaughter have been recorded in 1996 and have any been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 323, 324, 325, 326, 328, 329, 330 and 331 of 1997.

ORAL

NO. 328 OF 1997

THE HON R MOR

RGP - RECEIVING OR HANDLING STOLEN GOODS OFFENCES

How many offences involving receiving or handling stolen goods have been recorded during 1996 and how many have been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 323, 324, 325, 326, 327, 329, 330 and 331 of 1997.

ORAL

NO. 329 OF 1997

THE HON R MOR

RGP - CASES OF MALICIOUS DAMAGE TO PROPERTY

How many cases of malicious damage to property have been recorded in 1996 and how many have been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 323, 324, 325, 326, 327, 328, 330 and 331 of 1997.

ORAL

NO. 330 OF 1997

THE HON R MOR

RGP - FRAUD, FORGERY OR DECEPTION OFFENCES

How many cases of fraud, forgery or deception have been recorded during 1996 and how many have been recorded up to the end of August 1997?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 323, 324, 325, 326, 327, 328, 329 and 331 of 1997.

NO. 331 OF 1997THE HON R MOR**RGP - DRUG OFFENCES**

How many drug offences have been recorded during 1996 and how many have been recorded up to the end of August 1997?

ANSWERTHE HON THE CHIEF MINISTER

Before providing the hon Member with the information that he has asked, I would just like to clarify what I have understood by his questions. The phrase 'recorded' is not a legalistic word. There can be reports, allegations of an offence and eventually there may be a conviction or not in relation to that complaint. Not everything that is reported to the police results in a conviction because not all reports actually disclose the offence that the complaint reports. So understanding the word 'recorded' as meaning reports to the police the figures are as follows:

	<u>1996</u>	<u>Up to 31.8.97</u>
Assault on Police Officers	32	4
Sexual Offences	23	8
Offences involving grievous bodily harm, wounding or assault	312	150
Thefts and burglaries	1142	643
Murder or manslaughter	3	Nil
Receiving or handling stolen goods	35	24
Causing damage	598	285
Fraud, forgery or deception	214	108
Drug offences	494	226

I trust the Opposition Members will commend the increasingly attractive law and order picture beginning to emerge in Gibraltar.

NO. 332 OF 1997

THE HON J C PEREZ

TRAFFIC FLOW - ROUTE TO ST BERNARD'S HOSPITAL

Are Government aware that as a result of increased traffic congestion and traffic jams at the junction of Prince Edward's Road with Hospital Hill, that patients have had to be taken off the ambulance and taken to hospital on stretchers?

ANSWER

THE HON THE CHIEF MINISTER

New traffic arrangements have been introduced recently on a trial and interim basis to alleviate the flow of traffic in that area pending the introduction of the new traffic flow arrangements.

SUPPLEMENTARY TO QUESTION NO. 332 OF 1997

HON J C PEREZ:

Certainly the new traffic arrangements announced last week alleviate the problem but does not decongest the area because it does not do anything to decrease the amount of traffic in the area. I would like to take the opportunity to remind the Chief Minister that as a result of the traffic flow from the Piazza upwards and the exchange flow via Engineer Lane that there is now more traffic in that junction than would otherwise be the case when the traffic was reversed and that that in itself is creating more congestion and could the Minister for Traffic take that into account when he looks at the review? I have been told that the question of the ambulance has happened on a couple of occasions and certainly although the problem could be alleviated the amount of traffic in the area has not decreased as a result. What will happen now is that on peak periods the tail end of the traffic jams will now appear at the Queen's Cinema rather than up the hill through Prince Edward's Road and up into Moorish Castle. It is certainly a better arrangement because it recognises the amount of traffic coming in the summer from the Upper Rock down where the free flow of traffic is more desirable.

HON CHIEF MINISTER:

I think the hon Member's comments are certainly true of the interim measure that has been taken. But I do not think that they are true of the intended permanent change flow of traffic. When traffic coming down from the Upper Town and from the Upper Rock flows south along Prince Edward's Road, in other words, the flow of traffic along which it is proposed to reverse the flow of traffic along Prince Edward's Road, that is to say traffic will flow from very roughly Sacred Heart Church the wrong way down Prince Edward's Road to Prince Edward's Gate and will emerge at the top of Trafalgar Cemetery, that means that there will be no traffic emerging from

the Upper Town opposite the Three Roses Bar, if the hon Member knows roughly where I am. So therefore as far as the ambulance is concerned, which of course is what the question relates to, it will not meet any traffic, that area will be a one way traffic system and it will not meet traffic coming down that hill. I therefore do not agree that it will generate more traffic.

HON J C PEREZ:

I do not know what the intention of the Government is. I can only go by what the Chief Minister tells me and he has been continuously telling me for 18 months that he is studying the situation. I reserve my comments until I see the overall flow of traffic which he is promising us that he is going to come up with. When I see the overall flow then I will reserve my comments for that. From what little I have heard of his permanent intentions I think it is a disaster but I reserve my comments until I see the proposals of the Government.

HON J L BALDACHINO:

From what the Chief Minister has said, does that mean that Gardiner's Road will also be reversed or is it that the only proposed change is just for Prince Edward's Road?

HON CHIEF MINISTER:

There are other aspects to it but the proposal does not include reversing the direction of traffic along Flat Bastion Road or Gardiner's Road.

NO. 333 OF 1997

THE HON J C PEREZ

NYNEX/GIBTEL -- COMPLAINTS

Can Government state whether there have been any new developments with respect to the complaints lodged by Gibtel and Nynex against Telefonica with the European Commission and which now fall under Article 90?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

There have been no tangible developments with respect to the complaints lodged by Gibtel and GNC against Telefonica with the European Commission.

Government are aware that on 12 September the Commission held bilateral talks with the Spanish Government on the status and quality of Spain's implementation of EU telecommunications directives. During this meeting the matter of the complaints was raised by the Commission in the form of a Note presented to the Spanish side. The Government are not aware of the contents of this Note.

SUPPLEMENTARY TO QUESTION NO. 333 OF 1997

HON J C PEREZ:

Could the Minister state whether the United Kingdom as the Member State responsible for Gibraltar has now taken a position on this matter? The last time I raised this question the Chief Minister said that there was the position of Spain now under Article 90 because it became a matter of Member States and that the position of Gibraltar was quite clear. Could he state whether the United Kingdom have now themselves taken a position on it and, if not, could he perhaps raise the matter with Mr Henderson when he comes next week?

HON CHIEF MINISTER:

It has not yet been necessary for the United Kingdom Government to take a position on the principal actions themselves but they have taken a position in the matter of the interim relief and negotiations being conducted by the Commission. I am happy to report to the hon Member that the United Kingdom Government have adopted the position recommended to them by the Government of Gibraltar as being the Government of Gibraltar's position.

NO. 334 OF 1997

THE HON J C PEREZ

CRUTCHETT'S RAMP - PETITION BY RESIDENTS

When do Government intend to give a definitive reply to the petition by the residents of Crutchett's Ramp and Demaya's Ramp dated 4 April 1997?

ANSWER

THE HON THE CHIEF MINISTER

The hon Members are obviously hopeful of recruiting support from Crutchett's Ramp.

The Government are not minded to accede to the petition by the residents of Crutchett's Ramp and Demaya's Ramp for unlimited vehicular access throughout the day. This would seriously compromise the benefits of pedestrianisation of Main Street and the forthcoming pedestrianisation of Casemates Square. Vehicular access to those streets, that is, to Crutchett's Ramp and Demaya's Ramp, will be allowed throughout the day and night except during a five hour period between 10.30 am and 3.30 pm which the Government judge to be the period during the day when the pedestrianisation of that end of Main Street is of value to Gibraltar's economy.

SUPPLEMENTARY TO QUESTION NO. 334 OF 1997

HON J C PEREZ:

And access to the site, obviously when Cooperage Lane is ready, will be via Cooperage Lane or via Casemates?

HON CHIEF MINISTER:

It will be only and strictly only by Cooperage Lane.

HON J C PEREZ:

And then out via Casemates?

HON CHIEF MINISTER:

And then out via Cooperage Lane as well.

HON J C PEREZ:

Well, two-way, Cooperage Lane will become two-way but we cannot have two-way traffic.

HON CHIEF MINISTER:

There is very little traffic. As one can see from the demonstration on the television there is actually relatively few people affected.

HON J C PEREZ:

As long as there is one person affected it is important to the Opposition. I know, in fact, that the Minister held a meeting with the residents of the area yesterday or the day before and that that proposal has been put to them, I am aware of it. But the Minister said that this proposal needed to now be rubber stamped by the Traffic Commission, is it that the Government cannot take a decision, it is the decision of the Commission or does the Chief Minister expect the Commission to go against this new policy of the Government?

HON CHIEF MINISTER:

We do not offend the sensitivities of people who are appointed to statutory bodies by describing them as a rubber stamp but I agree that the Government certainly put our traffic proposals to the Traffic Commission and do not expect the Traffic Commission to reject the Government proposals except for very good reason and they would certainly be required to explain and persuade the Government of the validity of.

HON J C PEREZ:

He is just much more polite about it.

HON CHIEF MINISTER:

No, rubber stamps do not give advise and if they could give advice it is not listened to and that is not the view that the Government take of the Traffic Commission.

HON J C PEREZ:

Given that they are going to have a problem at Cooperage Lane on the two-way flow, I presume that they will have traffic lights or something to allow access? However infrequent the movements of vehicles are, that Lane cannot sustain two vehicles at any one time and it could cause a jam other than by people reversing?

HON CHIEF MINISTER:

I accept that some system will have to be introduced but the hon Member must be aware that there are many systems that exist to ensure that people do not enter a lane that they can see both ends of at the same time unless the whole lane is clear. It does not require traffic lights. The problem of course, would be very different if one could not see the exit of the lane at the time that one entered it but as happily that is not the case, the solution I believe is actually quite simple but we will await the recommendations of the Traffic Commission.

HON J C PEREZ:

Have these proposals generally been accepted by the representative of the tenants?

HON J J HOLLIDAY:

During my meeting yesterday with the representatives that came to see me from Crutchett's Ramp, I explained to them what our proposals were and my impression was that they were very satisfied with what had been proposed although obviously they were not obtaining what they initially had come seeking. Nevertheless they undertook to consult the rest of the residents in the area and revert to me with their comments. At the same time I assured them that the Traffic Commission would be giving me an initial report during the course of today which obviously must be back in my office and that early next week, depending on whether we have a House of Assembly meeting on Monday or not, I will take the matter up with them so as to try and alleviate their problem as soon as possible.

NO. 335 OF 1997

THE HON J C PEREZ

CIVIL SERVICE - VACANT POSTS

Can Government state whether any further posts in the Civil Service are now vacant in addition to the provisional list of 93 drawn up as at 30 May?

ANSWER

THE HON THE CHIEF MINISTER

Yes, six posts of Vehicle Tester, the Board for which should be held shortly, and a Senior Officer post at Support Services which has just been advertised.

SUPPLEMENTARY TO QUESTION NO. 335 OF 1997

HON J J BOSSANO:

These are newly created posts that have been created since the Estimates, these are not jobs that have become vacant since there have been no vacancies through movement, I take it then?

HON CHIEF MINISTER:

I cannot answer that. These are new previously non-existing posts. These are posts that the Government have decided to create post the Estimates. I cannot, without the information, which I do not possess at the moment, say. There have been vacancies created through promotion, for example, and as we fill the SEO posts and the HEO posts, then the resulting EOs, eventually we get to vacancies at the bottom, at AA or AO level. We are right in the middle of that process now. In other words, SEOs are about to be deployed, that gives rise to vacancies in the EO grades from which they have been promoted. That will happen in the next week or 10 days. But vacancies other than by promotion have not been created since that date.

HON J C PEREZ:

Are all the posts that remain vacant at the lower echelon of the scales to be filled? If these posts were to be filled internally does that mean that there would be seven new recruits at the end of the line coming in from outside the service into the service and is that true of all the other promotions as well?

HON CHIEF MINISTER:

Insofar as the six Vehicle Testers are concerned, to the extent that applicants from existing Government service posts are successful in obtaining those positions thereby creating vacancies which the Government consider necessary to fill, there will of course then be the usual process to fill those resulting vacancies. But as the Board for those have not yet taken place, I cannot give the hon Member an

indication of whether all six will come from within the service or..... [HON J C PEREZ: *But it is not automatic?*] Well, vacancies are not filled simply because they arise. If a vacancy arises it is filled only if the Government consider that there is a continuing need for that particular post and I believe that in that respect we are doing little more than carrying on the policies of the previous administration.

HON J C PEREZ:

Not everything we did was bad.

HON CHIEF MINISTER:

Absolutely not, that was particularly good.

NO. 336 OF 1997

THE HON J C PEREZ

CIVIL SERVICE - VACANT POSTS

Can Government state which of the 93 vacant posts in the Civil Service shown on the provisional list as at 30 May, have now been filled?

ANSWER

THE HON THE CHIEF MINISTER

Of the 93 vacant posts shown on the provisional list as at 30 May 1997, all but the following posts have either been filled, are about to be filled, which is a reference to what I have just said about the internal movements, following recent selection Boards, or should be filled as soon as the few pending Boards are held. These are the ones that do not fall into those categories of filled, about to be filled or Boards pending:-

- (a) 1 Senior Officer in Social Affairs and 1 Social Worker in Social Affairs
- (b) 1 Legal Assistant in the Arrears Section of the Treasury
- (c) 1 Constable in the Police Force
- (d) 1 Senior Professional Technical Officer in the Procurement Unit
- (e) 1 Draftsman in the Legislation Support Unit
- (f) 1 Senior Officer in the Employment and Training Board
- (g) 1 Assistant Archivist in the Ministry of the Environment and Heritage.

It goes without saying, as I am sure hon Members will have deduced for themselves, that to the extent that many of these vacant posts are filled on promotion from within the service this gives rise to a process of musical chairs right up the Civil Service. The Government have not yet decided which of the resulting AA and AO posts at the bottom of the scale will be replaced, and if they are replaced, they may not be in the exact section where the vacancy has originated. This is an opportunity to reassess, on a section by section basis, what are the proper manpower resources needs of each section following the substantial restructure that is taking place for the carrying out of the various functions within the public service.

SUPPLEMENTARY TO QUESTION NO. 336 OF 1997

HON J J BOSSANO:

Of the list which is divided into three categories, can the Chief Minister identify which have actually been filled in the sense that people have been appointed to them?

HON CHIEF MINISTER:

They have not yet been informed of the decision but the management decisions have been made. I think every vacancy which is a Senior Officer has already been filled except the two in the list I have just given which are still vacant. Every Senior Executive Officer vacancy, except the new post of Hospital Manager, has been filled

and the person is in post. The resulting HEO vacancies, following the movement of people into the new SEO posts, have now been allocated but the persons not yet informed and that will happen, I believe, on Monday or Tuesday of next week. Similarly with the resulting EO vacancies, as a result of the people who are being moved on promotion to HEO. All that following the Public Service Commission selection boards for promotion to Senior Officer, Senior Executive Officer, Higher Executive Officer and Executive Officer that have taken place over the last six or so months. So all of that will be in place, hopefully, by the end of next week leaving only the resulting AA and AO positions.

HON J J BOSSANO:

The Chief Minister said that the SEO posts except the new post of Hospital Manager, is it then that there is a new post which was not mentioned in answer to the previous question when he said there were six Vehicle Testers and one Support Services?

HON CHIEF MINISTER:

No, I suppose it is not a new post. The post has been upgraded, it was included in the last information given but whereas the Hospital Manager has hitherto been an HEO it is now an SEO, so it is not really a new post, it is more an upgrading of an existing post.

HON J J BOSSANO:

Can I ask, of the list of vacant AO posts included in the 93, have any been filled from AAs?

HON CHIEF MINISTER:

The hon Member is stretching my memory of something I would earlier have been told in passing. I believe that from the selection process that took place for AAs, five or six months ago, from which resulted a list of 50 people on standby, I believe that the hon Member should not hold me to the exact correctness of this figure but I believe about eight or nine or possibly as many as 10 people have actually been inducted into the service at the very bottom.

ORAL

NO. 337 OF 1997

THE HON J C PEREZ

POST OF DIRECTOR OF POSTAL SERVICES

Can Government confirm that they intend to retain the grade of Senior Officer for the post of Director of Postal Services and to fill the vacancy?

ANSWER

THE HON THE CHIEF MINISTER

The post of Postal Services Manager has been regraded at Senior Executive Officer level. It is still held by the same officer on temporary promotion.

SUPPLEMENTARY TO QUESTION NO. 337 OF 1997

HON J C PEREZ:

So it has been regraded to SEO level and that has been already agreed with the trade unions?

HON CHIEF MINISTER:

Everything that the Government do which radically affects existing practices is carefully consulted with trade unions. I have found the GGCA very open to a balanced package of improvements which the Government have introduced and I am happy to say that the GGCA, as part of a wider package of restructuring, has seen the wisdom and understood the reasons for the downgrading of this particular post which, as the hon Member knows, follows what has become, over many years, a narrowing of functions. There was a time when the Director of Postal Services had far greater responsibilities than he has now.

HON J C PEREZ:

Given that the person substituting for the post has been substituting on temporary promotion for over 18 months, certainly since I was in office, is there a problem in filling the post? Why is the post not being filled even if it is at the SEO level?

HON CHIEF MINISTER:

As the hon Member knows, the Government do not interfere with the decisions of the Public Service Commission. The particular officer that has been acting Head of the Post Office in effect for nearly two years applied for promotion to SEO and was not selected for promotion to SEO by the Public Service Commission a decision that I personally found surprising given that the man appears to have been doing the job for two years and no one, at least in the 18 months that I have been in office, has

come to me saying, "The Post Office is a disaster because the man running it is not up to the job". And I was therefore, to say the least, perplexed by the decision that this particular officer was not, at this point in time, suitable for promotion and therefore the only mechanism open to the Government as managers of the public service that I felt did not do this particular officer an injustice was to leave him in post on temporary promotion which the hon Member knows is a mechanism open to the Government of the day. Whilst we can leave him in post on temporary promotion, we do not have the power to actually promote him ourselves and I believe that the Government have done what is right and fair to this particular officer notwithstanding the decision of the Public Service Commission.

NO. 338 OF 1997

THE HON J C PEREZ

DISPOSAL OF REFUSE

What is the nature of the agreement between the Government and the Mancomunidad de Municipios for the disposal of refuse at the Los Barrios tip?

ANSWER

THE HON THE CHIEF MINISTER

At the time that this answer was drafted there was no agreement between the Government of Gibraltar and the Mancomunidad de Municipios for the disposal of refuse at the Los Barrios tip and, indeed, there is still not, as we speak, an agreement. What has happened is that when the incinerator broke down recently I think as a result of a fire, and refuse was temporarily piled up near Brewery Crusher or somewhere there near the water, the refuse that had been so accumulated got wet with salt water spray. This made it inadvisable to burn that particular refuse in the incinerator when it was eventually repaired, apparently because the salt in the refuse would have damaged the machinery. So we asked the Mancomunidad de Municipios whether they would clear the way for a contractor, In-Town Developments who have the contractual responsibility to dispose of refuse in such circumstances, to facilitate the disposal by In-Town in the Los Barrios tip of the rubbish that I have just described. There has been, in my view, an inordinate delay in that being set up as a result of less than expeditious co-operation from Madrid in relation to this particular request but I am happy to say that the agreement between either In-Town or their haulage contractor and the Mancomunidad has now concluded the necessary arrangements two days ago.

SUPPLEMENTARY TO QUESTION NO. 338 OF 1997

HON J C PEREZ:

So the agreement is directly between the Mancomunidad and a contractor and not between the Government and the Mancomunidad?

HON CHIEF MINISTER:

That is right. There has not been and there is not any such agreement although I have to say that I would have no difficulty with entering such an agreement if the Government of Gibraltar thought it necessary but given the existing contractual arrangements for the operation of the plant, the proper party to contract for the disposal of refuse is actually In-Town and not the Government.

HON J C PEREZ:

Does the Chief Minister know what has happened to that rubbish since? Is it still there or has it now been disposed of?

HON CHIEF MINISTER:

I have to admit that I am not aware and the Minister is not aware either but as the contract was signed two days ago we believe that the preparatory arrangements in the removal of that rubbish will now be in hand albeit in early stages.

HON J C PEREZ:

It is certainly not in Brewery Crusher.

HON CHIEF MINISTER:

Then the hon Member knows the answer to his question.

HON J C PEREZ:

I know it is not in Brewery Crusher, I am just asking the Chief Minister whether he knows where it is. If we had a problem in burning it three months ago and it is still around, it must smell.

HON LT-COL E M BRITTO:

The rubbish was only in Brewery Crusher for a space of about 10 days.

HON J C PEREZ:

So it has been burnt then?

HON LT-COL E M BRITTO:

No, part of it was moved back to the area of the incinerator and most of it is in the area of the quarry up the hill. It was in Brewery Crusher for a short space of time. *[HON CHIEF MINISTER: But long enough for it to get wet.]* Yes, under the restrictions placed by the Fire Brigade in the immediate aftermath of the fire and during the fire itself. Once the fire was under control it was moved back to the quarry.

HON J L BALDACHINO:

May I add that it is still at the quarry.

HON LT-COL E M BRITTO:

It is still at the quarry because the agreement was only signed two days ago.

NO. 339 OF 1997

THE HON A ISOLA

IMPORT DUTY STUDY

Have Government now completed the study into the restructure of import duty?

ANSWER

THE HON THE CHIEF MINISTER

Yes, Sir. The decisions made by the Government following completion of the study were made public by the Government yesterday.

SUPPLEMENTARY TO QUESTION NO. 339 OF 1997

HON A ISOLA:

There is one question relating to the announcement yesterday which is reported in today's Chronicle. There is a new duty of 12 per cent on building materials which do not relate to existing contracts. In the case of motor vehicles there is a reduction by 50 per cent in respect of those which are brought in, I assume, through established distributors of motor vehicles. Might it not be to the advantage of several small businesses that have exactly the same problem as the motor vehicles do in supplying building materials like, for example, floor tiles, kitchen tiles, which have exactly the same difficulty as the car importers have and it might be a possibility, I do not think the effect would be too great on the revenue, for such a concession to be given to locally established wholesalers or distributors of that particular material as well?

HON CHIEF MINISTER:

Yes, indeed, the innovative proposal that the Government have made by way of delivery of this particular assistance to the motor vehicle sector would be available and a case can be made for doing the same thing following the same procedure in other areas including the one that the hon Member has described. However, the Government have thought it prudent initially to monitor how the device works in relation to one product that can easily be monitored before deciding whether it is prudent to extend it to other sectors which suffer from much the same problems as motivated Government to do this for the motor vehicle sector. So the Government will certainly keep the hon Member's suggestion under review because it certainly applies to other areas and not just the building sector which he has described.

HON J C PEREZ:

Both the Minister for Tourism and I were lobbied downstairs this morning on whether printed matter included duty on newspapers and magazines where the said person said this would have a drastic effect on the trade. Could the Chief Minister state whether this is the case or not?

HON CHIEF MINISTER:

Indeed it is. As is made quite clear in the Government's press release on this subject which specifically mentions that printed matter includes newspapers. It is not possible to remove or reduce duty on certain items without increasing the duty on others. It is a matter of judgement for the Government which items are more likely to benefit than others are to suffer from these measures. Obviously nobody that deals with products which suffer a duty increase are happy. The Government's judgement is that whatever might be the immediate consumer reaction to the imposition of a 12 per cent import duty on printed matter, that this will quickly be reversed and we are confident that, in fact, in the immediate future whatever happens in the next week or in the next month, but once the dust settles that this will not have the feared adverse impact on volumes.

HON J C PEREZ:

It is my understanding that, I do not know about magazines but certainly newspapers have not got a duty anywhere in Europe. If that is the case certainly it might be cheaper to go and buy the Sunday paper in La Linea than to do it here, I do not know.

HON CHIEF MINISTER:

On the rare occasions when I have bought my British newspapers in Spain I have found that the price differential considerably exceeds the import duty of 12 per cent.

HON J J BOSSANO:

Can the Government, having made this announcement, say what they expect to gain and what they expect to lose by each of the changes so as to make it revenue neutral?

HON CHIEF MINISTER:

I cannot tell him right now but I can tell him that the study prepared on behalf of the Government by KPMG who have done the study for the Government, includes a matrix which contains a model of the projected, although it is not a scientific process, impact on demand and therefore on Government revenue. An attempt has been made to estimate to what extent raising duty on goods reduces the demand for them and the volumes therefore and vice versa. We are satisfied that in the case of the main increases in duty, namely the increases that have been announced on tobacco and the increases that have been announced on petrol, there will be absolutely no reduction in demand for those products because the price differential between the Gibraltar price and the Spanish price is still left such that no reduction in demand is envisaged. Printed matter and building materials are, of course, a matter for judgement. The Government's judgement has been that there in fact will be no reduction in demand and therefore volumes for building materials and that in the case of printed matter, my judgement is that there may be some immediate reaction to a price increase but that it will not be sustained and at the end of the day the addition that this represents to a price of a newspaper will not be such as to turn people off from reading newspapers. What is less clear on the positive side is to what extent there will be increased demand as a result of reducing duty on certain items. Indeed, it is possible that even though the Government have done these

things in an attempt that it should be revenue neutral and in an attempt to assist the industry, it is not inconceivable that we might actually end up raising more duty than we are raising at the moment. We shall have to see because, of course, the matrix is not a scientific exercise, we cannot know what will be the exact level effect of these measures on demand for the various products affected but they are designed and they are carefully balanced in terms of current yields to be broadly revenue neutral. There is an element of margin in that broad neutrality which is in our favour.

HON J J BOSSANO:

I am not surprised to hear that, I would say that a cursory glance at their list would suggest that the decline of petrol is unlikely or the increase of nappies likely. So on the basis that the volumes do not change very much it will not be neutral, it might well be an increase in revenue.

HON CHIEF MINISTER:

If the volumes on the articles on which we are imposing duty do not fall, yes, it is very probable that this will actually be earning enhanced revenue. We have chosen to be prudent and ensure that it will be at least revenue neutral, it may well be that if revenues increase as a result of these measures that we will be able to give further duty reductions to some of the goods where the duty has only been reduced as opposed to eliminate it altogether or perhaps extend the concession to items of goods that have not been altered yet.

NO. 340 OF 1997

THE HON A ISOLA

GCID - REPORTS

Can Government confirm that in the first nine months of operation the Gibraltar Criminal Intelligence Unit 140 transactions were reported to it and what was the total value of those transactions?

ANSWER

THE HON THE CHIEF MINISTER

In the first nine months of operation, that is to 30 September 1996, the Gibraltar Criminal Intelligence Unit, now called the Gibraltar Financial Intelligence Unit, received 139 suspicion reports. The total number received for 1996 as a whole was 186.

The reports do not mean that the transactions were in fact objectionable or unlawful. Given the risk of abuse of such figures by foreign entities, the Government do not consider it to be in the public interest to publish figures relating to the value of reported transactions. Such a figure would, in any event, be meaningless. It would certainly not be a measure or even an indication of the extent, if any, of money laundering in Gibraltar. I am however willing to provide this information to the hon Member on a confidential basis.

SUPPLEMENTARY TO QUESTION NO. 340 OF 1997

HON J J BOSSANO:

Did any of these reported transactions lead to any further action or were they all in fact found to be perfectly legitimate?

HON CHIEF MINISTER:

Speaking from memory, I believe that one or two cases have resulted in successful subsequent operations but very few, less than a handful. But again I am happy to provide that information on a confidential basis to the hon Member.

NO. 341 OF 1997

THE HON A ISOLA

RATES - NON-DOMESTIC PAYMENTS

What is the total amount of rates payable in the quarter ending 30 September in respect of commercial premises where the 20 per cent rebate can be claimed by those paying the rates demanded within three months of the due date?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of rates collectable from non-domestic premises in the quarter ending 30 September 1997 where the 20 per cent discount would apply is £1.762 million.

SUPPLEMENTARY TO QUESTION NO. 341 OF 1997

HON J J BOSSANO:

So if in fact the proposal that is in the Bill before the House were to be taken up by everybody we would be talking about 20 per cent of that figure being credited in the next quarter, if everybody took it up?

HON CHIEF MINISTER:

Yes, credited but not lost because this is 20 per cent of collectable. Unfortunately for the Government of Gibraltar the Government do not collect 100 per cent of the duty collectable so we would not lose, in real terms 20 per cent of that figure because £1.762 million is what we would collect if everybody paid their rates, which the hon Member knows regrettably is not the case. So we will actually lose 20 per cent if everybody paid in manner that earns them the discount, we would lose 20 per cent of what is in fact collectable. As against that we hope to benefit from more people paying and especially from more people paying in good time.

NO. 342 OF 1997

THE HON A ISOLA

FINANCIAL SERVICES SECTOR

Can Government state how they have calculated that the financial services sector currently generates 20 per cent of Gibraltar's GDP?

ANSWER

THE HON THE CHIEF MINISTER

It is estimated that the contribution of the financial sector to GDP is in the order of 15 per cent to 20 per cent, I suppose that the hon Member got the idea for his question from reading the Minister for Trade and Industry in the Financial Times Survey. The latest, that is to say, to April 1996 Employment Survey, shows that the banking, finance and investment industries already account for 12 per cent of the employed population with an aggregate income which accounts for some 13 per cent to 14 per cent of the total income from employment. The Government are confident that with the addition of persons in self-employed finance-related activity together with the profits of companies operating in the industry and all their combined knock-on or multiplier effect, an estimate of 15 per cent to 20 per cent is a reasonable estimation.

SUPPLEMENTARY TO QUESTION NO. 342 OF 1997

HON J J BOSSANO:

When was the last calculation of the GDP done because the margin between 15 per cent and 20 per cent of several hundred million pounds is not exactly pennies?

HON CHIEF MINISTER:

GDP in Gibraltar I do not think is £750 million regrettably. The latest draft national accounts are in hand, I think they now exist in draft. I cannot tell the hon Member what the figure is for financial services in that, it has not been fully computed but it is in hand. I believe, these things are a long way out-of-date, I believe that this was for the year ended 1995. I will happily give that information to the hon Member when it is available as well. I should add, just for the hon Member's further information, although I am sure he knows this, that the procedures in Gibraltar for the computation of national accounts is, to say the least, unscientific, hit and miss, and certainly do not produce a result on which anybody should seriously rely. For that reason the Government are to commission a study into ways of improving the method of preparation and calculation of national income figures and indeed for the collation of the information that goes into them.

NO. 343 OF 1997

THE HON A ISOLA

RYDER CUP TOURNAMENT

What representations were made, officially or otherwise, to the Spanish authorities by Government for co-operation at the land frontier during the week, or any part of it, of the Ryder Cup Tournament in Spain?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

No representations were made seeking the co-operation of the Spanish authorities at the land frontier during Ryder Cup week. The only official contact was in respect of the Jose Carreras concert on 26 September 1997. I held a meeting with the Mayor of La Linea, to suggest that La Linea might wish to benefit from the expected influx of visitors for the concert and to this end, it was suggested that car parking for concert goers from Spain could be provided in La Linea. It was decided that officials from both sides would meet to consider the logistics of the matter.

At this subsequent meeting between officials held in La Linea on 12 September, the Gibraltar officials were informed that assistance with car parking would be forthcoming provided that the Gibraltar Government purchased 1,000 tickets for each of the two concerts being organised by La Linea over the two days preceding the Carreras concert. Assistance from La Linea in this area was therefore declined and there was no further contact in respect of this mutual co-operation.

Over and above official contacts with the Spanish authorities, there was contact between me and the President of Valderrama Golf Club. The President undertook to make available to the Gibraltar Tourist Board a stand for marketing the Carreras concert and promoting Gibraltar tourism at Valderrama. Access was also agreed to cruise liners booked by the Ryder Cup Accommodation Bureau, which were to be berthed in Algeciras.

When the President was asked to make the stands available, his office informed the Ministry for Tourism that the request for Gibraltar stands and for access to Valderrama and the cruise liners could not be met. Furthermore, a mobile selling vehicle to promote the Carreras concert was denied access to Puerto Sotogrande and areas where Ryder Cup visitors were concentrated which came under the control of the Ryder Cup Committee.

ORAL

NO. 344 OF 1997

THE HON J J BOSSANO
(In the absence of the Hon A. Isola)

FINANCIAL SERVICES SECTOR

Can Government confirm that they expect the Financial Services Sector of the economy to generate 33 per cent of Gibraltar's GDP and to employ 2000 people within five years?

ANSWER

THE HON THE CHIEF MINISTER

The Government expect that the contribution that the Financial Services Sector will make to the economy of Gibraltar will grow and therefore increase as a percentage of GDP. The Government in broad terms expect the contribution of the Financial Services Sector to increase to around one-third of GDP but this is a general statement of medium to long-term objective and is not based on any scientific or targeted deadline. There is no fixed time scale within which the Government believe such a target might be achieved. Of course, it is in the nature of the way an economy develops that such predictions are always subject to variation and the matter will be kept closely under review by the Government.

SUPPLEMENTARY TO QUESTION NO. 344 OF 1997

HON J J BOSSANO:

Is the figure of 2000 people equally constrained by as many qualifications as the 33 per cent of GDP?

HON CHIEF MINISTER:

It is constrained by the qualifications of uncertainty but it is a realistic objective that the Government set ourselves as a target. In other words, we do not regard it as pie in the sky; we regard it as the target that we are aiming for. What we are not willing to say is that we will reach it within one year, two years or three years. But certainly on the basis of existing initiatives and existing legislative proposals and existing things like passporting and other initiatives being taken, they are capable between them of boosting employment to the 2000 mark from the 1600 or thereabouts that it was in April 1996.

HON J J BOSSANO:

I take it therefore that the article which quoted these figures which said, in fact, that the increase would be from 600 at present to 2000 in five years is either a misprint or somebody who is not familiar with the numbers that are employed currently?

HON CHIEF MINISTER:

I have not seen that misprint but 600 must be a misprint of 1600 which is what the figure actually is. I suppose almost everybody in Gibraltar knows that there are more than 600 people employed in the Financial Services Sector and I am happy to say that there is not that degree of ignorance in any relevant quarter in the Government.

NO. 345 OF 1997

THE HON J J BOSSANO

PROTOCOL X

Were the Government consulted by Her Majesty's Government on the wording of Protocol X prior to it being proposed at the Amsterdam meeting?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 345 OF 1997

HON J J BOSSANO:

Were the Government consulted at any stage subsequently, that is to say, after it had already been proposed and negotiated?

HON CHIEF MINISTER:

No, the position in relation to Protocol X is as I have said in my public statements in the past, namely, that language to similar effect, although not identical language to the one that eventually became Protocol X but to similar effect, had been found by us in an earlier draft of the Treaty. In other words, that is language giving Spain, in effect, a veto of a future UK accession to the Schengen Agreement and that that, having been spotted by us, was the subject matter of several letters by me to the Governor and to the Foreign Secretary. As a result of which - I say as a result of which, certainly following which the language in subsequent drafts of the Treaty was modified in effect to the Article 5(a)(3) language which is not unanimity and that was the position reflected in the draft up to and including the draft published on 12 June which was just four days before the summit itself. The offending language, so to speak, did not reappear again until the draft published on 19 June, that is to say, after the summit itself and I can inform the hon Member that there has been no consultation or discussion of any sort flowing between the British Government and the Gibraltar Government in between those drafts of the 12 June and 19 June or during the course of the day of the summit itself.

HON J J BOSSANO:

With due respect to the explanation given by the Chief Minister, Protocol X has nothing to do with any language about any vetoes. Protocol X is the Protocol that has three Articles, the third Article of which is the one that gives other Member States the right to introduce controls on their borders to establish the right of entry of people coming from either the United Kingdom or its dependent territory. Clearly the only dependent territory affected is Gibraltar and that is why we thought it was a

Protocol that would particularly place an obligation on Her Majesty's Government to consult the Government of Gibraltar. Is it the case that the Government are not even aware to the extent that Spain has influenced that wording as a result of the consultations that took place with the Commission prior to the commencement of the Amsterdam meeting?

HON CHIEF MINISTER:

The hon Member is quite correct. The explanation that I have just given relates to Protocol Y which is the next question on the Order Paper. Mr Speaker, the answer is yes, the wording relating as it now appears in relation to that Protocol did not appear in the draft and was not the subject matter of discussion for that reason. There has been no element of information in that respect and that is the position. We have had subsequent assurances about what the Protocol means, what the effect of them is and what the effect of them is not, but we have had no opportunity to input into the language of that Protocol prior to it being apparently agreed on the night of the summit itself.

HON J J BOSSANO:

Can the Government say whether they consider that the specific reference that there is in Protocol X that the right of a Member State to exercise such controls cannot be challenged by Article 7(a) of the Treaty or by any other Article in the amendments introduced at Amsterdam or by any measures taken under that is a very wide-ranging definition of the strength of the right of the Member State to exercise controls. Do the Government not agree that this means that it would be extremely difficult for the United Kingdom to prove that measures taken to establish the identity of visitors to Spain, to prove that any such measures are disproportionate would be as difficult for the UK to do to Spain as it would be for anybody else to do to the UK who has the same right?

HON CHIEF MINISTER:

The position is that Protocol X does not give Spain any new rights to take additional measures which she has not had since the Schengen Agreement itself came into operation. The fact that the Schengen Agreement has been in the form in which it has existed, there have been no alterations to the Schengen Agreement. The fact that it has been taken from outside the European Community Treaty and by the terms of the Amsterdam Treaty placed within the Treaties established in the Union does not alter the things that Spain can do in relation to free movement to what they were before. In other words, Spain remains free to take now measures that she has been free to take since the Schengen Agreement was first concluded and is now in operation since 1993 and therefore there is nothing in the Amsterdam Treaty itself which increases or enhances Spain's ability to take measures in relation to the right of free movement of people within other Articles of the Treaties. That is what the reference to Article 7(a) is intended to mean. The position of the United Kingdom, and that is what we have received assurances on, is that Spain is free to take measures for the particular purposes specified in Article 1 of Protocol X, namely, if one is an EU national, to verify that one is an EU national and if one is not an EU national to decide whether they should admit oneself into Spain or not. The position of the United Kingdom is that if what they call disproportionate measures are taken by Spain in relation to those two legitimate tasks, those remain challengeable in the ECJ. Of course, there is the same evidential difficulty now as there has always

been because Spain has always had the right to take measures of that type at the border. So nothing in the Amsterdam Treaty increases the evidential difficulty beyond that difficulty which it had before the Amsterdam Treaty during which Spain has been equally at liberty to take the same measures as she is now free to take. If the United Kingdom had wanted to challenge in the last 24 months some of the measures that Spain has been taking at the border as we in Gibraltar have been suggesting to the United Kingdom she should do, she would still have had the same difficulty in establishing whether or not these measures transcend the legitimate exercise of frontier controls and enter into that degree of interference with the free movement of people which is not permitted by a legitimate exercise of frontier controls for the limited two purposes that they are allowed under the Schengen Agreement to exercise those controls. I cannot say what the evidential difficulty will be and the hon Member is quite entitled to speculate that the evidential difficulties will be considerable. What I can say, and this is the position that has been put to us by the British Government, that the evidential difficulty is the same as it was before and that nothing has been altered. In other words, what Spain was doing at the frontier 12 months ago, the measures that Spain has been allowed to take at the frontier during the last two years were not in breach of the rights of free movement of people within the Community which existed co-extensively during that period of time. It remains to be seen whether there can be, in fact, a successful challenge if there should be what the United Kingdom calls disproportionate measures. He and I will probably agree that there have already been disproportionate measures over the last several years.

HON J J BOSSANO:

Is it not a fact that the specific reference is there for a particular purpose and the purpose is to make absolutely clear that whereas it was a grey area before it is no longer a grey area? Is it not the case that the United Kingdom itself, prior to this condition being attached, was being questioned by other Member States as to their right to demand the production of passports on EU nationals moving from another Member State to the United Kingdom and this explains, since it is a clause introduced by the UK, why the Prime Minister told the House of Commons that for the first time there was a legally binding agreement which made sure that the United Kingdom and only the United Kingdom decided the nature of the controls it operated on movement from another Member State. Therefore it cannot be the first or the first time for the United Kingdom and have always been there, surely, for the other Members?

HON CHIEF MINISTER:

That is one interpretation of what the Prime Minister said. It is not the interpretation placed on it by the British Government itself.

HON J J BOSSANO:

For us.

HON CHIEF MINISTER:

Well, or for them. If the Prime Minister's words had the meaning that the hon Member is attributing to them, it would amount to a concession by the Prime Minister that the actions of the United Kingdom which had been taken until then had been unlawful. In other words, if the words used by the Prime Minister meant, as the hon Member says that they mean, that for the first time the United Kingdom can decide what measures it can take at its borders, if the first time is as of the signing or ratification of the Amsterdam Treaty, it would amount to a damning concession and damaging concession that the passport measures that the UK had been taking up to that date had, by necessity, not been lawful and that is not the position of the United Kingdom Government. The interpretation placed on those words is that for the first time measures taken could not be challenged in national courts, not in ECJ courts, and therefore I agree with what the hon Member has said to this limited extent that if there was any doubt before and it is a very big "if" and the United Kingdom does not admit that there is an "if", but if anybody in Europe was arguing, rightly or wrongly, that measures taken in respect of frontier controls were by necessity and by definition a breach of Article 7(a), Freedom of Movement, such arguments were no longer even tenable, but of course that does not mean that the arguments were correct in the first place. It simply makes the issue unarguable as opposed to arguable. To that extent the matter has been put beyond doubt but putting the matter beyond doubt is not to concede that the measures have altered the substance because that would be to accept that those that were arguing that frontier controls were illegal as it being a breach of Article 7(a) before were right and no one has conceded that, certainly not the United Kingdom Government.

NO. 346 OF 1997

THE HON J J BOSSANO

PROTOCOL Y

Were the Government consulted by Her Majesty's Government on the wording of Protocol Y prior to it being proposed at the Amsterdam meeting?

ANSWER

THE HON THE CHIEF MINISTER

I apologise to the hon Member, I had the wrong question in front of me as I answered the previous one. I have given him the answer to that, perhaps he can just ask supplementaries on the basis of that information which to summarise is no, except to the extent that we raised it with them and thought that it had been corrected and were confident that it had been corrected and as of the 12 June draft, which is the draft that was taken into the summit, it had been corrected and it became apparent after the summit in the draft published on the 19 June that in fact the ground had been lost again.

SUPPLEMENTARY TO QUESTION NO. 346 OF 1997

HON J J BOSSANO:

My understanding of the position is in fact that the Protocol was not in existence on 12 June and that it was discussed with the Commission prior to the 16 and 17 and that there were exchanges taking place then between the Commission and the United Kingdom but it is not inconceivable that the Commission was also speaking to other parties. Do the Government accept that any measures that are taken in the new title, that is the new chapter that has been added to the Treaty which specifies that measures have to be agreed within five years of the Treaty coming into effect on the nature of the controls that have to be operated at external frontiers and that those measures require unanimity and that that in fact has been there throughout from the first draft of the 20 March?

HON CHIEF MINISTER:

There has been wording to similar effect but not this precise wording. The position under this particular Protocol which relates to the whole range of title 3(a) - Social Justice Measures, is that the United Kingdom is entitled, as a matter of right, to choose to participate in any measures that might be proposed when they are proposed. In other words, if next week or next month or next year there is a proposal in relation to any of the very broad range of issues, but let us limit ourselves to external frontiers which is, I suppose, the most relevant one covered by the new title 3(a). If there were such a proposal emanating at any time in the future, the United Kingdom is entitled to participate in those as a matter of right and what I have said to the United Kingdom is that I presume that participation as a matter of right means participation as a matter of right including Gibraltar which is part of the United Kingdom for these purposes. So if a measure is proposed and the United Kingdom wants to participate from the beginning, the United Kingdom does so as a

matter of right and I do not agree with any analysis that says that at that point Spain has got any veto whatsoever on the inclusion or the exclusion of Gibraltar because the United Kingdom's right to participate is as a matter of right. The problems may emerge if the United Kingdom chooses not to participate in any new proposal initially at the time that they are proposed. So let us say in two years time there is an external frontiers or an asylum or co-operation in justice matters proposal and the United Kingdom Government say, "No, we do not want to participate in this. I am opting out of this", the other Members then go forward and if at a subsequent date, subsequent to that initial refusal the United Kingdom Government decide that they wish to participate, Spain does not have a veto on that participation either, it is then this pretty nebulous Article 5(a)(3) procedure which is in effect that the Commission looks into the matter and establishes terms for the United Kingdom's participation. I do not share the hon Member's analysis which I have read that any aspect of the general Title 3(a) regime gives Spain a veto on future UK and therefore Gibraltar participation; but of course a very different question is whether regardless of the nitty gritty of the Treaty the United Kingdom agree in some future negotiation to the exclusion of Gibraltar but there is nothing in respect of Title 3(a) in future measures that require the United Kingdom to sacrifice Gibraltar in order to buy off the Spanish veto which of course is very different to the position prevailing in respect of any future decision by the UK to enter into the Schengen Agreement in the future in respect of which she would definitely have to buy off the Spanish veto because Spain does have a veto in that respect.

HON J J BOSSANO:

Given that when we talk of Spain having a veto what we are talking about is the requirement for unanimity for the United Kingdom to accede to any of the measures in the Schengen accord; that is what we are talking about, when we are talking about a veto it is not that the text mentions a veto, it is that it requires unanimity and therefore one Member voting against is enough to make it a veto. Is it not the case that what the new title in the Treaty says is that, for example, the measures that have to be agreed within five years, according to the text, it is mandatory, need to be agreed by unanimity and therefore if the United Kingdom say, "We want to be part of the measures on external frontiers" like they have been saying since 1991 on the External Frontiers Convention, there has to be unanimity and the United Kingdom participates in that discussion as to what the measures are and in the context of that discussion what is new and therefore extremely dangerous, it seems to us in the Opposition, in Protocol Y is that there is a clause that says that during that period of reaching agreement on the measures if it is not possible to reach agreement with the United Kingdom then the right of the United Kingdom to participate disappears because the rest will proceed without UK. That is precisely what it says in Protocol X where it says that, "if after a reasonable period of time agreement is not possible with the United Kingdom then the rest proceed without". So is this not the case that if we compare the situation post-Amsterdam on external frontiers as it was since 1991, since 1991 we have had a deadlock because it was impossible to reach agreement, it was not a question of vetoing who could form a part, everybody could form part of it but it was impossible, the 13 agreed amongst themselves but there were two Member States who could not agree with each other - Spain and the UK - and without 15 signatures the thing has been deadlocked. Under Protocol Y, if we have a repetition of that scenario and there is no reason to suppose that Spain is going to have a change of heart when it comes to discussing this, if we have a repetition of that scenario, after a reasonable period of time 14 will be able to proceed without UK. Is that not what the Protocol says?

HON CHIEF MINISTER:

No, I do not think that that is what the Protocol says and I think that this difference of opinion lies at the root of the dispute that exists between the Opposition Members and ourselves in relation to the interpretation of this particular part, that is to say, Article 3 of Protocol Y. In effect, provided that the United Kingdom goes in initially, both Spain and the United Kingdom preserve their veto and that preserves the situation as it has always been. Let me explain to the hon Member why that is our analysis of the Treaty. Article 1 of Protocol Y, just for the sake of Hansard let us be clear, new Title 3(a) of the Treaty itself, deals with a whole range of areas relating to social injustice policy, mainly justice as common asylum; common visas, co-operation in judicial and police affairs, including possible external frontiers arrangements. The United Kingdom and Ireland said, "We do not want to be bound to do any of that that might arise in the Treaty", this is not like Schengen where there is an existing agreement in which a Member can say, "We want to go into it" or "We do not". These are measures that might or might not emerge in the future so they are things that do not yet exist. The United Kingdom says, "We want out" and Article 1 of Protocol Y says, "Fine". Measures require unanimity but unanimity amongst Members that want to go in. Article 3 says that unanimity includes the United Kingdom, as the hon Member has himself recognised, if the United Kingdom wants. For example, just limiting the discussion to the example of external frontiers although we recognise that it extends to the whole title 3(a) range of measures which is much wider than external frontiers potentially, if measures are proposed and the United Kingdom says, "I am interested in that. I want to take part in those discussions", it becomes part of the unanimity. In other words, its signature is necessary as well. The United Kingdom gets external frontiers proposals and says, "The United Kingdom" which guide incidentally includes Gibraltar, "is interested in participating in these external frontiers provisions". That is all the United Kingdom has to do, give that notification whereupon she becomes part of the required unanimity. So having given that notification and having made herself part of the required unanimity, if Spain then tries to say, "I will not agree to it unless you exclude Gibraltar", the United Kingdom will then say, "Then exercise your veto", and if the rest of the Community says, "We agree with Spain, we want to exclude Gibraltar", the United Kingdom then has a veto because having given the notification of willingness to participate, her signature is also required and therefore she would have a veto if the others tried to exclude Gibraltar. Much more likely, however, Mr Speaker, than that scenario and I think there is a clear difference between that interpretation and the one that the hon Member has put, my concerns actually are in the next phase, in other words, particularly because in relation to external frontiers it seems unlikely, although not impossible, that if the proposals are in the next five years, for example, that this new Labour Government or any other Government in England will have changed their mind so radically on the matter of external frontiers that they will want to send them that notification saying, "Yes, we want to participate and make ourselves part of the unanimity requirement". Much more worrying therefore is what is the regime for what happens if the United Kingdom at that initial stage chooses not to notify a desire to participate therefore does not make herself part of the unanimity requirement and the others proceed without the United Kingdom and at some future date after that the United Kingdom decides that she wants to participate. That is when the United Kingdom has lost leverage in the sense that she is then back in the hands of the Commission, not in the hands of the Spanish veto but she is in the hands of the Commission under Article 5(a)(3) procedure which, whilst not giving the Spaniards a veto, certainly

gives the Spaniards the opportunity to lobby the Commission and produce some weak-kneed proposal from the Commission which will have, as a feature of it, aspects which will not be to our liking. But that will not be because the Spaniards have a veto at that stage, it will be because the Commission, under Article 5(a)(3) procedure has objectively, as the language is used, made proposals for the UK's future participation in whatever its measures might be which may contain an element of compromise at our expense. But it would have to be the Commission that sacrifices Gibraltar and not the Spanish veto and the United Kingdom Government believe that the Commission would not do that. We in Gibraltar I think are inclined to remain a little bit more sanguine about the prospects of that. But I disagree with the hon Member's analysis that any part of Protocol Y or any part of the regime relating to Title 3(a) except the aspects of it relating exclusively to the Schengen Agreement, I disagree with the hon Member's analysis that any aspect of it gives Spain a mathematical veto and the words that he relies on, "if after a reasonable period of time a measure referred to in paragraph (1) cannot be adopted with the United Kingdom or Ireland taking part" do not mean that a desire by the others to exclude Gibraltar means that it cannot be adopted with the United Kingdom or Ireland taking part. What that means, if the United Kingdom or Ireland cannot be persuaded or choose not to participate, that language is not there to facilitate and I believe that it does not facilitate the exclusion of Gibraltar in the sense that if the United Kingdom opts to go in it opts to go in with Gibraltar and the fact that the others then say, "We are not happy to allow Gibraltar to come in" or worse still Spain says, "I am not happy to allow Gibraltar to come in", does not mean that after a reasonable period of time a measure cannot be adopted for the United Kingdom or Ireland taking part which is the interpretation that the hon Member is placing on those words which leads him to the conclusion that after a reasonable period of time, in effect Spain maintains a veto but the United Kingdom does not. That is a difference of analysis. That is the view to which we came is shared by the United Kingdom but I suppose the hon Member can always say that time will tell whether his analysis was correct or ours but certainly we disagree with the hon Member's analysis stated publicly on that aspect of the matter.

HON J J BOSSANO:

As the Chief Minister says time will prove which analysis is correct. Can he say to me that in fact he has arrived at that analysis himself or he has been told by the United Kingdom that this is what it means? Because certainly the United Kingdom has not told us on any of the occasions that we have raised the matter that the analysis is the one that he has just exposed and it would have been very simple for the UK to reply saying, "The text means something different from what you think it means".

HON CHIEF MINISTER:

That is the analysis to which we have come and it is an analysis which has been confirmed by the text of the letters written by Foreign Office Ministers in the Government to all political parties in Gibraltar and I am informed that it is in fact not true, as the hon Member's party has published in a press release recently, that the Convent on behalf of the United Kingdom Government has confirmed to the Opposition Members that the United Kingdom has admitted that there is this indirect veto in the context of Protocol Y in favour of Spain and that the assertion by Opposition Members in their press release that the Convent had confirmed that is not correct.

HON J J BOSSANO:

I can assure the Chief Minister that having asked Her Majesty's Government whether in fact the scenario that I have painted would apply if the United Kingdom wished to be part of the external frontiers measures as we assume they will be because they have been participating in the discussions on external frontiers since 1991, the reply that we got was not to say, "No, this would not apply because you are interpreting it incorrectly". They said, "The relevant clauses which you quote will only apply in the event of the United Kingdom deciding to do it". That for me is confirmation because it would have been very easy to give me the answer that the Chief Minister has given me and it has not been given. Will the Chief Minister confirm therefore that because his interpretation is the one that he has described here he has not made representations to the United Kingdom therefore about the language in Protocol Y on the basis that it contains serious dangers for Gibraltar because obviously he does not think it contains them?

HON CHIEF MINISTER:

The answer to that question, Mr Speaker, is no, because even if Opposition Members' arguments were correct, the exact wording of this Protocol was simply not available earlier for that degree of persuasion of the United Kingdom to exclude the language to have had any prospect of success. This wording and this whole process, as the hon Member knows, takes place very rapidly and therefore the opportunity for a meaningful timely process of persuasion and consultation was simply not made available to the Government of Gibraltar but it is not, in any event, the case that representations were not made simply because the Government have formed the view that we have formed. It is also based on assurances and confirmations put to us of what the language actually means by the United Kingdom which coincided with our interpretation and our analysis of it.

HON J J BOSSANO:

In fact, Mr Speaker, when the House was told on 26 June by the Chief Minister in a statement that he wanted to emphasise that the Treaty was still in draft and that it was possible to bring in amendments, in fact at that date of 26 June it was already not possible to bring amendments, is that correct?

HON CHIEF MINISTER:

No, that analysis is not correct. The position is that until the Treaty was signed, yesterday or the day before yesterday or whenever, legalistically speaking it was a document capable of being amended. The problem is that the United Kingdom says that this is what they agreed to in respect of this particular Protocol, that is to say, the Protocol relating to Title 3(a) generally and having agreed to it at the summit they thought no need and no case for amending it; very different to the position in respect of the Protocol relating to the Schengen Agreement in which the position of the United Kingdom Government is that the language effectively giving Spain a veto through the need for unanimity which appeared, again, having been excluded from earlier drafts in the draft of 19 June, post-summit as purportedly representing something or some ground or some point that had been agreed at the summit itself had, in fact, not been agreed by the United Kingdom nor by Ireland. The Foreign Secretary claims to me that he has tried to persuade the Commission and the other

Member States that the United Kingdom and Ireland did not agree to the wording that gives Spain a veto on Schengen on possible future Irish and UK inclusion in Schengen but that they have failed to persuade the Commission and the other Member States to restore the language to that which they say had been agreed because apparently Spain threatened to cause all hell to break loose, hold back the signature of the whole Treaty and the other Member States who really did not have any great interest in this point shrug their shoulders and said, "Regardless of whether it was agreed on the night or not, we are just not willing to compromise the whole Treaty in order to support you on this particular point", and that is how Spain has acquired her Schengen veto in relation to future UK participation.

HON J J BOSSANO:

So, Mr Speaker, if in fact the United Kingdom in the case of Protocol X and Y is not even prepared to attempt a change of wording, would the Government not agree that with the passage of time any negative impact of that wording on Gibraltar is something for which the United Kingdom must assume full responsibility given that they have engineered the very situation which we find so dangerous?

HON CHIEF MINISTER:

Well, I think there is a large measure of disagreement about the extent of the dangers involved but the position is that in relation to the Schengen Protocol the United Kingdom would not concede that she has not tried to correct the situation, she would say that she has tried and failed albeit that she has not done the ultimate which is to say, "If you do not restore this Treaty to what I think I agreed on the night of the summit itself, I will not sign the Agreement and I will do what you are worried about the Spaniards doing, namely, causing all hell to break loose". It is true that she has not gone that far but she would say that she has moved heaven and earth diplomatically to try and restore the language short of actually preventing signature of the whole Treaty. Insofar as the possible consequences of this Treaty to Gibraltar, the position of the Government is that we hold the United Kingdom Government responsible for all that she agrees in relation to Gibraltar in an EU context given that she is responsible for Gibraltar within the European Union and not just for what might arise as the consequence of the language that she has agreed to eventually in respect of Protocols X and Y.

NO. 347 OF 1997

THE HON J J BOSSANO

INCOME TAX - EMPLOYEES DECLARATION

Can Government state how many employers have still not returned the 1995/96 Employees' Declaration and PAYE Certificates and the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, 141 employers, under which approximately a total of 800 taxpayers are registered, had not returned the 1995/96 Employers' Declaration and PAYE certificates as at 26 September 1997.

SUPPLEMENTARY TO QUESTION NO. 347 OF 1997

HON J J BOSSANO:

Given that these employers should by now have been returning the 1996/97 PAYE Certificates, can the Government say what are the steps actually being taken to get this documentation handed in?

HON CHIEF MINISTER:

The steps that are being taken is that for the first time in several years the Government are restoring the Arrears Collection and Enforcement Unit which will operate under the direct auspices of the Accountant General as part of the Treasury and will provide a sustained and well-resourced initiative to obtain, not just payment of PAYE arrears but indeed of all other forms of public revenue arrears including social insurance contributions, rents, rates and things of that kind but inclusive in that specific arrears unit will be responsibility for this area of what is in effect arrears collection.

HON J J BOSSANO:

We will no doubt see the effectiveness of the Arrears Section once it is functioning but my question is not about the collection of arrears since there are people who have returned the certificates and not paid the money but about the actual legal obligation to hand in the information as to the number of employees and the amount of money that has been deducted. Is something being done to get employers to meet the requirement to hand it in?

HON CHIEF MINISTER:

Indeed, part of the arrangement includes a system of inspectorate which, amongst other things, will visit employers and obtain compliance precisely in this area of non-compliance which is really an act of preparatory, it is part of an arrears act. In other words, people do not return their forms not because they cannot be bothered to travel down to the Tax Office but because they feel that if they do not return the forms they will not be pressed to actually pay their money. It is a form of arrears sense but I agree that there is technically a difference between those who return the forms but who do not enclose a cheque with it and those who do not return the form at all; both will be pursued by this unit.

HON J J BOSSANO:

Then at the moment or in fact since August last year which is when they were required to return the 1995/96 forms, nothing specific has been done in this matter, it is something that is going to be done, is that correct?

HON CHIEF MINISTER:

No, I suppose that the Commissioner of Income Tax continues to implement whatever resources or whatever system was in place and has been in place over the last few years in this matter. We have not cancelled whatever was in place before.

ORAL

NO. 348 OF 1997

THE HON J J BOSSANO

INCOME TAX - EMPLOYEES DECLARATION

Can Government state how many employers have returned the 1996/97 Employees' Declaration and PAYE Certificate to date and the number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, 1457 employers, reporting on approximately a total of 16,300 taxpayers, had at close of business on 26 September 1997, lodged their 1996/97 Employer's Declaration and PAYE Certificate.

ORAL

NO. 349 OF 1997

THE HON J J BOSSANO

INCOME TAX - EMPLOYEES DECLARATION

How many employers have not yet returned the 1996/97 Employees' Declaration and PAYE Certificate and what is the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, 360 employers, under which approximately a total of 2,200 taxpayers are registered, had at the close of business on the 26 September 1997, not returned the 1996/97 Employer's Declaration and Certificate.

ORAL

NO. 350 OF 1997

THE HON J J BOSSANO

INTEGRATION WITH UK

Can Government confirm that they are prepared to support integration with UK as an option for Gibraltar's decolonisation?

ANSWER

THE HON THE CHIEF MINISTER

The Government can confirm that integration should be on the table for discussion as an option for Gibraltar's decolonisation. It is not an option in fact unless it is available in practice.

SUPPLEMENTARY TO QUESTION NO. 350 OF 1997

HON J J BOSSANO:

So is it that the Government are going to seek confirmation from Her Majesty's Government that this particular option which has been refused in the past as a possibility is in fact available?

HON CHIEF MINISTER:

The policy of the Government which reflects the fact that the United Kingdom Government has hitherto and consistently rejected the possibility of integration is reflected in our manifesto which is to go to the next nearest thing which is to a non-colonial relationship as a Crown dependency. The Gibraltar Government have a number of times in discussions with any number of officials from the Foreign Office mooted the possibility in the context of the Hong Kong handover, the possibility that the United Kingdom Government might review their position in relation to integration. That review, unless it is taking place now in the context of the dependent territories review has not yet taken place and we have had no indication from Her Majesty's Government that they have changed their position in relation to integration. But certainly the Gibraltar Government are sufficiently interested in the possibility of integration to keep on raising the issue as a possibility and certainly if the United Kingdom Government can be persuaded by the Government or by anybody else to favourably revisit the question of integration, the question of integration should be on the table for discussion by the people of Gibraltar as an option for their decolonisation. What the Government are not minded to do is to run with that particular ball if in fact it is a non-runner.

HON J J BOSSANO:

Do the Government believe that the visit of Mr Henderson to Gibraltar tomorrow can provide an opportunity for Mr Henderson to clear whether there has been any change in the position since the last statement was made saying that integration was out? It was in fact at the time that Mr Heathcoat-Amory occupied the position occupied now by Mr Henderson and therefore it was a statement made by a Minister in that position a few years ago which made clear that the United Kingdom would not consider the possibility.

HON CHIEF MINISTER:

It is certainly an opportunity to ask every time that one meets with Mr Henderson or some Minister in the Foreign Office. The Government's view is that the prospect of the answer being other than in the negative is enhanced by making the request in the context of a structured submission in relation to the dependent territories review rather than ask the question to a man who may not be involved in that review or may not be aware of the detail of it and who therefore would be driven by caution if nothing else, simply to say, "No, there has been no review". The Government intend to touch on this issue and in the submissions that we will make to the United Kingdom Government as part of their review of their policy towards dependent territories, we will be making a case, post-Hong Kong and especially in the context of Gibraltar's status within the European Union which is something that differentiates us from all the other dependent territories that cases can be made in Gibraltar's case which perhaps cannot be made in the case of other dependent territories.

ORAL

NO. 351 OF 1997

THE HON J J BOSSANO

EXCHANGE OF UK PASSPORT TO GIBRALTAR PASSPORT

Can Government state how many UK passport holders have exchanged them for Gibraltar passports since an appeal was made for this to be done?

ANSWER

THE HON THE CHIEF MINISTER

Two.

SUPPLEMENTARY TO QUESTION NO. 351 OF 1997

HON J J BOSSANO:

Can Government say in the same period how many exchanges there have been in the opposite direction?

HON CHIEF MINISTER:

No, I cannot but I understand that the rate is less fast than it has been in past years.

NO. 352 OF 1997

THE HON J J BOSSANO

CIVIL SERVICE - INDUSTRIAL WORKERS

When did Government introduce the policy that industrial workers in Government employment could not apply for promotion if they had a police record?

ANSWER

THE HON THE CHIEF MINISTER

The Government have not introduced any such policy.

SUPPLEMENTARY TO QUESTION NO. 352 OF 1997

HON J J BOSSANO:

Can the Government then explain how it came about that applicants for non-industrial vacancies from the industrial workforce were told by the Personnel Department that their application could not be considered for this reason, if no policy was previously in existence and no such policy decision was taken? How did it happen?

HON CHIEF MINISTER:

Yes, because nowadays the civil service is encouraged to have a brain of their own and to use it. [*HON J J BOSSANO: Not with very encouraging results if this is an example.*] The Personnel Department acted incorrectly when it informed two Government industrial employees that their application could not be accepted. On instructions from the Government, that is to say, from Ministers, the letters were withdrawn and the individuals concerned as well as the union were informed that their applications would be considered along with the other applications. All cases will be treated on their particular merits. Of course, particular merits may include historical background but that is a matter for the Public Service Commission to decide and not for the Government to seek to influence through whose application can actually go forward.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

**18TH DECEMBER, 1997
NO. 353 TO NO. 501**

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ORAL

NO. 353 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - NURSING REVIEW

Have Government decided whether they intend making public the report of the Nursing Review?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Nursing Review Report is still under consideration and no decision has been made as to publication.

SUPPLEMENTARY TO QUESTION NO. 353 OF 1997

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether the union is pressing the Government to make public the Report?

HON K AZOPARDI:

The union has raised the issue with me. I would not go so far as to say they are pressing me. I think they realise at the moment, anyway, that the Report has only come to us in the last couple of months but yes, they have raised the issue.

NO. 354 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - DIALYSIS CLINIC

Can Government state whether there have been any further developments in their discussions with the Dialysis Patients Association for the setting up of a clinic in Gibraltar?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Gibraltar Health Authority has not met the Dialysis Patients Association further since the meeting held in October. The only development since then has been that the Authority has received a brief note from those that run the Dialysis Clinic in La Linea setting out the medical and equipment requirements necessary to establish a satellite dialysis station in Gibraltar. This was handed to the Authority on 1 December 1997 on the basis that it was in answer to a request received for that information but it was stressed by those very same dialysis professionals, that because of medical reasons they did not believe it to be in the patients interests that a small clinic should be set up in Gibraltar. This note will be considered by the Authority against that background.

SUPPLEMENTARY TO QUESTION NO. 354 OF 1997

HON MISS M I MONTEGRIFFO:

In view of the answer that the Minister has provided the House, can he confirm whether the problems with the Spanish clinic have now been resolved?

HON K AZOPARDI:

I hear conflicting information on that. I understand from the management of the Authority that at the meeting of the 1 December the managers of the Spanish clinic confirmed that the Servicio Andaluz de Salud in Cadiz had indeed made themselves now responsible for payments as from, I believe, mid-1996 as long as the forms were filled out properly they had received that undertaking from SAS in Cadiz. The issue of 1985 to 1996 still has to be clarified on the basis of the previous position which was that Britain had confirmed that they would pay if Spain made a claim but I understand from London that Spain has still not made a claim. So to that extent I think we are,

if one likes, half way there but not completely there yet. But it was stressed also at the meeting of 1 December that while financial aspects may need to be sorted out, there was indeed no threat whatsoever to the dialysis service being removed from the patients of Gibraltar who received it under the relevant EU forms.

HON MISS M I MONTEGRIFFO:

If in the future the Government find that there is a threat to patients or that they are inconvenienced in any manner, would they consider the possibility of a clinic being set up here and provide funds for the establishment of such a clinic?

HON K AZOPARDI:

I think it is precisely on that basis that we have been meeting the Dialysis Patients Association in Gibraltar because clearly financially it is not generally expedient to change the format. It is neither medically sound, it seems, to change the format so it would only be from a perspective of inconvenience or threat of removal that we would consider a change in the position and that is precisely why we table discussions with the Dialysis Patients Association. So the hon Lady is correct in her analysis that if circumstances like that arose then, of course, the Government would consider any alternatives available to us.

ORAL

NO. 355 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - LEWIS STAGNETTO WARD

Are the Government now in a position to confirm whether Lewis Stagnetto Ward will remain in its present location?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Authority does not envisage a change in the location of Lewis Stagnetto Ward for the foreseeable future.

SUPPLEMENTARY TO QUESTION NO. 355 OF 1997

HON MISS M I MONTEGRIFFO:

Just for clarification purposes, I assume that the Minister is referring to Lewis Stagnetto being in its present location referring to the top floor of the private wing, am I correct?

HON K AZOPARDI:

Yes.

ORAL

NO. 356 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - ESTIMATED EXPENDITURE - NOVEMBER 1997

Can Government state what is the estimated total expenditure of the Gibraltar Health Authority in the current financial year to the end of November 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The estimated expenditure of the Health Authority between 1 April and 30 November 1997 was £14.65 million.

ORAL

NO. 357 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - GPMS PRESCRIPTIONS

Can Government state what has been the expenditure of the Gibraltar Health Authority on GPMS prescriptions for the period 1 April 1997 to 30 November 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

During the period 1 April to 30 November 1997 the Gibraltar Health Authority spent approximately £3.3 million on GPMS prescriptions.

ORAL

NO. 358 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - SPONSORED PATIENTS

Can Government state how much money was spent by the Gibraltar Health Authority on sponsored patients sent to the UK in the period 1 April 1997 to 30 November 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 359, 360 and 361 of 1997.

ORAL

NO. 359 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - SPONSORED PATIENTS

Can Government state how much money was spent by the Gibraltar Health Authority on sponsored patients sent to the UK in the period 1 April 1996 to 30 November 1996?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 358, 360 and 361 of 1997.

ORAL

NO. 360 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - SPECIALISED TREATMENT IN UK

Can Government state on how many occasions patients have been referred to the UK for specialised treatment by the Gibraltar Health Authority in the period 1 April 1996 to 30 November 1996?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 358, 359 and 361 of 1997.

NO. 361 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA - SPECIALISED TREATMENT IN UK

Can Government state on how many occasions patients have been referred to the UK for specialised treatment by the Gibraltar Health Authority in the period 1 April 1997 to 30 November 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

During the periods 1 April 1996 to 30 November 1996 and 1 April 1997 to 30 November 1997, the Gibraltar Health Authority spent approximately £1.3 million on sponsored patients sent to the UK.

The number of patients referred to the UK for specialised treatment during both periods is as follows:

- | | | | |
|-----|----------------------------------|---|------|
| (a) | 1 April 1996 to 30 November 1996 | - | 484 |
| (b) | 1 April 1997 to 30 November 1997 | - | 590. |

ORAL

NO. 362 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/RNH

Can Government state what types of medical operations or other types of medical interventions have been undertaken at the Royal Naval Hospital on patients sent by the Gibraltar Health Authority since 26 June 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 363, 364, 365, 366 and 367 of 1997.

ORAL

NO. 363 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/RNH

Can Government confirm what types of medical operations or other types of medical interventions have been undertaken at St Bernard's Hospital on MOD personnel since 26 June 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 362, 364, 365, 366 and 367 of 1997.

ORAL

NO. 364 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/RNH

Can Government confirm how many times MOD personnel have attended St Bernard's Hospital for operations, other types of medical interventions or clinical assessments since 26 June 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 362, 363, 365, 366 and 367 of 1997.

ORAL

NO. 365 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/RNH

In providing secondary health care to the MOD, can Government confirm how many times medical, nursing, para-medical or other staff of the Gibraltar Health Authority have had to go to or practice at the Royal Naval Hospital since 26 June 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 362, 363, 364, 366 and 367 of 1997.

ORAL

NO. 366 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/RNH

Can Government confirm how many times civilian patients have had to be transferred or requested to attend the Royal Naval Hospital for medical operations or other types of medical interventions since 26 June 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 362, 363, 364, 365 and 367 of 1997.

NO. 367 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD

Can Government confirm how many MOD personnel have worked or are working at St Bernard's Hospital as a result of the trial period which commenced on 1 May 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Since 1 May 1997, MOD entitled patients have been seen by the following departments of St Bernard's Hospital - Accident and Emergency; most Wards; Physiotherapy; X-ray; Laboratory and most out-patients clinics of resident consultants. The number of patients seen has varied from department to department.

Surgical interventions during this period have fallen into the following categories:-

General Surgery - 2; Genito Urinary - 1; Gynaecology - 4; Maxilla Facial - 2; Obstetrics - 7; Orthopaedics - 2; ENT - 2.

Operations have continued to be carried out at RNH, in these categories:-

ENT	GHA - 75	MOD - 62
Gynaecology	GHA - 10	MOD - 16

Gibraltar Health Authority staff have attended RNH for these purposes. Gibraltar Health Authority entitled patients have attended Royal Naval Hospital for surgery of the above types.

Five MOD midwives, a consultant anaesthetist, three MOD operating department assistants, a registered sick children's nurse, a radiographer and senior medical laboratory scientific officer have attended St Bernard's Hospital from time to time as required. The midwives have formed part of the roster with Gibraltar Health Authority midwives and so have been at St Bernard's Hospital on a more permanent basis.

NO. 368 OF 1997

THE HON MISS M I MONTEGRIFFO

GHA/MOD - SECONDARY HEALTH CARE

Can Government now state whether they will proceed with a long-term agreement with the MOD in providing them with secondary health care, after the end of the trial period on the 31 January 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

It was agreed at the review of the trial in November that the trial period would be extended for a further period of three months to 30 April 1998 to allow both sides more time to better evaluate the trial agreement and their respective positions. Accordingly at the moment it is not possible to say whether a long-term agreement will be reached.

SUPPLEMENTARY TO QUESTION NO. 368 OF 1997

HON MISS M I MONTEGRIFFO:

In the event that a long-term agreement is reached, is the Minister now satisfied that in view of all the extra personnel and patients visiting St Bernard's more resources will be required?

HON K AZOPARDI:

That is one of the issues that is still outstanding. That is still subject to the review and that is why we have extended the period. That is one of the factors that the Authority's management is looking at, to see whether there would have to be any change in that respect. So at the moment, I would say, that no we have not reached a final decision on that front either and it is still subject to discussion and further review.

HON J J BOSSANO:

Has the MOD expressed any dissatisfaction with the service that has been provided to date?

HON K AZOPARDI:

There have been, I think what I can call, teething problems. It is inevitable, I suppose, when one brings two different styles of doing things together, the military style and the civilian style together, for there to be teething problems but I would not put it higher than that. Let me say that I do not think it is

unique to Gibraltar. The nursing staff of the GHA have visited Frimley Park where the MOD are running a similar arrangement with the NHS on a bigger scale and they are themselves the civilian NHS staff have had substantial teething problems, far more substantial than we have but I would not put it higher than that. Those were matters that have been solved and ironed out at the end of the implementation group which is the Liaison Committee of the two sides. Certainly there has not been any representations from the MOD during the review discussions that they are fundamentally dissatisfied with any aspect of the service they are receiving. Indeed, their position is that they continue to want to discuss the possibility of a long-term arrangement precisely, I believe, because it must be that they are indeed satisfied with the service they are receiving.

HON J J BOSSANO:

Is the Minister aware of whether the so-called Cottage Hospital option is still being kept open by the MOD as an alternative?

HON K AZOPARDI:

From time to time the MOD dangle that idea in front of my nose in their discussions, so yes I believe that it is still something that they are considering. How strongly they are considering it I do not know. They from time to time bring it up.

HON J J BOSSANO:

In the period of the trial, has the Gibraltar Health Authority needed to spend additional money which would not have had to be spent had there not been MOD patients?

HON K AZOPARDI:

Well, I suppose the answer to that is yes, of course, we have spent money on treating MOD patients and had we not had an agreement with the MOD we would not have to spend that money on the MOD patients. But I do also have to say that the revenue arrangement that we have with the MOD leads us to the conclusion that we are more than satisfied that the amount of money we are receiving from the MOD far exceeds any expense that the Authority is being put to on MOD patients.

ORAL

NO. 369 OF 1997

THE HON J L BALDACHINO

I&D FUND - HEAD 101, SUBHEAD 1

Can Government state how much has been spent from the Improvement and Development Fund Head 101, Subhead 1, replacement of balconies and windows for the month of September?

ANSWER

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

Answered together with Question Nos. 370 and 371 of 1997.

ORAL

NO. 370 OF 1997

THE HON J L BALDACHINO

I&D FUND - HEAD 101, SUBHEAD 1

Can Government state how much has been spent from the Improvement and Development Fund Head 101, Subhead 1, replacement of balconies and windows for the month of October?

ANSWER

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

Answered together with Question Nos. 369 and 371 of 1997.

ORAL

NO. 371 OF 1997

THE HON J L BALDACHINO

I&D FUND - HEAD 101, SUBHEAD 1

Can Government state how much has been spent from the Improvement and Development Fund Head 101, Subhead 1, replacement of balconies and windows for the month of November?

ANSWER

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

Money spent for replacement of balconies and windows is as follows:-

September	-	Nil
October	-	Nil
November	-	£1,030

ORAL

NO. 372 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets were engaged by the Employment and Training Board in the month of October?

ANSWER

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

Answered together with Question Nos. 373, 374, 375, 376 and 377 of 1997.

ORAL

NO. 373 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets were engaged by the Employment and Training Board in the month of November?

ANSWER

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

Answered together with Question Nos. 372, 374, 375, 376 and 377 of 1997.

ORAL

NO. 374 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state what is the total value of payments to vocational cadets for the month of October?

ANSWER

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

Answered together with Question Nos. 372, 373, 375, 376 and 377 of 1997.

ORAL

NO. 375 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state what is the total value of payments to vocational cadets for the month of November?

ANSWER

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

Answered together with Question Nos. 372, 373, 374, 376 and 377 of 1997.

ORAL

NO. 376 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets have terminated their employment with the Employment and Training Board in the month of October?

ANSWER

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

Answered together with Question Nos. 372, 373, 374, 375 and 377 of 1997.

NO. 377 OF 1997

THE HON J L BALDACHINO

ETB - VOCATIONAL CADETS

Can Government state how many vocational cadets have terminated their employment with the Employment and Training Board in the month of November?

ANSWER

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

The information is as follows:

Cadets engaged	-	October - 48	November - 21
Value of payments	-	October - £84,104.88	November - £93,098.91
Cadets terminated	-	October - 43	November - 35

ORAL

NO. 378 OF 1997

THE HON J L BALDACHINO

ETB - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of October 1997 receiving:

- (a) unemployment benefits
- (b) social assistance
- (c) no payments?

ANSWER

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

Answered together with Question Nos. 379, 380, 381, 382 and 383 of 1997.

ORAL

NO. 379 OF 1997

THE HON J L BALDACHINO

ETB - UNEMPLOYED GIBRALTARIANS

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over at the end of November 1997 receiving:

- (a) unemployment benefits
- (b) social assistance
- (c) no payments?

ANSWER

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

Answered together with Question Nos. 378, 380, 381, 382 and 383 of 1997.

ORAL

NO. 380 OF 1997

THE HON J L BALDACHINO

ETB - VACANCIES FILLED

Can Government state how many vacancies were filled by the ETB in the month of October 1997 giving a breakdown by trade and nationality?

ANSWER

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

Answered together with Question Nos. 378, 379, 381, 382 and 383 of 1997.

ORAL

NO. 381 OF 1997

THE HON J L BALDACHINO

ETB - VACANCIES FILLED

Can Government state how many vacancies were filled by the ETB in the month of November 1997 giving a breakdown by trade and nationality?

ANSWER

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

Answered together with Question Nos. 378, 379, 380, 382 and 383 of 1997.

ORAL

NO. 382 OF 1997

THE HON J L BALDACHINO

ETB - UNEMPLOYED GIBRALTARIANS

What was the number of male and female unemployed Gibraltarians for the month of October giving a breakdown as follows:-

- (a) under 18
- (b) 18 - 25
- (c) over 25?

ANSWER

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

Answered together with Question Nos. 378, 379, 380, 381 and 383 of 1997.

NO. 383 OF 1997

THE HON J L BALDACHINO

ETB - UNEMPLOYED GIBRALTARIANS

What was the number of male and female unemployed Gibraltarians for the month of November giving a breakdown as follows:-

- (a) under 18
- (b) 18 - 25
- (c) over 25?

ANSWER

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

As the hon Member has been made aware by members of my staff, Government have decided to continue to provide the extent and quality of this data from now on, on a quarterly basis.

The reason for this is that the numbers in ascent or descent in employment or unemployment on a monthly basis operates at times in an irrational and volatile basis not conducive to sound statistical interpretation.

Therefore the hon Member will be furnished with the information at the end of the current quarter, that is, end of December, along with the members of the Labour Advisory Board and the media.

SUPPLEMENTARY TO QUESTION NOS. 378, 379, 380, 381, 382
AND 383 OF 1997

HON J L BALDACHINO:

Is it not correct that originally when the Minister asked me to withdraw the question that I did ask for it quarterly and it was his department actually who said that it was better for them to provide it monthly, is that not correct?

HON J J NETTO:

I am aware that the Government have been giving more information with regard to employment and unemployment than has been the case and we shall continue to do that not only for the hon Member, as I said, but also for employers, the unions and the media. Coming to my answer to his first question, the reason why we are moving from a monthly to a quarterly basis

is because in interpreting those figures there are times where, for instance, some of the big retail shops may be advertising two or three vacancies and automatically it springs a descent of about 40 or 50 people who sign on as being unemployed only to that particular vacancy which has been opened with that major shop. Of course, if that is carried out in a couple of other industry groups it brings the figure of unemployment perhaps up by 100 or 150. It is not that there are people actually unemployed. Some people think that there is an automatic link between signing on and a particular vacancy that they have heard in the street perhaps at a particular retail or wholesale shop has opened, that is as I said before, not good to sound statistical interpretation. Therefore we feel that moving from a monthly basis to a quarterly basis on the same extent, the quality of the information that we have volunteered to give not only to the hon Member but to the media and to the employers and the unions, is better in terms of really finding what the true extent is either in employment or unemployment.

HON J L BALDACHINO:

I do not quite follow the logic of the argument. Is it not the case that people who come out as unemployed are those people who are registered in the Employment and Training Board looking for work? So whether the thing is on a monthly or quarterly, will it not show the same figure of people registered in the Employment and Training Board as being unemployed? Is that not the case?

HON J J NETTO:

It is not the case that all people who sign on are genuine job seekers. That is to say, there are people who sign on looking for a wide range of jobs. That is not the argument which we should really be engaged in. What I am saying is that over and above that category of people which the hon Member is saying, there are other people who simply sign on because they happen to know that a vacancy might arise or a couple of vacancies might arise in a particular industry group or in a particular profession. They think that by signing there is an automatic link between being registered unemployed and getting that particular job. But that is not to say that they are genuine job seekers looking for a range of jobs which they could undertake. Of course, he is right that as he perfectly knows, there is a lapsing system in the Employment and Training Board and that is why we are saying that on a quarterly basis, in terms of the figures, for statistical purposes these would be more sound.

HON J L BALDACHINO:

Am I correct in assuming from the answer he has given me that there are people who are actually employed who can register as being unemployed in the Employment and Training Board?

HON J J NETTO:

I am sorry, I do not quite understand the question.

HON J L BALDACHINO:

Let me put it another way. The Minister has said that there are people who are genuinely looking for employment and there are people who just register because they get to know that there might be some sort of employment coming up which they would like to take. Is it that those people that do those things are employed and they are able to register in the Employment and Training Board looking for employment?

HON J J NETTO:

People might wish to sign on and be classified as unemployed for a variety of reasons. There are people who may be under-employed and think that by signing on they might be able to have an advantage, so to speak, for any particular vacancy that might arise. And there are people, perhaps, who are on social benefits or social assistance, people with no payment, people who do not even come under those categories who again, as I said before, may wish to sign on in the belief that a certain job that they have heard might be coming along gives them that opportunity to compete for that particular job as being registered unemployed.

HON J L BALDACHINO:

Is it that people who are in employment who go to the Employment and Training Board and register as looking for an alternative job, are they taken separately from the others who are actually unemployed and looking for a genuine job?

HON J J NETTO:

There are probably quite a different amount of permutations that may arise.

HON J L BALDACHINO:

What I am asking is, if we are going to get unemployment figures at the end and there are people who are employed but register at the Employment and Training Board looking for an alternative job then the figures will not show accurately who is unemployed or who is looking for an alternative job, that is what I am asking.

HON CHIEF MINISTER:

It is precisely that sort of statistical blip that we are trying to iron out in the monthly figures by producing them quarterly but they may still be, if there is structural distortions of the sort that the hon Member describes in his letter,

the present system would not enable them to be ironed out. But at the moment the quarterly figures will be produced on the same format as they have been produced hitherto and we will have to see what structural distortions there are. But any alterations to the way that the figures are collated or presented will be explained fully in the House before they are reflected in the statistics.

HON J J BOSSANO:

Can the Minister say, in the monthly figures that he has provided up to date, where there is the evidence of this distortion of fluctuation to which he refers; is it based on something that has happened in the time the monthly figures have been provided because we have not seen any evidence of this fluctuation from one month to the next?

HON J J NETTO:

I was hesitant to name particular shops but, for instance, if tomorrow there are rumours around that Safeway is going to open three vacancies, that would mean a descent of 40 ladies perhaps walking down into the ETB and signing on as unemployed. And if Peralta does it that would create perhaps another 30 and it goes not only in that particular industry group but it goes in various industry groups. What I am saying is that in that kind of scenario we are not talking about people or ladies, in particular, who are genuine job seekers, they are only interested in a particular job and they sign on as being unemployed.

HON J J BOSSANO:

Surely whether that happens in the month of October or it happens in the month of September must be entirely in the lap of the Gods so what is to prevent the ladies descending in September instead of the ladies descending in October so presumably we get the September figure it will make no difference from getting the October figure, if that anomaly is there it will be there whether the figure is given quarterly or monthly. Is that not a different argument from the argument about trends which we accept and that is that one cannot project a trend from the fluctuation from one month to the next and that the quarterly figure might be more accurate because it smooths out the fluctuations so the fluctuation can happen equally at the end of a quarter as at any of the two months in the intervening period, surely, so that will not change?

HON CHIEF MINISTER:

Yes, the hon Member is entirely right and that is what I was referring to when I said before that to the extent that there are structural problems with the way the figures are put together they will continue to be reflected until the structural distortions are themselves ironed out and that is that people who find their way to the unemployment statistics should be people who are

genuinely standing in the market place open to any suitable offer of employment that is available to them or offered to them and not people who are only interested, for example, in being a cashier in a supermarket. It may be that such statistics have to also be presented but certainly if the position of a person is that they are not looking for work unless it is a part-time cashier in a supermarket it distorts the general unemployment figures because those people are not standing in the market permanently open to whatever offer is offered to them. The hon Member's analysis is absolutely right. If this happens in September, in the third quarter, the way the figures operate may mean that by December they will have dropped out but if it happens in November or December they will not have dropped out and they will still be there, he is absolutely correct in that.

HON J J BOSSANO:

If the figure that we get is the figure of October and the figure of December then we will not know the difference. My other question is in fact, is it something that has happened since the last monthly figure was provided in September that has led them to this because we have seen no evidence of such jumps in the monthly figures provided to date. When have they discovered this?

HON CHIEF MINISTER:

It is something that has been observed to have been developing in statistics on an aggregating basis since they started to be published monthly. The hon Gentleman says that one cannot establish a trend on the basis of monthly figures. He is therefore recognising that monthly figures distort the real picture. He can disagree with me if he likes about the nature of that distortion and the cause of it but having said two minutes ago that he accepts that monthly figures do not create a trend this is, in a sense, what we are saying as well and there has been some evidence. There has been evidence of a particular surge in a particular month's statistics which is not borne out by anything that has visibly happened in the economy. *[Interruption]* Well, he has not got the figures in front of him because they have not been published yet.

HON J J BOSSANO:

No, but they were published until September and therefore the surge if not in the published figures can only be in October. Is it in fact that the surge has happened in October because it certainly did not happen before October?

HON CHIEF MINISTER:

The hon Member is entirely right. There are elements of the October figure who those that have put them together are not satisfied accurately reflect the situation. That is the position. And we will know by the December figures, which is just round the corner, whether or not there is a statistical blip or not.

HON J J BOSSANO:

Since we do not disagree that the change in one month on its own is sufficient to be able to predict what is going to happen, what is there to prevent the information being provided for each of the three months but on a quarterly basis which is what was originally being done?

HON CHIEF MINISTER:

We will consider that but there is no point in putting in the public domain statistics which are statistical blips and which do not actually tell a real story but if the hon Member thinks it might be helpful to have that information we will consider what the implications of that will be and we will consider publishing the statistics in that form. Certainly even on a quarterly basis much more statistical information and breakdown is available now, even having reduced it from monthly to quarterly that has ever been available before. As far as we are concerned, we want the information in the public domain; that is our policy, we just want it in the public domain in a way which is not open to misinterpretation.

HON J J BOSSANO:

Can the Government explain why then they are not willing to provide the information of vacancies filled which presumably cannot be subject to statistical blips because of people descending in the expectation of taking a job. The explanation that has been given has got nothing to do with the failure to provide the information we have been getting until now monthly showing the vacancies filled in a particular month?

HON J J NETTO:

The hon Member is right and if he so wishes I can provide it to him.

HON J L BALDACHINO:

Would the Minister clarify, if he cannot do it now some time later, am I correct then that the people who are registering unemployed are not people who are in employment but they are women who might be looking for a particular job who, when they hear about it then enter the unemployment market? Is that what he was trying to explain to us?

HON J J NETTO:

Yes.

ORAL

NO. 384 OF 1997

THE HON J L BALDACHINO

ETB - WAGE SUBSIDY

Can Government state what is the expenditure of the Employment and Training Board on wage subsidy for the month of October?

ANSWER

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

Answered together with Question No. 385 of 1997.

NO. 385 OF 1997

THE HON J L BALDACHINO

ETB - WAGE SUBSIDY

Can Government state what is the expenditure of the Employment and Training Board on wage subsidy for the month of November?

ANSWER

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

Expenditure on wage subsidy is as follows:

October	-	£43,929
November	-	£24,095

SUPPLEMENTARY TO QUESTION NOS. 384 AND 385 OF 1997

HON J L BALDACHINO:

In the reduction on the October to the November figure, is it that people who were on wage subsidy have now gone into employment or is there less demand for wage subsidy?

HON J J NETTO:

For that he will have to give me notice but the difference on what has been spent on wage subsidy in October and November, sometimes what does happen is that employers when they do come to get their payments do not necessarily come for that particular month so there is perhaps two or three months in arrears and that is why there is this distortion.

HON J L BALDACHINO:

But it could also be an element in that there are people who have finished with the wage subsidy and are now in employment, it is an element of a number of things?

HON J J NETTO:

Yes, indeed.

NO. 386 OF 1997

THE HON J C PEREZ

VARYL BEGG ESTATE - CAR PARK

When do Government envisage that the works for the completion of the Varyl Begg Estate car park at Europort Avenue will commence?

ANSWER

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

The plans for the completion of the car park at the Varyl Begg Estate and the construction of additional garages as agreed with the Tenants Association are being finalised by the Design Section of the Support Services Department.

It is envisaged that these works will be put out to tender early in the new year and the works will be commenced as soon as the contract has been awarded.

SUPPLEMENTARY TO QUESTION NO. 386 OF 1997

HON J C PEREZ:

Does the Minister know what the length of time of that contract is estimated as?

HON J J NETTO:

As Minister I do not get involved in the works of the technical people. That will be part of the contract in accordance with the specifications that they come up. As I have said in previous questions there is an element of things which were not done previously. There were an element of things which were done wrongly and have been put right and there are elements of new works of new garages which have to be done. All those specifications have been prepared by my technical management, passed on to the design section of Support Services and they are, as I said in the answer, being finalised at the moment.

HON J C PEREZ:

I am not asking the Minister whether he has drawn up the plans or whether he has been putting bricks or anything which is what he seems I have been asking. I am asking whether someone in his department has informed him of how much they think the work is going to take for the completion of a car park which should have been completed in 1996? There have been problems connected with the car park but what I am asking the Minister is when does he envisage that the Varyl Begg Estate car park is going to be completed? Can he get the information from his people and pass it on to me? When do they expect the work to be completed, that is all I am asking.

HON J J NETTO:

Yes, I can get the information and I can also pass it on to him.

HON J C PEREZ:

Thank you.

NO. 387 OF 1997THE HON A ISOLA**TOURISM - HOTEL ASSISTANCE**

What payments have been made in each month since 1 April 1997 in respect of the Hotel Assistance Scheme and to whom have the payments been made?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The amounts paid are as follows:-

30 September 1997	£50,000 paid to the Rock Hotel
23 October 1997	£15,000 paid to the Bristol Hotel
4 November 1997	£1,417 paid to the Emile Youth Hostel
6 November 1997	£50,000 paid to the Caleta Palace Hotel
6 November 1997	£50,000 paid to the Queen's Hotel.

All payments in this respect have been in respect of the grant element of the Hotel Assistance Scheme.

SUPPLEMENTARY TO QUESTION NO. 387 OF 1997

HON A ISOLA:

Did he say that these are part of the grant?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

Which of these hotels will be partaking in the secondary part of the Assistance Scheme, the loan I assume?

HON J J HOLLIDAY:

The loan aspect of the Hotel Assistance Scheme is actually the most important and the major part of the scheme. The Rock Hotel, the Caleta Palace Hotel, the Elliott Hotel and the Bristol Hotel will be participating in the loan even though the Bristol Hotel has still reservations as to whether it will be continuing with that or not.

HON A ISOLA:

When is it envisaged that draw-down will take place on any of those, timings roughly?

HON J J HOLLIDAY:

Drawing will commence as soon as the legal documents are put together and both Government and the relevant hotels concerned have reached agreement on the terms of the loan.

NO. 388 OF 1997

THE HON A ISOLA

TOURISM - ADVERTISING

What was the cost of the tourism advert placed at the Olympic Stadium in Rome during the recent Italy v England football match?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The cost of this advertisement was £12,000.

SUPPLEMENTARY TO QUESTION NO. 388 OF 1997

HON A ISOLA:

On whose recommendation or advice was this advert placed?

HON J J HOLLIDAY:

This advertisement was in relation to the promotion of Gibraltar PLC, it was not really aimed at generating direct tourism sale. The advertisement was aimed at raising Gibraltar's awareness internationally. It was the Government's decision that this advertisement should be paid from the Tourism Marketing Vote although it does not really relate directly to tourism proper.

HON A ISOLA:

On whose recommendation or advice was this advert placed? Was this a Government idea, Government's initiative or did one of the companies advising the Government or individuals recommend the placing of this advert?

HON J J HOLLIDAY:

A proposal was put through to the Government and it was collectively decided that it was a good opportunity to expose Gibraltar in this sort of forum.

HON A ISOLA:

Was the proposal put to Government by one of the companies or individuals working for or with Government or was it from an external body?

HON CHIEF MINISTER:

I do not think it is appropriate for the hon Member to conduct a cross examination on that basis. *[HON A ISOLA: I want the name.]* Suffice it to say that the Government receive dozens and dozens of proposals from any number of different sources on marketing and things generally. All proposals are given due consideration; some are accepted and some are not accepted and the ones that are accepted become the actions of the Government regardless of whose proposals or how they have been proposed.

HON A ISOLA:

Am I right in saying then that it was a proposal put to Government which Government considered carefully and then approved?

HON CHIEF MINISTER:

The Government consider all decisions that we make carefully.

HON A ISOLA:

Bearing in mind it was considered carefully, whose idea was it to put the advert that was put? There was a point made in a newspaper when this announcement came out making a very, very basic point that an advert placed behind a goal in a football match is the least likely place on the pitch where one is going to have time to look at the advert because there is obviously activity around the goalmouth and consequently to actually put a telephone number behind a goal was not perhaps the best form of marketing for Gibraltar that we can spend £12,000 on. That was the reason for the question. Do Government believe it was a good idea and would it do it again?

HON CHIEF MINISTER:

Yes, Government do think it is a good idea. The hon Member may trawl through the pages of newspapers to see what the journalists are saying and then drag their opinions to the floor of this House. He may consider that that is how he forms his views, it is not how the Government make our decisions. The fact of the matter is that if he looks around football stadiums he will see that there are advertising hoardings all the way around the stadium and that the price that one pays for hoardings in the parts of the stadium where it is thought that the play will focus less and therefore the cameras will be focused less, cost much less money than the hoardings adjacent to the halfway line where most of the play takes. If the hon Member thinks that paying £12,000 for this spot is an excessive expenditure he ought to be aware that the hoardings in the location that he would have found much more effective run into the hundreds of thousands of pounds and therefore it is a question of

balancing cost and effectiveness. I accept that when one places an advertisement one does not know how much of the game is going to take part in that corner and therefore it is a risk that we and everybody else that advertises in football stadia take, it is just part of the marketing game.

HON A ISOLA:

I understand what the Chief Minister is saying. The first point is that in reading the newspaper is when I first discovered that the advert had been placed and I watched the entire football match and I did not see the advert myself. *[HON CHIEF MINISTER: Well, less did journalists.]* When I read the newspaper it ram the point home that I am trying to make, that this was not seen by people and the question is not whether the £12,000 by comparison with hundreds of thousands of pounds for the halfway line, that is obviously an acceptable point. But was it worth doing it at all? That is the question I am asking and if Government believe that it was then I would ask them would they do it again?

HON CHIEF MINISTER:

Yes, the Government would do it again. The Government consider that it was a worthwhile marketing exercise for Gibraltar. The Government consider that given that the audience in that football match, not just in television but indeed of the people in the stadium, that £12,000 for that degree of exposure to Gibraltar is very good value for money when one compares it to the much more expensive forms of advertising and marketing and travelling that is done for very often much higher sums of money. It is a matter of judgement. If the hon Member would have taken a different judgement, that is a matter for him. Those of us on this table who are exercising judgements now consider that that, as part of an overall marketing strategy, is good worthwhile expenditure of £12,000 for the repositioning of Gibraltar which everybody except the Opposition Members recognise the present Government have done with a large measure of success in the last 18 months.

HON J J BOSSANO:

Can the Government say whether the idea of spending money this way was something that was put to the Government by a company in Gibraltar or did it come from a company outside Gibraltar?

HON CHIEF MINISTER:

I have already indicated that I am not prepared to answer such questions. It was a decision made by the Government. I actually do not know the answer to that question as I stand here speaking but I did know the answer to the question it would not make a difference. If the hon Member is trying to suggest there is some sort of preference given to the proposal because of the source from which it came, he should exclude all such thoughts from his mind. I can assure him that that was certainly not the case.

HON J J BOSSANO:

The Chief Minister, of course, is permitted by the rules of this House not to give answers but presumably the Chief Minister is not seeking to deny me the right to ask questions.

HON CHIEF MINISTER:

The hon Member now gets much fuller answers to all his questions than we ever used to get to any of our questions.

HON J J BOSSANO:

Perhaps the Chief Minister will consider I may be better at writing questions than he was when he was the Leader of the Opposition.

HON CHIEF MINISTER:

Yes, I will consider that if the hon Member would consider that much more likely than that is the other possibility that we are much freer with information, that we are much more transparent and that we have much less to hide in Government than used to be the case.

HON J J BOSSANO:

I do not know if he has more or less to hide than I have or had. What I do know is that perhaps he will confirm that the nasty innuendos which he puts in all his answers is a reflection of what he used to do when he was in the Opposition when he put the same innuendoes in his questions which are now totally absent from the questions we put which are purely an attempt to seek information and nothing more than that.

HON CHIEF MINISTER:

What the hon Member describes constantly as nasty innuendo is not nasty innuendo, it is just the hon Member's reaction to the fact that he does not know how to take as good as he gives, that is the point. That the hon Member interprets every time he is defeated in argument, which is now almost always the case, that he interprets that as nasty innuendo.

NO. 389 OF 1997

THE HON A ISOLA

TOURISM - ATTENDANCE AT WORLD TRAVEL MARKET

How many members of the Tourist Board attended the 1997 World Travel Market in London and at what cost?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

A total of five members of the Tourist Board attended the World Travel Market. The Chief Executive, Mr Davis attended for one day; the Sales Manager, Mr Sanguinetti, attended for three days; the Marketing Manager, Mr Canessa, attended for two days; Mr Ferrer and Miss Fa manned the stand for the duration of the exhibition.

The total cost to the Gibraltar Tourist Board's presence at the World Travel Market in respect of staffing was £3,540.

SUPPLEMENTARY TO QUESTION NO. 389 OF 1997

HON A ISOLA:

Am I right in saying that the stand was also manned by the UK as it has been in the past, the Gibraltar Government UK Office?

HON J J HOLLIDAY:

There was some presence there but not actually manning the stand. They obviously attended to see the stand and make themselves acquainted but they had no responsibility in actually manning the stand during the fair.

HON A ISOLA:

By comparison with last year, are the numbers similar, more or less?

HON J J HOLLIDAY:

I would say that there was more to the Gibraltar presence this year considering that the new members of the management team of the Gibraltar Tourism Board had been appointed this year and I felt it was prudent that they should attend and get firsthand experience of what the fair was all about.

At the same time they also had the opportunity of meeting a number of tourism contacts that they had been liaising with in the last few months since being appointed to their post which they had not actually met so it would not have looked good in the trade if these gentlemen had not been present at the show at some stage so I made the point that the three of them should at least have attended for a limited time.

HON A ISOLA:

Am I right in saying that of the five that went this year none of them went last year?

HON J J HOLLIDAY:

No, that is not correct. Miss Fa was there the previous year.

NO. 390 OF 1997

THE HON A ISOLA

TOURISM - EMPLOYMENT

How many people have been employed directly or indirectly in the tourism sector in Gibraltar by Government and at what cost since 16 May 1996?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Four new posts have been created under the Gibraltar Development Corporation, as follows:-

Chief Executive; Sales Manager; Marketing Manager and Product Manager. The total annual salary cost of these posts is £103,500. This has been publicly announced previously.

In addition there is a senior officer, a personal secretary and a typist in the Ministry of Tourism and Transport who spend part of their time on tourism matters. The total cost of these salaries is £51,445 per annum. These three persons were transferred to the Ministry from elsewhere in Government.

The 17 other people who currently work under the Gibraltar Tourist Board, whose salaries were already being paid for out of public funds, although they were employed through Government or other private companies, have been transferred to the Gibraltar Development Corporation.

The so-called privatisation of the Government Tourism Department in the past was nothing of the sort, as Government continued to fund these private companies which employed these persons. Thus, there have been some persons employed by Med Management Limited and who reported to the Gibraltar Information Bureau in London; there were some persons employed by the Gibraltar Information Bureau itself; and some persons employed on information officer duties by Knightsfield Holdings. These contracts have either been terminated, as in the case of Med Management Limited, or the value of the subvention to the private companies has been reduced by an amount equal to the salaries payable to these officers who were previously employed by them and who have been assimilated by the Gibraltar Tourist Board.

SUPPLEMENTARY TO QUESTION NO. 390 OF 1997

HON A ISOLA:

What is the total then, is it 17, 3 and 4? Is the total he has given me 24?

HON J J HOLLIDAY:

That is correct. The 17 are not new people, these 17 people have been put into one structure under the Gibraltar Tourist Board who were previously either been working in Knightsfield Holdings, Med Management or the Gibraltar Information Bureau; they now work under one proper structure and being paid for as was previously the case.

NO. 391 OF 1997

THE HON A ISOLA

TOURISM - EMPLOYMENT

Can Government state how many persons are estimated to be currently employed in the tourist industry broken down in the following categories:-

Hotels
Restaurants/Bars
Travel Agencies
Coach Operators
Tourist sites (including the Casino)?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of persons are as follows:

Hotels	266
Restaurants/Bars	370
Travel Agencies	163
Coach Operators	63
Tourist Sites/Casino	192

The total figure is therefore 1,054 persons.

The figure in respect of tourist sites is in respect of the persons employed by Sights Management Limited and the Stakis Casino.

NO. 392 OF 1997

THE HON A ISOLA

TOURISM - AIRLINES ASSISTANCE

What payments have been made in each month since 1 April 1997 out of the £365,000 appropriated for the Airlines Assistance Scheme and to whom have the payments been made?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Two payments have been made from this sum as follows:

£20,583 paid to Monarch Airlines on 29 August 1997 in respect of a joint promotional campaign for the London, Luton/Gibraltar route.

£60,218 paid to Monarch Airlines on 4 November 1997 in accordance with the agreement made by the Government of Gibraltar with the airline which secured this carrier for the Gibraltar route.

NO. 393 OF 1997

THE HON A ISOLA

TOURISM - MADRID OFFICE

When do Government expect to announce the successful applicants for the tourism positions in Madrid?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

An announcement in this regard will be made shortly.

SUPPLEMENTARY TO QUESTION NO. 393 OF 1997

HON A ISOLA:

Bearing in mind that "shortly" is an answer I think I have had before, would the Minister indicate roughly will it be in the next three months or next month?

HON J J HOLLIDAY:

I am afraid I cannot commit myself.

HON A ISOLA:

Does the delay in the announcement have anything to do with the reported difficulties in securing a licence of some sort in Madrid?

HON J J HOLLIDAY:

No, it has nothing to do with the Licencia de Apertura that has been reported in the media in Gibraltar.

HON A ISOLA:

Have Government been satisfied with the level of applicants that have made their applications and indeed were shortlisted, that was the last we heard at the last Question and Answer session in the House? Are Government satisfied with the level of people who have applied and were shortlisted?

HON J J HOLLIDAY:

I think it would be unfair for me to comment on this until the relevant applicants have been informed as to whether their application has been successful or not. The decision will be taken quite shortly.

HON A ISOLA:

I am not asking for the names, I am just asking whether Government are satisfied that the people who have applied are able to do the job that was originally advertised? In other words, I know that the answer is coming shortly in respect of who but will the people be from that list and if the answer is yes then I will assume that the Government are satisfied.

HON CHIEF MINISTER:

Not necessarily. The Government may or may not choose somebody from the list.

NO. 394 OF 1997

THE HON J C PEREZ

MOT TESTS

Will Government commit themselves to alter the relevant regulations so that four year old private vehicles will only have to undergo an MOT test once every two years instead of every year?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

It is the view of the Chief Motor Vehicle Examiner that motor vehicles which are four or more years old should be examined for road worthiness on an annual basis, as is the case in the United Kingdom. The present regulations were drafted without taking into account any political policy considerations.

The European Union directive provides for the minimum standard, that is that motor vehicles should be examined at least once every two years. Consequent on the hon Member's public comments on this issue, Government are now considering the matter with a view to making a decision as to whether to leave the regulations as passed or to alter them to reduce the test requirement to once every two years.

SUPPLEMENTARY TO QUESTION NO. 394 OF 1997

HON J C PEREZ:

When does the Minister expect to be able to take a decision? Surely it must be before the next MOT year, I presume?

HON J J HOLLIDAY:

Hopefully within the next month.

HON J L BALDACHINO:

I would have to declare an interest because mine actually just passed. What about the certificate that has been issued which is only for a year so if the Government take the decision that it will be every two years what will happen then, will those vehicles which have passed be issued with another certificate for the two years?

HON J J HOLLIDAY:

Yes, of course, that will be the case.

NO. 395 OF 1997

THE HON J C PEREZ

TRAFFIC COMMISSION REPORT - TRAFFIC FLOW

Has the Traffic Commission now submitted its report to Government on matters relating to traffic flow?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The report from the Traffic Commission has been considered by Government and decisions taken, as was reflected in the press release on this matter issued on 17 December 1997, which was yesterday.

SUPPLEMENTARY TO QUESTION NO. 395 OF 1997

HON J C PEREZ:

Does the changes in the flow reflect the views of the Commission only or have the Government had an input in the changes in the flow of traffic as have been applied since a couple of days ago?

HON J J HOLLIDAY:

Obviously the Government have had an input into some of the objectives of what we were trying to achieve as a result of the changes in traffic flow but ultimately it has been the Traffic Commission that has rubber stamped and analysed the whole exercise to see whether they felt comfortable with the various changes that were recommended and suggested by Government.

HON J C PEREZ:

Has there been any consultation whatsoever with people directly affected as was promised in the House of Assembly on a couple of occasions already?

HON J J HOLLIDAY:

That is correct. I can confirm that I have personally met some representatives from the Flat Bastion Road area; I have met the Engineer Lane and Governor's Street traders as well, but this was all prior to the actual announcement of the change in traffic flows although their suggestions and their concerns were obviously considered by Government at the time but subsequent to the Traffic Commission submitting its final report to the Government, and before making a public announcement, the Chamber of Commerce were called in, the Engineer Lane and Governor's Street traders

were called in, I believe the Main Street traders and the Federation of Small Businesses, a whole list of them were called in so that they could be briefed and generally speaking they felt that the new system in place, although possibly not meeting everybody's requirement, was in general accepted.

HON J C PEREZ:

Not the users of the roads, I presume? Not the bus people or the heavy goods people or the Taxi Association, they have not been consulted, only the residents of the areas where there is a change of traffic flow. Could the Minister say whether the consultation is about the three facets, have these people been given the full picture of the changes that are due to take place or only the first phase and whether that first phase is only an experimental one and that could change later?

HON J J HOLLIDAY:

If I may answer the first part of the hon Member's question, the Taxi Association have been made aware of the changes in traffic flow through their representation on the Traffic Commission; PSV vehicles have also had input and knowledge of the total new project and scheme in place because they are represented on the Traffic Commission as well. The bus route operators have been advised of some of the changes but let me say that I am now in the process of considering the current flows of routes within the bus stop system because I believe there is a need for these to be considered and possibly under-carry some changes of some of the existing routes as a result of the changes in the flow of traffic in various roads. The second part of the question, the whole scheme has been explained, yes from a to z. What we have done is that the new scheme will come into place in various phases and this is basically because we want to monitor each phase as we implement it because there may be the need for change as a result of it. So we will be implementing the scheme over a two or three month period so as to allow people to adapt to different changes by stages.

HON J C PEREZ:

I hope the Minister takes account of the views of the motorists. I know it is early days but certainly most of them are up in arms at the impact that the changes have had to date. The Minister works in an office near where I work and the tail end of traffic in that area could have been the result of people's ignorance of the changes but the view generally held is that the changes as they are today are utter chaos, we will have to wait and see the whole picture when all the changes are announced.

NO. 396 OF 1997

THE HON J C PEREZ

TRAFFIC - CASEMATES SQUARE

As from when do Government intend to stop traffic via Casemates Square?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

It is not possible at this stage to give a precise date. Traffic will not be stopped along Casemates Square until work is to begin on the embellishment of the square and the surrounding area. The design work for this project is nearing completion and tender documents are being prepared. Tenders will then issue and the appointment of a contractor will follow the adjudication of the tender. This process will take some time.

SUPPLEMENTARY TO QUESTION NO. 396 OF 1997

HON J C PEREZ:

Could the Minister confirm that the project itself envisages that once it is completed no traffic will be able to pass through Casemates Square?

HON J J HOLLIDAY:

That is correct.

HON J C PEREZ:

So the only available route for people living, say, in the Westside area and Sir William Jackson Grove and Varyl Begg to be able to access Line Wall Road would be to go all the way to the sun dial and make their way through Smith Dorrien Avenue and Smith Dorrien Bridge?

HON J J HOLLIDAY:

I think that is correct. People living in the Westside area to access Line Wall will have to go through the sun dial. However, in the new traffic flow people coming along Line Wall and who want to go to the Westside area will be able to go along Line Wall over the bridge and turn right at Corral Road because Corral Road will become a two-way system onto the market and then round the fountain and onto the Westside area.

HON J C PEREZ:

Has the Traffic Commission been consulted on that as well or is that early days yet?

HON J J HOLLIDAY:

No, in fact the Traffic Commission did make very useful recommendations. We pointed out this particular problem that could develop and they came up with the suggestion of changing some of the traffic flows within the Corral area in order to alleviate this, so they have accepted this idea and in fact have ratified that as part of the scheme which they authorised last Friday.

HON J C PEREZ:

I take it that the Government have taken the decision of this and not the Traffic Commission. Can the Minister tell me whether the Traffic Commission is in agreement with the decision that the Government have taken or they have not been consulted or they have not given an opinion? I take it that once a decision has been taken their input is to alleviate the position in respect of the decision that has been taken, but have they partaken in that decision to stop traffic through Casemates?

HON CHIEF MINISTER:

The decision to pedestrianise Casemates is a decision of the Government and exclusively a policy decision of the Government. Absolutely right, this is something that the Government want to do for the economic regeneration of Gibraltar. If it has consequences on traffic flow the Government try to minimise those consequences and seek the advice of the Traffic Commission as to how the Government's policy decision can best be implemented with minimum disruption to traffic. But the decision and the responsibility for it falls squarely on the shoulders of Government.

HON J C PEREZ:

Do the Government not consider that this last step, with all the others that have been taken, will cause utter chaos for motorists? That already the traffic flow in Gibraltar is difficult and that this would be the last nail in the coffin for traffic flow in Gibraltar?

HON CHIEF MINISTER:

It may cause changes to the existing practices of traffic flow in Gibraltar but it may not be a bad thing.

HON J L BALDACHINO:

Why would it not be a bad thing for traffic in Gibraltar?

HON CHIEF MINISTER:

I said that some changes to existing traffic patterns in Gibraltar may not be a bad thing.

ORAL

NO. 397 OF 1997

THE HON J C PEREZ

TRAFFIC - ROADWORKS UPPER ROCK

When do Government envisage that the works for the repair of roads in the Upper Rock will commence?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

It is envisaged that the resurfacing works will commence in February 1998.

NO. 398 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - VACANT UNITS

Can Government state how many post-war flats are vacant at present?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As at 12 December 1997 there are 33 post-war flats vacant.

SUPPLEMENTARY TO QUESTION NO. 398 OF 1997

HON J L BALDACHINO:

There were 13 post-war flats vacant when I asked the question in the last meeting of the House, are any of the post-war still vacant part of those 13 or have those 13 been repaired and allocated?

HON H CORBY:

Of these 13 there are still for refurbishment by Buildings and Works. We have had seven back from the Buildings and Works from refurbishment so there are now seven less on the actual 33 flats.

HON J L BALDACHINO:

Out of the actual 13?

HON H CORBY:

That is right.

NO. 399 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - VACANT UNITS

Can Government state how many pre-war flats are vacant at present?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As at 12 December 1997 there are 52 pre-war flats vacant.

SUPPLEMENTARY TO QUESTION NO. 399 OF 1997

HON J L BALDACHINO:

Out of the last question there were 35, have any of those 35 been refurbished and allocated or do they form part of the 52?

HON H CORBY:

They form part of the 52. In answer to Question No. 270 of 1997 we have had meetings with Buildings and Works and a survey is being done of all pre-war houses to ascertain the validity of repairing or if they are not repairable any longer. We are awaiting a report from Buildings and Works.

HON J L BALDACHINO:

I presume that is also the case on the additional ones which is the figure the Minister has just given me, am I correct?

HON H CORBY:

Yes.

NO. 400 OF 1997THE HON J L BALDACHINO**SALE OF RESIDENTIAL PROPERTIES**

Which residential properties have been sold by Government to sitting tenants since Question No. 310 of 1997 and at what price?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

A total of four properties have been sold by Government to sitting tenants since Question No. 310 of 1997 as follows:-

October 1997

J & R & M Mir	29A/1 Hospital Ramp	£33,000
H & C Chichon	69B Prince Edward's Road	£17,500

November 1997

R J & S Mir	29A/2 Hospital Ramp	£23,000
J & M Canepa	6 Mount Road	£85,000

NO. 401 OF 1997

THE HON J L BALDACHINO

GOVERNMENT HOUSING - OLD ST JOSEPH'S SCHOOL

Can Government confirm that all the flats in the old St Joseph's School at Scud Hill have been allocated?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

I can confirm that all the flats in the old St Joseph's School at Scud Hill have been allocated.

SUPPLEMENTARY TO QUESTION NO. 401 OF 1997

HON J L BALDACHINO:

I have asked this question because I normally pass every day through there and the top floor flats are not habitable by any tenant. Is it that the tenant is taking a long time to repair his flat or is it that there is some problem with the flat before he moves in?

HON H CORBY:

There are no problems with that flat and all flats have been allocated.

NO. 402 OF 1997

THE HON R MOR

SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND

Can Government state what was the balance of the Closed Long-Term Benefits Fund as at 31 August, 30 September, 31 October and 30 November 1997, showing the amount from UK and local funds and the expenditure to former Spanish workers and to pensioners from local funds?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The forecast balance of the Closed Long-Term Benefits Fund as at 31 July 1997 is £4.7 million.

Receipts from the UK for the months of August, September, October and November 1997, were £1 million, £1.1 million, £850,000 and £350,000 respectively from which the expenditure of Spanish pensions totalled £490,000, £1,140,000, £485,000 and £360,000 during August, September, October and November 1997 respectively.

Payments of local pensions totalled £827,000, £823,000, £677,000 and £505,000 for the months of August, September, October and November 1997 respectively.

Other receipts of the Fund included interest earned on investments totalling £16,000, £12,000, £11,000 and £10,000 for August, September, October and November 1997 respectively.

The forecast balance of the Fund as at 31 August, 30 September, 31 October and 30 November 1997, is £4.4 million, £3.5 million, £3.2 million and £2.7 million respectively.

NO. 403 OF 1997

THE HON R MOR

SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND

Can Government state what was the number of pensions being paid or with entitlement to payment in October and November 1997, from the Closed Long-Term Benefits Fund, giving a breakdown of pre-1969 Spanish pensions and locally funded pensions, showing the number of Gibraltarians, Moroccans and other nationalities?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The following pensioners were in receipt of payments from the Closed Long-Term Benefits Fund in October and November 1997:

	<u>October 1997</u>	<u>November 1997</u>
Pre-1969 Spanish pensioners	8685	8701
British pensioners (Gib & UK nationals)	4673	4663
Moroccan pensioners	837	837
Other nationalities	247	257

NO. 404 OF 1997THE HON R MOR**SOCIAL SECURITY - INCOMPLETE CONTRIBUTION CARDS**

What is the criteria Government are using to allow persons to make up for their deficient social insurance records as a result of their not being allowed to contribute prior to 1975?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

As announced in the Government's Press Release of 20 October 1997, a further opportunity will be given to allow those who were eligible to pay arrears of contributions under the Social Security (Insurance) Ordinance in 1975, but did not elect to do so at the time, to make up for incomplete periods of insurance. This will apply to those persons who have incomplete contribution records in respect of any periods of actual employment in Gibraltar at a time that they were exempted or prohibited by law from contributing to the pension scheme, either because they were earning more than the £500 earning ceiling or because they were self-employed.

Furthermore, this option will also be given to the widows and widowers of any insured person who was eligible in 1975 but is now deceased and to those persons who may have opted at the time to pay the arrears by instalments but were unable to complete all the payments.

SUPPLEMENTARY TO QUESTION NO. 404 OF 1997

HON R MOR:

Can the Government confirm that any person who was disallowed from contributing because of either he was earning over £500 or he was self-employed, that in every case they will be allowed to make up for the lack of contribution records?

HON CHIEF MINISTER:

Can I ask the hon Member if he could hold that point. In a sense this question pre-empts a debate on the Bill which is before this meeting of the House precisely to amend the Ordinance and I think that that is a more appropriate opportunity to debate that point and indeed others that might arise. Otherwise we run the risk of conducting a debate on the Bill in relation to this question.

HON R MOR:

I will accept that.

NO. 405 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

What is the total number of self-employed social insurance cards issued broken down as follows:

- (a) Gibraltarians
- (b) UK nationals
- (c) Spanish nationals
- (d) Other EU nationals
- (e) Non-EU nationals?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

During the annual exchange of insurance cards 566 self-employed insurance cards for 1997 were issued as follows:

British & Gibraltarians	475
Other nationalities	91

Subsequently, during the course of 1997 we have issued a further 81 new cards as follows:

Gibraltarians	36
UK nationals	32
Spanish nationals	5
Other EU nationals	5
Non-EU nationals	3

NO 406 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

Of the 997 insurance cards issued to persons not previously in employment between 1 January and 3 October 1997, how many were issued to:

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

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There were 997 insurance cards issued to persons not previously in employment between 1 January 1997 and 3 October 1997 broken up as follows:

- | | |
|-----------------------|-----|
| (a) Gibraltarians | 298 |
| (b) Non-Gibraltarians | 699 |

NO. 407 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

Since the 3 October 1997, how many social insurance cards have been issued to persons not previously in employment broken down as follows:

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

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Since 3 October 1997, 240 social insurance cards have been issued to persons not previously in employment as follows:

- | | |
|-----------------------|-----|
| (a) Gibraltarians | 109 |
| (b) Non-Gibraltarians | 131 |

ORAL

NO. 408 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

How many of the social insurance cards in issue as at 31 December 1996, have been renewed since 3 October 1997?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Twenty-one of the 1996 insurance cards outstanding at 31 December 1996 have been exchanged since 3 October 1997.

NO. 409 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

Can Government state how many of the social insurance cards in issue as at 31 December 1996, but not renewed in 1997, were issued to:

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

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Historically, our social insurance records are kept under two categories, ie British and non-British. Therefore, the information requested is not available.

However, I can provide details of those 1996 insurance cards which have not been exchanged as follows:

- | | |
|--|-----|
| (a) Gibraltarians and other UK nationals | 300 |
| (b) Others | 105 |

NO. 410 OF 1997

THE HON R MOR

SOCIAL SECURITY - INSURANCE CARDS

Can Government state how many social insurance cards were in issue as at 31 December 1996, to:

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

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

For the reasons stated in my answer to Question No. 409 of 1997 the information requested is not available.

However, I can provide details of the social insurance cards in issue as at 31 December 1996, in respect of British and others as follows:

- | | |
|--|--------|
| (a) Gibraltarians and other UK nationals | 10,347 |
| (b) Others | 2,153 |

NO. 411 OF 1997

THE HON R MOR

SOCIAL SECURITY - FRONTIER WORKERS

Can Government state what is the latest number of frontier workers classified as self-employed broken down as follows:

- (a) Gibraltarians
- (b) UK nationals
- (c) Spanish nationals
- (d) Other EU nationals
- (e) Non-EU nationals?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The latest number of frontier workers classified as self-employed is as follows:

(a) Gibraltarians	Nil
(b) UK nationals	23
(c) Spanish nationals	16
(d) Other EU nationals	2
(e) Non-EU nationals	1

NO. 412 OF 1997

THE HON R MOR

PRISON - NUMBER OF INMATES

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

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

On the 12 December 1997, there were a total of 26 inmates held in prison, as follows:

British (local)	12
British (UK)	3
Spaniard	8
Moroccan	2
French	1

SUPPLEMENTARY TO QUESTION NO. 412 OF 1997

HON R MOR:

Are any of the Moroccans in custody as a result of being here illegally and held under the Governor's powers?

HON H CORBY:

No, none of them are illegal immigrants.

HON R MOR:

Is the situation now that we do not have any problem at all at the prison because of people being held because of having entered Gibraltar illegally?

HON H CORBY:

We have this problem every time that they get near our shores and the police bring them in. This is usually because of bad weather but we still have illegal immigrants crossing the straits I expect nearly every day. So we will still have problems with illegal immigrants in Gibraltar.

HON R MOR:

But none being held in prison at the moment?

HON H CORBY:

At the moment no.

HON R MOR:

Have the Russians all disappeared, stowed away?

HON CHIEF MINISTER:

They are no longer being held in custody as we debated several months ago.

NO. 413 OF 1997

THE HON R MOR

EDUCATION - NATIONAL AUTISTIC SOCIETY

Can Government explain why they have decided to provide an additional £138,700 for education abroad from Head 14, in addition to the sum of £314,000 budgeted for this year?

ANSWER

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

The additional £138,700 is required to cover an outstanding bill for the period April 1996 to March 1997 from the National Autistic Society for the care of a local student suffering from autism with very challenging behaviour placed in a UK Services Centre. The entire payment for this service was in dispute until February 1997 when it was resolved that the local Government were liable to cover the cost.

NO. 414 OF 1997

THE HON R MOR

EDUCATION - MILBURY CARE SERVICES

What is the total cost to Government over a year of the contract awarded to Milbury Care Services?

ANSWER

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

The consideration contractually awarded to Milbury Care Services to undertake the management and development of a Social Services Agency in Gibraltar is £397,000 per annum with yearly reviews and increases based on the retail price index.

The consideration will require Milbury to carry out the following services:

1. Milbury will establish, manage and develop the professional single co-ordinated Social Services Agency.
2. Manage and be professionally responsible for the provision of a "Residential Home" for people with learning disabilities in the property provided by the Government at the Dr Giraldi Home.
3. Advise and lead on the further development of learning disability services for the restructuring and unitisation of the Dr Giraldi Home.
4. Identify training needs and provide professional support, supervision and "in service" training as necessary.
5. Manage and be professionally responsible for the provision of a residential service for children in the care of the Government at the Bishop Healy residential home.
6. Manage the Government residential social work staff and any replacements thereof or additions thereto.
7. Manage and be professionally responsible for the provision of day services during school terms to people with learning disabilities at St Bernadette's Day Centre.
8. Professionally co-ordinate, restructure and manage social work services in accordance with the organisation structure and modern and effective techniques.

9. Identify training needs and provide professional support, supervision and "in service" training within Gibraltar to enable the posts occupied by the specified contract officers to be filled by Gibraltarian officers by the end of the term.
10. Identify training needs which require qualification and/or short course application and make recommendations to the Government. In so doing Milbury will assist, where possible, in making arrangements with professional/academic institutions in the UK and offer professional practice placements in Milbury community care facilities in the UK.

In order to manage and develop these services Milbury is contractually required by the consideration to provide the following:

1. A full-time duly qualified and experienced Head of Operations.
2. A full-time duly qualified and experienced Principal Officer of Residential and Day Services.
3. A full-time duly qualified and experienced Home Leader for the Dr Giraldi Home.
4. A full-time duly qualified and experienced Deputy Home Leader for the Dr Giraldi Home.
5. A full-time duly qualified and experienced Social Worker for Adult Services.
6. Behaviour therapy and other specialists from time to time.
7. The advice, consultancy and overall supervision of the Directors of Milbury, as reasonably required from time to time.
8. In service training and staff development from time to time.

This consideration is over and above the Government established expenditure to resource the Dr Giraldi Home, St Bernadette's Day Centre, and Bishop Healy Home which at this moment in time is running at the cost of £483,000 per annum and which will continue to be provided to be spent on the service although it is not part of Milbury's consideration under contract.

Milbury Care Services has been additionally contracted for the sum of £130,000 to conduct, over a period of six months, a series of reviews and consultancies as follows:

1. Behaviour therapy and clinical psychology input as required for initial multi-disciplinary and holistic assessment and report thereon.
2. Initial intensive staff development and training.

3. Review of and report on elderly services.
4. Review of and report on home care services.
5. Review of and report on child fostering.
6. Review of existing legislative framework in all areas of social services and report on legislative recommendations.
7. Project assessment relating to the establishment of a community home with separation for children and adults with challenging behaviour including planning and property, professionals, service design and construction supervision as appropriate.
8. Establishment of proper accountancy and related administrative arrangements and professional practices.

SUPPLEMENTARY TO QUESTION NO. 414 OF 1997

HON J J BOSSANO:

Is it correct to say then that of the £397,000 none of it is to pay local employees?

HON CHIEF MINISTER:

Yes, that is correct.

HON J J BOSSANO:

The employees who are taken on locally or have been taken on, I am not sure which it is, by Milbury from the previous contractor, how do they get paid? Does Milbury pass the cost to the Government?

HON CHIEF MINISTER:

In addition to the £397,000 contractual fee out of which Milbury have to provide seven people at their own expense, the people who were employed before continue to be funded as they have always been by the Government but not in a way that makes those funds available to Milbury to save on. In other words, the Government's original budget in this area is ring-fenced and has to be spent on the provision of those employees and the other costs and charges that were being incurred.

HON J J BOSSANO:

What I am asking is, in fact, I know that Milbury is paying for the seven expats, I find it a strange way of saying it is from their own money, from the money they are being given which is nearly £400,000 but my question is, if all the other costs fall to the Government then is Milbury simply an intermediary that if it gives a pay increase it passes the bill to the Government, is that the way it works?

HON CHIEF MINISTER:

No, there are two types of employee; one type of employee who is engaged in the various services covered by this contract who have always been and remain civil servants and they continue to be paid by the Government in the usual way as they have always been, in a sense they are on secondment. Then there are the employees who used to be employed by the Dr Giraldi Trust, they were not Government employees but they were paid for with public moneys through the mechanism of a subvention to the Dr Giraldi Trust from the Government. All those employees continue to be paid as before except that instead of them now being employees of the Dr Giraldi Trust paid by a subvention from the Government to the Dr Giraldi Trust, they are now employees of Milbury, paid for by the second sum my hon Colleague mentioned of £483,000, that includes all the existing wage costs that used to be channelled through the Dr Giraldi Trust and is now channelled to Milbury.

HON J J BOSSANO:

So therefore my question is, the people who are paid out of the money that was provided as grants to the Trust are paid by Milbury from the money provided for that purpose by the Government so consequently to what extent are they employees of Milbury if Milbury is in fact simply passing the wage bill back to the Government?

HON CHIEF MINISTER:

That is not a proper analysis at all. They are the employees of Milbury; Milbury is not just a paying agent of those salaries on behalf of the Government, they are the employees of Milbury; the amount of money that the Government pay to Milbury under the contract between the Government and Milbury takes into account the fact that Milbury is, by the terms of the contract with the Government, required to employ those people on certain terms. So it is not that they are in a sense Government employees and Milbury is just acting as paying agents, they are Milbury's employees and the amount of money that the Government pay to Milbury reflects that fact but we have divided the amount of money that the Government pay to Milbury into two: one is pure consideration from which theoretically Milbury is free to make savings and therefore enhance their profit and that is the figure of £397,000; and there is a second sum of money which we were not willing to make available to Milbury in a way that they could save and enhance their profit, in

other words, which we ring-fenced and which we said, "Before we started with you Milbury, the Government of Gibraltar were spending a sum in the order of £483,000 in the provision of these services that you have taken over. We are going to make that budget available to you now but on several conditions, amongst them the condition that you must employ this list of employees at these salaries under these terms and conditions and under the further condition that you must spend all of that £483,000 in the provision of local services." In other words, it is a ring-fenced budget, it is almost a managed budget conceptually but not actually structurally. So that £483,000 which represents the money that the Government used to spend on these things anyway and which is now being done through the channel through Milbury, is not really available to them as revenue of the company to save on and therefore increase their bottom line profit, it is ring-fenced in that sense. As opposed to £397,000 which is pure consideration and although they have got to provide contractually certain things which cost them money, theoretically what is left over to them after that is their profit.

HON J J BOSSANO:

If, in fact, the £397,000 management fee is index linked for inflation then how does the contract provide that the £483,000 changes? This is the point that I was making. If there is a pay increase do the Government simply increase the £483,000 to provide for the pay increase?

HON CHIEF MINISTER:

The ring-fenced part of the money of the £483,000 is subject to annual increases index linked but so do they have an obligation to increase the employees' salary. In other words, they cannot just raise the money and spend it on other things. There is an obligation to use the money for the annual increases, there is an obligation to earmark it for specified purposes and most of the £483,000 is actual salary, there is an obligation on Milbury in a sense to pass that on to the employees in the form of annual pay reviews. In other words, they cannot get in effect index linked on a sum which reflects in effect salary cost and then use it for other things other than salary increases.

HON J J BOSSANO:

That, in fact, was not the information that I was seeking. What I am asking is, if Milbury is faced with a pay review of its employees what does the contract say? If they agree to increase, say, by 10 per cent they come back and say, "We want £48,000"?

HON CHIEF MINISTER:

No, Milbury has a budget and they have to manage their business within that budget. Apart from managing their business this includes the fact that what they are going to get from the Government is £483,000 plus index linked

increases on that sum. This is not the civil service, it is not a question of negotiating a pay review and then passing the cost on to the Government, that is not the purpose of this exercise and that is not how it works.

HON J J BOSSANO:

Is the £397,000 basically to pay for the seven specified contract officers?

HON DR B A LINARES:

Not quite, there is also a requirement for behaviour therapists and other specialists to come and give their services from time to time. There is also the requirement for advice, consultancy and intervention, monitoring the operation by the Directors of Milbury who will be coming on a monthly basis to supervise the exercise and also in service training and staff development from time to time with experts from Milbury coming to train and give guidance and staff development of our own local staff. So there is more than just paying the salaries of seven employees.

HON J J BOSSANO:

Can I ask, the contract officers who are employed by Milbury, is it a matter exclusively for Milbury to decide what they get paid out of the £397,000 or is there, in fact, a breakdown similar to that for local employees in terms of the relationship of the contract with the Government?

HON CHIEF MINISTER:

How Milbury spends the £397,000 is a matter entirely for them but out of that £397,000 they have got to do certain things as my hon Colleague has said. They have got to provide these full-time employees and they have got to provide consultants, specialist therapists who are not presently available on a needs basis. I would just like to add to what has already been said that the cost of this to the Government in terms of what we are allowing Milbury as a profit margin in this matter is considerably lower, cheaper to the Government, than the standard UK model of contractorisation of these sorts of services by local council. We are satisfied that that is the case, we have run the numbers past existing models and we are satisfied that we are actually acquiring the services of Milbury cheaper than UK councils do in the UK.

HON J J BOSSANO:

I am sure that that should not weigh very much since in many other areas the Government say they do not have to follow whatever they do in the UK. Could I ask, in fact, are the UK recruits employees in Gibraltar of a Gibraltar company subject to Gibraltar tax and insurance or are they people being sent from the United Kingdom on different terms?

HON CHIEF MINISTER:

There is nothing in the contract that exempts them from the ordinary incidence of the taxation laws of Gibraltar. They are therefore liable to pay tax in the same way as the hon Member and me.

HON J J BOSSANO:

Is, in fact, the company also liable to pay tax on the profit that it makes on the contracts here?

HON CHIEF MINISTER:

There is absolutely nothing in the contract that would exempt them from that obligation.

HON R MOR:

Just on a point of clarification, apart from the £397,000 which is awarded to the main contract, do I understand correctly that there has been a further contract of £130,000 for a six months consultancy, is that correct?

HON DR B A LINARES:

That is correct.

HON R MOR:

So obviously for this year Milbury is going to cost £527,000 all told?

HON DR B A LINARES:

The arrangement is that only half of the £130,000 will be paid during this financial year.

ORAL

NO. 415 OF 1997

THE HON J J GABAY

EDUCATION - EVENING WORKSHOPS

Will the Minister for Education consider the institution of evening workshops at school to involve parents on how best they can support their children?

ANSWER

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

The Department is not excluding from our consideration the possibility of such workshops involving parents. In fact, it is a matter on the agenda of headteachers' regular meetings with the Director and departmental advisers.

SUPPLEMENTARY TO QUESTION NO. 415 OF 1997

HON J J GABAY:

Would the Minister not agree that there is a degree of urgency in this, that there is in fact a considerable move to initiate these workshops and to create a system of closer and more effective partnership? Would the Minister in fact not consider that many of these questions that I ask on educational policy the usual answer is not what the policy of the Government is but that the situation is being monitored? So would he not agree that it would be beneficial not to simply study the matter but to give his opinion on it as to how beneficial it would be to have a structure in this workshop scheme that would afford a regular class and year co-operation between parents and teachers? Furthermore would he not agree that the present system of parents associations is not really adequate enough to the needs of the sort of co-operation that we are all aiming at between parents and pupils in fact as well as teachers?

HON DR B A LINARES:

I would agree that there are benefits to be derived from the ideas explained by the hon Member. As to the practicality, I have also stated that the implementation at a very practical level is being studied by the relevant people, that is by the advisers, the Director and the headteachers together with parents associations. As to the matter of urgency, well that is an area of value judgement and I would agree really that there is a certain degree of urgency but perhaps there are certain factors that need to be explained or defined which could differentiate our situation here from the situation in the United Kingdom where there is an acute sense of the need. It is generally accepted that the motivation and commitment of parents in Gibraltar in

attending to the schooling of their children is, as a whole, and I speak in very general terms, more evident that in the United Kingdom where there is that degree of urgency and of acute need. Because of the greater accessibility of our schools to parents both physically and as a matter of practice, parents have the opportunity to discuss frequently the children's progress with the teachers, both formally in regular open days for parents and informally as well as felt necessary by parents and teachers. I think we should also acknowledge the fact that in all school guides to parents very practical advice is given on how parents can best help their children: reading, homework, study methods and practical suggestions to help learning on maths, language development, but as a whole I agree with the sentiments and with the ideas that the hon Member has put before us. I assure him that with that degree of urgency we will work towards the implementation of those ideas.

ORAL

NO. 416 OF 1997

THE HON J J GABAY

EDUCATION - NPQH QUALIFICATIONS

What is the policy of the Minister for Education in respect of NPQH qualifications for headmasters?

ANSWER

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

For some time now the Department of Education has been keeping abreast and assessing developments in UK for management training in schools leading to what are called School Leadership Qualifications including the National Professional Qualification for Headship, NPQH, and other similar qualifications for Curriculum Leaders, for example, heads of subject departments. The Department recognises that there are elements in these courses of benefit and relevance to our needs locally and, of course, steps are being taken to adopt them.

SUPPLEMENTARY TO QUESTION NO. 416 OF 1997

HON J J GABAY:

I would again ask the Minister whether he can actually state his policy other than the fact that they are monitoring the situation? Is he not aware that the new qualification for headteachers which has been piloted over the last year is to become mandatory in the forthcoming Education Bill in the United Kingdom which is expected to become law in the early part of next year? Therefore I feel it is of consequence to know what policy the Minister, in fact, has in respect of this on-going process which is of considerable importance if we are to plan for the future?

HON DR B A LINARES:

May I point out, with respect, that the hon Member is somewhat misinformed about the NPQH. The NPQH is a qualification for aspiring headteachers, not a qualification for headteachers, it is mainly aimed at Deputy Heads in most cases who aspire and are prepared through the NPQH. The Teacher Training Agency trialled these qualifications on 26 February 1997. Only last month, in November 1997, has the Teachers Training Agency also made available new

training courses for headteachers as such, for experienced Heads already in post. If he asks me about the policy once again, I must say in this case the courses for headteachers, which I agree are of relevance and of benefit, have only been launched officially, as I say, last month so we cannot really go much faster than that.

HON J J GABAY:

With all due respect to the Minister I am not misinformed, it is to become mandatory. In fact, there is a plan really to reach a deadline in the year 2002 whereby all headteachers would have this qualification and it is also expected that this will be achieved before then, probably in the year 2000. So even though actual headmasters at the moment will not have to comply with this, surely he will agree, that if this is the Government's policy then we actually need to do something about it if we are going to move in that direction following the UK pattern. On the other hand the Minister may feel otherwise, I would just simply like to know his opinion on this.

HON DR B A LINARES:

I was saying that the hon Member is misinformed in understanding the NPQH as a qualification for headteachers. It is absolutely factual that the NPQH is for aspiring headteachers. The qualifications and the courses for headteachers have only been announced by the Teacher Training Agency in November 1997, those are facts. The policy of my Department is that there are indeed areas and I cannot really emphasise it more, of relevance and of benefit for our professionals here but it has again to be noted that the urgency in the UK about this qualification is because of the introduction of the Local Management of Schools which now require headteachers to manage a whole ambit, a whole area of the school process which is quite beyond the requirements of local headteachers. As we know, LMS requires headteachers to manage the school's finance including salaries, payment of rates, procurements, promotions, staff recruitment and staff dismissals and, as I say, this is not relevant locally so there is a huge area of these courses which actually will not be relevant to our own headteachers because these aspects are centrally managed by the Department of Education, Personnel Manager and other departments. But this is not to say that we do not see in these courses launched in November 1997 for headteachers as having many aspects, many elements that we will certainly study and try to bring into the operation of in service staff development for our managers in local schools.

ORAL

NO. 417 OF 1997

THE HON J J GABAY

EDUCATION - "CITIZEN CLASSES"

What is the view of the Minister for Education as to the possible incorporation of "citizen classes" as a separate subject in the school curriculum?

ANSWER

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

Education for citizenship is a fundamental aim of our educational programme. As such we have ensured that the national curriculum cross-curricular theme "Education for Citizenship" is an integral part of our schools' curricular provision.

SUPPLEMENTARY TO QUESTION NO. 417 OF 1997

HON J J GABAY:

I believe that the Minister would agree with me when I say that the general opinion in the United Kingdom is that citizenship as a cross-curricular subject has been failing and it is particularly for that reason that a Commission was set up encouraged by the Citizen Foundation in order to do the subject justice, in fact it is being studied at the moment by the Qualifications and Curriculum Authority and there is every chance that it will be taken up at the next review of the national curriculum. Coming back to the local position, would the Minister not agree that our pupils and, in fact, the community at large, would tend to benefit if there were specific teaching and the provision of knowledge and respect of our institutions and the law; the processes of Government; our Constitution; the history of Gibraltar and its political development; that all these might be an encouragement as a separate subject to make our younger generation realise the importance of participating in the life of the community and perhaps as well preparing parliamentarians of a higher order for the future?

HON DR B A LINARES:

I would agree that those elements that he has described in the education of our children are, of course, beneficial and indeed I would like to assure him that a great deal of that is being done. He keeps emphasising as a separate subject, there I would tend to differ somewhat. My view is that good education - this is a question of methodology not of content, as far as content obviously we are of one mind - but in terms of methodology I would tend to differ. It seems to me that all good educational advice today is that non-academic

subjects involving attitudinal personal responses such as drug education and moral education and education for citizenship, social education, should be taught not as isolated subjects but as integrated within other foundation subjects and indeed somehow assimilated in the schools' ethos and its declared aims and proclaimed values and mission statement, then it becomes alive, it becomes part of the way of life in the school and not just as an ad hoc isolated topic in the timetable. That is why the national curriculum has defined what is called, as he must know, cross-curricular themes which are careers education, environmental awareness, education for economic and industrial understanding and education for citizenship which is what we are discussing now. These themes are incorporated in programmes of study, in science, in English, in history, in geography, in religious education and then it becomes much more alive and vital than just a separate academic subject.

HON J J GABAY:

That reflects a very idealistic vision of methodology and how to work on this subject but the fact that there is this special study of it is a reflection of the fact that it is not working in practice and this is the only reason why I suggested that it sounds good if we say that every subject will focus and interrelate on a particular problem. But the reality is otherwise and this is the reason why this special study and this different focus on aspects of citizenship and I feel that in our case, in Gibraltar, that there would be great benefits in fact from such an attitude and I would have thought that the Minister might agree with that.

ORAL

NO. 418 OF 1997

THE HON J J GABAY

EDUCATION - TUITION FEES

Are the Government now in a position to comment on the way Gibraltar students will be treated by LEA's in respect of tuition fees?

ANSWER

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

Yes. It is now clear from the Department for Education published sources and from my own discussions with Mr Clark, the Director of Higher Education of the DfEE, that LEA's will be required to treat European Union students in the same way as local UK students.

From the start of 1998/99 academic year all UK students starting in full-time undergraduate higher education will have to contribute up to £1000 a year towards their tuition fees. If the student's gross family income is below £23,000 a year they will not have to pay anything towards tuition fees. If the gross income is in excess of £35,000 the LEA will not make any contribution and the student is liable for the full £1000. In between these income brackets there will be pro rata contributions by the LEA according to the actual family income.

As with UK applicants, the LEA's will ask EU students for details of their own income and that of their parents or spouse. The parental or spouse contribution towards the fees will be based mainly on their income for income tax purposes for the last financial year. Students will have to provide documents from their own tax authorities which clearly show their parents' or spouse's income. They will also have to declare their own income including any financial help in the form of grants and loans from the authorities in their own country to attend UK courses.

Another directive from the DfEE which is relevant to local students is the fact that if the students are the recipient of any bursary or scholarship award, such as the maintenance grants made by the Government of Gibraltar and abolished in the UK as from the year 1999/2000 and replaced entirely by income-related loans, they will not qualify for any help with fees, by the UK Local Authorities.

The Gibraltar Government will of course maintain the present system of maintenance grants. As this may well make our students ineligible to any fees rebate by the UK Local Authorities, the Gibraltar Government are presently considering the financial implications of this for the annual cost of scholarship funds.

SUPPLEMENTARY TO QUESTION NO. 418 OF 1997

HON J J GABAY:

I am well informed of the details which I have just been presented by the Minister. What I would like to know really is what the policy of the Government will be in respect of these changes?

HON CHIEF MINISTER:

The policy of the Government is that we are trying to find out what the position is in the UK and to what extent we will be made to work around them. Obviously the Minister has explained the position of the UK Department of Education. It is now left to us only to try and obtain different treatment for Gibraltar students than is delivered by the UK to EU students. There is a doubt about whether such an approach can be successful. If it is not successful and Gibraltar students are exposed to the regime that my hon Colleague has described then the Gibraltar Government will have to take stock of that situation. But I would not wish to indicate any willingness at this moment in time which will disarm us when we make representations to the United Kingdom Department of Education. I am sure that the hon Member knows what I am indicating to him.

ORAL

NO. 419 OF 1997

THE HON J J GABAY

EDUCATION - NATIONAL DAY CELEBRATIONS

Are the Government any nearer in coming to a decision as to the possibility of commencing the school year after the holding of the National Day celebrations?

ANSWER

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

No. But this year's National Day on the 10th September falls on a Thursday and I can confirm that the Department of Education is prepared to allow a school holiday on Friday 11th September - the loss of a school day will have to be made up elsewhere in the school calendar in order to comply with the agreed school year of 189 days for pupils and 194 days for staff.

SUPPLEMENTARY TO QUESTION NO. 419 OF 1997

HON J J GABAY:

I still feel that given the importance of the day that some sort of permanent arrangement might be worked out during the actual celebrations so that the children would be free to enjoy the various activities that are organised so that the waste of time that occurs at the moment, as a result of truancy and fatigue, might be eliminated and also to put into proper perspective the importance of National Day. May I add, given my hon Colleague's smile, that we in the Opposition consider that day of maximum importance as contrasted to the more lukewarm support from the Government and this is why we raise the issue again.

HON DR B A LINARES:

It is a very late day conversion really because over the last four years the previous administration did not do anything about this, what the hon Member is suggesting that we do now. *[HON J C PEREZ: I disagree with that.]*

HON J J GABAY:

May I add, that at least we did not have to resort to the dictionary to find out the meaning of national.

HON J C PEREZ:

On a point of clarification, I have informed the House that this matter was being looked at with the Director of Education and although the problem that the Minister has mentioned was the obstacle, the view was that they would have to add some days to the other terms in order to shorten that term but that was a possibility that was being looked at. I accept that for next year the problem is solved but could the Minister commit himself to look at a more permanent arrangement so that we have not got this problem in the future?

HON DR B A LINARES:

I will accept that the previous administration was looking at the possibility and studying all the constraints, that is exactly what we are doing.

HON J C PEREZ:

He has got two years to do it.

HON CHIEF MINISTER:

So far it is much less than they had.

NO. 420 OF 1997THE HON J J GABAY

EDUCATION - SCHOLARSHIP HOLDERS

Will Government state how many scholarship holders finished their courses this summer and what progress has been made in keeping a register of those who return to work in Gibraltar and those who stay away?

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

Mr Speaker, 95 scholarship holders finished their courses this summer.

In May, that is 115 days after completion of their courses as required by regulations, all students were written to seeking official notice of successful completion of their courses. Thirty-nine have replied by now and released from their agreement to take up an appointment with Government after prior consultation with the Personnel Manager. As the students reply to our initial letter they are sent a questionnaire to elicit information about their intentions, whether to return to Gibraltar or otherwise. As at this moment of time 21 questionnaires have been returned and of these five have already secured employment in Gibraltar; one is seeking employment in Gibraltar; one does not intend to return to Gibraltar; and eight have already secured employment outside Gibraltar.

On the basis of this small sample it is too early to draw any conclusions but the other students will be sent a reminder early in the New Year to draw the necessary information and be able to have a more tabulated register as suggested by the Opposition Member. We are making progress but it is difficult progress because of the natural constraints.

SUPPLEMENTARY TO QUESTION NO. 420 OF 1997

HON J J GABAY:

I am grateful for that information. The Minister graciously conceded last time that this would be a good practice and I would therefore ask him really to continue to try to get a complete register because the analysis of it might be of importance all round.

NO. 421 OF 1997

THE HON J J GABAY

EDUCATION - DISCRETIONARY AWARDS

Will the Minister for Education state how many discretionary awards have been made this year, 1997/98, in accordance with the application of the criterion of subject relevance to the needs of the local community and how many have been rejected?

ANSWER

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

The Scholarship Awards Committee uses a number of criteria which have been announced by me in this House in answer to Question No. 289 of 1997 made by the Opposition Member. On the basis of these criteria the Scholarship Awards Committee have this year recommended 41 applicants for discretionary awards: 23 to study abroad; 14 for distance-learning courses; and four applicants for Post Graduate Certificates of Education conditional to a satisfactory probationary student teacher year locally. Twenty-five applicants were not recommended by the Committee.

In granting scholarship awards this year I have strictly adhered to the Committee's recommendations.

NO. 422 OF 1997

THE HON J J GABAY

EDUCATION - HIGHER DEGREES

Will the Minister for Education provide a list of candidates who have received awards for higher degrees this year, detailing names, courses approved and the specific reasons for such awards?

ANSWER

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

It is not appropriate to name individual recipients of such scholarship awards. However, they are related to the following courses: one for a Master of Science on Biomedical Basis of Disease; one for a PhD on Counselling Psychology; one for a PhD on Psychology.

To enter into the detailed assessments made by the Committee of each individual's personal and academic merits is also to encroach into an area of confidentiality which neither the individual applicants or the members of the Committee would wish to be made public.

SUPPLEMENTARY TO QUESTION NO. 422 OF 1997

HON J J GABAY:

I think that we owe it to the public generally to provide far more information on the specific grants on which scholarships are awarded or rejected, would the Minister in fact not agree that this would be healthy given the number of complaints that exist where those who are rejected simply seem to be at a loss as to why? I cannot understand why those who are successful and are granted scholarships, why their names should not be published, why the details of their courses should not be published and what the grounds for actually giving those grants are explained, the rationale behind them. Is the Minister not aware that this has caused a great deal of bother and I think justified dissatisfaction on the part of some parents who fail to understand the logic as to why some people get them and others do not and would the Minister not agree that when he refers to the guidelines that he mentioned in a previous question which I asked, that those guidelines are fairly useless, they are sketchy and most unhelpful and given the amount of public money that is dispersed in this field, I think that there should be some sort of grid or structure that is understood by parents and, in fact, candidates when reasons are given for their rejections?

HON DR B A LINARES:

I disagree entirely with the hon Member. I think the guidelines keep the right balance between setting objectives and directions and at the same time open enough to allow for the discretion of the Committee in assessing each individual application which is also based, of course, on a number of other factors; references from academic referees or employer; reports from headteachers; personal statements; performance at the interview; track record of each applicant; evidence of personal commitment; suitability for a higher degree; all factors which are included in the application form and the evidence that supports that application form and which each student is required to present to the professionals that make up the discretionary element of the Committee.

HON J J GABAY:

All that information which has been mentioned is in fact basic to any selection board. The point that I am making and I would have thought that the Minister is aware of this really as a result of representations made to him by Mrs Dalli and by Mrs Gaduzo where verbal excuses were given as to why their children did not obtain grants and the reasons given seem to be vague and unconvincing. To compound the problem, of course, it does not seem to be the policy of the Government to answer to letters written by the parents in respect of seeking legitimate information and I am afraid I must count myself in that same sphere since I wrote a letter which was hand delivered in the hope that I would have an amount of the information that I required now and this was never forthcoming, not even the courtesy of the reply so I can imagine how parents feel in these matters. I would have thought that the Minister would understand this.

HON CHIEF MINISTER:

Can I just say that it seems to me that the hon Member is touching upon two different issues. The question relates to the publication of information and there is a difference between the publication of information on the one hand and the giving reasons privately to unsuccessful applicants as to why their applications have not been successful. I am sure the hon Member will accept that there is a marked difference between the Minister standing up in the House today and shouting names across the floor of the House on the one hand of unsuccessful applicants and on the other hand the unsuccessful applicant being given some explanation as to why his application has not been successful. I have to say that whilst I have no sympathy whatsoever for the suggestion that names of successful or unsuccessful candidates should be given in the House, I have a degree of sympathy for the suggestion that unsuccessful applicants should be at least informed of the reason why their application has not been successful and I can think of no good reason why that should not be done. Of course, that does not mean that the applicant is going to accept the explanation and a distinction needs to be made between somebody who is aggrieved because they have not had the information

politely communicated to him and somebody who is aggrieved and will remain aggrieved no matter how politely one communicates the information to them simply because they are aggrieved with the decision, not with the process through which it is communicated to them. I would just like to add to that the following, that this is a judgement not made by the Government. The government do not sit in judgement on who should get these things. The hon member knows that there is at least - I cannot say what happened before - since we have been in office there has been no ministerial interference with the judgement of what is a statutory board to consider and exercise its discretion. Certainly what the Government cannot do is answer in Parliament for the discretionary decisions of a statutory board which they do not manipulate, which they do not influence and which they do not instruct what decisions it should make none of which detracts from the fact that to the extent that unsuccessful applicants might feel a little bit more courteously treated if they were given privately in writing even a reason why their particular application has not been successful, I think I am sure that that is something which the department would be perfectly willing to consider. Not, incidentally, that it has ever been the case in the past but since the hon Member has not been in the House before and was not in Opposition to advise his hon Colleagues about how these things should be done in past years and he is now here to give us his ideas, I am sure that my hon Colleague, the Minister, will be more than happy to entertain helpful suggestions of that kind in terms of private communication.

HON DR B A LINARES:

I would like to add to that, not only do I understand and sympathise and agree with that approach but that in fact not only have individual persons aggrieved at being rejected been given the opportunity of a private hearing but also directed as a form of appeal and given the opportunity to appeal to the Committee itself on a second time round restating and reinforcing their claim. I do have to report that in all cases of these appeals the Committee stood by their initial assessment and therefore I in turn have had.....
[Interruption] We are talking about professional people whose judgement and capacity and competence to assess these matters should be respected much more than with a raucous laugh. I also would like to point out, and I think the hon Member will confirm this, that he himself having been approached by many of these aggrieved persons, was given the opportunity of coming to our office and meet the Director of Education on a confidential basis, on the basis that he was authorised to discuss the individual cases, given full explanations by the Director of the reasons why the Committee had actually rejected some claims. He may now I understand wish to rake up this in this House in order to carry favour, ingratiate himself with these persistent protesters but I want to make one thing clear which the Chief Minister has said, I will not interfere and overrule the judgement of this professional Board.

HON J J GABAY:

May I add one thing, I have been too many years in education really to have to listen to that utter nonsense that we may want to ingratiate ourselves with parents. Where children are concerned there is a genuine dedication to them and perhaps I have been longer in the field of education than he has been.....
[HON DR B A LINARES: *Not as a politician.*] And secondly, I think that there is a forced argument when he brings up, as he did last time, this question of how qualified and wonderful the Scholarship Board is. That does not give them a blanket excuse and they are not infallible and the Minister keeps on mentioning this. I think, would he not agree, before Mr Speaker corrects me, that it is the responsibility of the Minister to refine those guidelines to avoid those areas of conflict which are patent, irrespective of political differences on a party basis? I think we would all agree that when we are talking about the education of our children we are not guided at all really by differences of party policy. The thing is that I would like to see some degree of policy on the Government side through a refinement of the regulations and criteria for choice and I am grateful to the Chief Minister for his comment that where people are rejected they deserve and should be entitled to receive a written confidential letter explaining the reasons for such rejection because that is at the root of some of the major problems plus the fact that the Department has not replied to parents' legitimate questions.

HON CHIEF MINISTER:

The Government cannot agree with the main part of that supplementary question. There is no shortage of policy; the Government have given the Board our policy criteria and then the difference is that this Government, having made the policy which is the business of politicians, do not then instruct administrators on how to implement that policy and of course the members of the Board are not infallible, who is? But the fact that people are fallible does not give politicians the right, usually succumbing to political pressure, to overrule the judgement of professionals who are much better equipped to make the decisions than the politicians and simply to override them because the professionals that exercise the judgement are not infallible. Well, nobody is infallible but at the end of the day the society is based on the fact that we all succumb to people's judgements and there comes a time when one lives with the judgement of a Judge and one lives with the judgement of the Court of Appeal Judge and ultimately with the judgement of the House of Lords Judge. If what the hon Member is saying is, that because independent persons who are appointed to exercise their professional judgement in making decisions of this kind might have made a mistake, that Ministers should stand ready to overrule those decisions on the basis, goodness knows on what criteria - the present Minister for Education happens to be an educationalist. The last one in the last Government certainly was not, on what basis would a Minister who is not an educationalist justify a decision to overrule the technical judgement of three or four or five professional educationalists that a particular application does not fit within the criteria established by the policy. The hon Member might say to us as

politicians, "Well, we think that your policy criteria are wrong. We think that they ought to be available to people to whom it is not presently available". That is a legitimate debate for him to have with us and I do not know whether that is his position, it might be his position. But once the Government have established the policy criteria we cannot reopen the judgements if they have been made within those criteria.

HON J J GABAY:

If I may just simply briefly add that that is precisely the point that I am making. I am talking about policy, refining the criteria and the regulations, that is the main issue. I have not said that there should be political involvement other than there can be specific cases where the intervention of the Minister is required. *[Interruption]* If the Speaker would give me further licence just to make one more little point and that is, even though I am not so familiar with the ins and outs of this particular problem, but it appears not so long ago we were talking in this House about the suitability of a particular person to take the post of Director of Postal Services and despite the decision of a particular Board the Chief Minister stood up in defence of what his own opinion is and I think that is quite justified and on occasion it should happen, where we feel that a right decision has not been arrived at.

HON CHIEF MINISTER:

No, with the greatest of respect to the hon Member, the analogy is completely inappropriate. The Public Service Commission's job is to decide whether people should be promoted to another grade and the Public Service Commission decided that a particular officer who had applied for promotion should not be promoted. I did not interfere with that decision, I did not reverse the decision, the man has not been promoted but what I have done is to take a management decision which is open to politicians to exercise a judgement to leave him in a post on an acting basis but that is not to interfere with the judgement of the Public Service Commission which related only to whether the man was entitled to the post substantively. I know the point that the hon Member is trying to make, all I am telling him is that I think he has chosen an inappropriate parallel. The point that he is trying to make is understood even though we do not agree with it. Having said that, the hon Member said last time he questioned us on this issue that the Minister does indeed reserve the right to interfere in cases where he believes there has been impropriety in the implementation of Government policy. That is when it is proper for Ministers to interfere and that is when the Minister will interfere but not to replace his judgement for the judgement of the professional panel.

HON J J GABAY:

The Chief Minister is in fact the perfect casuist. In fact, we are talking about the principle of action in these things and this is precisely what he did but he did it in a circuitous way taking a corrective action.

MR SPEAKER:

You are asking him whether he agrees with that.

HON J J GABAY:

It is always easier to attack the Chief Minister than to compliment him.

HON J J BOSSANO:

Can I ask the Minister whether any of the three higher degrees were people who had a first class honours because when he answered Question No. 285 of 1997 he said that one of the things that was being changed was that there was no longer a condition that he had to have a first class honours in the first degree in order to proceed to a higher degree?

HON DR B A LINARES:

I am not entirely sure whether some or one of the three may have had a first class honours but certainly none of the three were below the grade of 2:1.

HON J J BOSSANO:

Can I just say that in response to one of the supplementaries none of the questions asked for people who had been rejected. What is the problem in wanting to make public Gibraltarians who are studying for PhDs and MSc which is something that presumably the people concerned and their families would have no problem within Gibraltar since they all come out with their caps and gowns when they finish? Are the Government not aware that a long time ago it was the standard practice, in fact, to publish the names of everybody in the actual Estimates, so it was not considered to be confidential? Why is it that the Government feel they are breaking confidentiality by saying who are the three Gibraltarians of whom obviously we are proud that they should be able to pursue a PhD and an MSc in the United Kingdom? What is their objection?

HON CHIEF MINISTER:

We did consider that. The hon Member says that he has not asked for the unsuccessful candidates. That is not in fact true. I believe another question, I do not know if it is one that has just been asked or whether it is about to be asked, but one of the questions does ask for unsuccessful candidates. We did consider whether it was legitimate to take the view that information of failure was confidential but information of success was not. I suppose it is possible to justify the distinction. We took the view that if we were going to take the view that it was breach of confidence to publish the names of failures it was also inappropriate to publish the names of successful applicants and at the end of the day, I am not saying that it is inappropriate for this information to be put in the public domain, perhaps the Ministry of Education may be

willing to consider some system where there is a notice pinned up on a departmental notice board. What I am saying to this House today is that it is inappropriate, indeed, Standing Orders have something to say on this, that it is inappropriate to mention individual persons' names as a matter of course across the floor of the House, it is just not the appropriate forum in which to make this information public, the details public, even if it is not itself unjustified to make it public by some other means. This is not the forum for it.

HON J J BOSSANO:

I do not accept that that is what the reference to names in Standing Orders is about because as I have said it used to be actually published in the Estimates of Expenditure at budget time and subject to questions if one wanted to question it. Can I ask the Minister, in fact, the professional Committee that determines who should go and do a PhD, are they expected to be professionally qualified in the field in which they are determining whether somebody is fit to do a PhD or not?

HON DR B A LINARES:

Of course not. One cannot expect every subject and every area of academic field to be represented physically by a person in that Committee who is qualified in that particular area, if I have understood the question correctly.

HON J J BOSSANO:

So in fact, in that respect they are lay persons and not professional persons. That is to say, if somebody who has not got the remotest knowledge of psychology has to judge whether somebody else is fit to do a PhD in psychology he is not professionally qualified in respect of that particular decision and as I understand two of three are going to be doing psychology from the answer given?

HON DR B A LINARES:

I do not agree with the logical conclusion there. These professionals are competent in the field of education, they have knowledge of what these courses demand from students in a general broad sense as educators but of course not specifically specialised in every particular field. I think the hon Member will understand that.

HON J J BOSSANO:

In the answer to Question No. 285 when the question of the higher degree as one of the criteria was listed it was said that particular attention was paid to the student's track record. To what extent does the track record affect the decision if in fact surely the track record is reflected in the result of the first

degree? Where does the track record come into it, the track record in what respect? Are these people expected in any way to have to come back to Gibraltar because of their higher degrees?

MR SPEAKER:

This is now far from the original question. This is not a supplementary.

HON J J BOSSANO:

No, I am asking supplementaries about Question No. 421 and in fact I am being absolutely specific.

MR SPEAKER:

We are on Question No. 422.

HON J J BOSSANO:

I beg your pardon, Mr Speaker. It is about the three higher degrees that have been awarded by the Committee in accordance with item two of the answer given to Question No. 285 which explained how the professional people in this Committee exercise their discretion.

MR SPEAKER:

I am sorry but the question was whether it should be published.

HON J J BOSSANO:

No, it says whether they will provide a list of candidates who have received this and the courses.

MR SPEAKER:

No, it does not say anything.

HON J J BOSSANO:

Yes, detailing the names, the courses and the reasons. I am questioning about the courses and the reasons.

MR SPEAKER:

But they have said they will not publish it.

HON J J BOSSANO:

The names, Mr Speaker, I have given up on the names but I have not given up on the rest.

HON DR B A LINARES:

I am not sure that I have understood the purpose of that question. If it is that how the relevance of the course is appropriate to local needs, is that what the hon Member is saying?

HON J J BOSSANO:

These are the guidelines for which the Minister is presumably politically responsible. He is not responsible for how the Committee interprets his guidelines, that is as I understand it the position which we have been given. Since the guideline that is given to the Committee includes that they must pay particular attention to the students' track record, I am asking how does that reflect in the decision whether to say yes or no to an applicant for a higher degree given that if we are talking about the track record in academic terms if they have got a 2:1 or a first then that presumably is all that one needs to know about their track record, that is what they have achieved. Or is it that the track record is related somehow to their probability of coming back to Gibraltar and using in Gibraltar the expertise they will gain by the higher degree? Where does the track record fit in?

HON DR B A LINARES:

The track record is assessed by the Committee on the basis of a number of factors. One of them, of course, and the essential one will be the one that the hon Member has mentioned which is the actual grade, whether it is a first class honours or a 2:1 or a 2:2. But then in terms of track record there are reports, there are examination passes on an on-going basis throughout the year, all that evidence is presented to the Committee by each applicant to demonstrate the track record in the sense of progress and commitment and achievement throughout the course not just the final grade which often crystallises what has been going on all the time in terms of examination marks, etc and oral examinations and definitely very often the recommendation of the tutors. In most cases when it is a question of a higher degree one of the key elements is the recommendation of the tutors that this student has the potential and should be supported to go forward with his career into research or into a higher degree. The track record has to be mapped with a number of factors which these professionals, although they may not be specialists in that particular field, know other factors that are conducive to success at the level of higher degrees.

ORAL

NO. 423 OF 1997

THE HON J J GABAY

EDUCATION - HIGHER DEGREES

Will the Minister for Education specify the reasons for which candidates may have been rejected in their applications for higher degree awards?

ANSWER

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

One sole applicant for a higher degree award has not been granted the award. The reason for this is the fact that he was not recommended by the Scholarship Awards Committee.

SUPPLEMENTARY TO QUESTION NO. 423 OF 1997

HON J J GABAY:

No comment, Mr Speaker.

NO. 424 OF 1997

THE HON J J GABAY

EDUCATION - NON-DEGREE COURSES

In respect of non-degree courses not available locally, will the Minister for Education provide names, details of courses and individual reasons for awards made and the grounds upon which rejections have been made?

ANSWER

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

As stated in answer to Question No. 422 of 1997, it is not appropriate to name individuals publicly. However, awards for non-degree courses related to the following courses:-

One for a Certificate in Drugs and Alcohol Therapy (one year course); one for a Special Diploma in Social Administration (one year course); one for Post Graduate Certificate in Biomedical Sciences (one year course); one for a Higher National Diploma in Beauty Therapy (one year course); one for a Bar Vocational course (one year course); one for a Post Graduate Diploma in Law (one year course); three Post Graduate Certificate of Education (one year courses); four PGCEs conditional to a satisfactory probationary year locally.

The reasons for these awards and the reasons why others have been rejected are the recommendations made to me by the Scholarship Awards Committee.

NO. 425 OF 1997

THE HON J J GABAY

EDUCATION - PGCE AWARDS

In respect of PGCE awards, will the Minister for Education state how many were made in the years 1996/97 and 1997/98, to whom and with what 'A' level results if prior to the obtention of a university degree?

ANSWER

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

No awards for PGCE courses were granted in the year 1996/97. In 1997/98, seven PGCE awards were made as stated in my answer to the previous question.

As regards the last part of this question, the hon Member is obviously confused. By definition Post Graduate Certificate of Education courses cannot be entered, and thereby funded by us, prior to the obtention of a university degree. No PGCE award is made on the strength of 'A' level results only.

SUPPLEMENTARY TO QUESTION NO. 425 OF 1997

HON J J GABAY:

Can the Minister confirm that no students currently studying for a degree at university have received such an award operative after they have passed their degree?

HON DR B A LINARES:

Yes, I understand the purpose of the question now. There are degree courses granted which are naturally geared to the obtention of a PGCE after the first degree is obtained and that is permitted from the very start if the applicants so apply for it. As, for instance, in degrees in law, they carry with them also automatically the requirement of a Bar year after the LL.B and that is granted from the start, a four year course.

HON J J GABAY:

I pose the question because it appears that some who are already earmarked to do the PGCE managed to get their mandatory scholarships on very, very meagre qualifications. This is why I raise the question, perhaps it might be beneficial generally if one were to look into that situation in order to guarantee that the best candidates are earmarked really for the profession.

HON DR B A LINARES:

Then we go back to the question of value judgements and interpretation of the assessments made by the Scholarship Awards Committee as to whether the qualifications are deemed by them to be meagre or otherwise it is a matter of judgement.

HON J J GABAY:

This is why without going deeply again into something that we have debated already, whether it might not be a good idea actually to refine and define the framework within which the Scholarship Awards operates. There can be a great difference between a candidate with three 'A' levels at "A" grade and a candidate with very weak ones already from the outset earmarked for the PGCE. Therefore this is a perfect example, as to why, so that fairness and justice appears to be done that we should actually specify certain conditions. I suggest that for consideration, that is all.

HON DR B A LINARES:

Fine, I will take note of the suggestion by the hon Member that we fine tune the guidelines and the policy guidelines for the sake of the Awards Committee. But I cannot help actually saying that we have gone a long way since we came into office in actually defining some guidelines at all. I was sitting in that Awards Committee for many years before I retired as headmaster and we had no guidelines whatsoever. I am sorry if I have to be provoked to say that.

HON J J GABAY:

May I simply end this particular question with a supplementary asking whether in a small community such as ours where information circulates freely, at times accurately and at times inaccurately, the nearer we can get to specifics the easier it will be for those who are rejected to understand the reasons. This is the comment.

HON DR B A LINARES:

Yes, we are always ready to improve and refine and fine tune and improve the product as we go along.

NO. 426 OF 1997

THE HON J J GABAY

EDUCATION - COURSES OUTSIDE THE UK

In respect of courses outside the UK, will the Minister for Education state how many awards have been made this year, to whom and for what courses, as well as the number of rejections and the grounds for such rejection?

ANSWER

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

No awards were either made or rejected this year for courses outside the United Kingdom as there were no applications for such awards.

NO. 427 OF 1997

THE HON J J GABAY

IMPORT DUTY - PRINTED MATERIAL

Will the Government give a commitment that the import duty on printed material is not merely suspended but abolished?

ANSWER

THE HON THE CHIEF MINISTER

Import duty on printed material generally, has not been suspended as the question assumes. What has been suspended is the application of import duty to books and one or two other items of printed material. The Government have not yet finally reviewed the position of these anomalies that arose out of the recent changes to the Import Duty structure. However, it is more than likely that the decision not to levy duty on those items on which it was suspended, for example, books, will be made permanent.

SUPPLEMENTARY TO QUESTION NO. 427 OF 1997

HON J J GABAY:

Will the Chief Minister not agree that, from the outset, the imposition of the duty on books was in fact and, of course, a simultaneous reduction on the duty on cider, was in a way an invitation to take the wrong educational message?

HON CHIEF MINISTER:

How the debate carries on during the next five minutes depends on whether the hon Member wishes to score political points or whether he is genuinely concerned about the possible adverse effect of the introduction of duty on books. I do not make any connection myself between cider and books. I have read books all my life and never drank any cider.

HON J J GABAY:

Perhaps as reading material we should recommend to the Chief Minister an adaptation of the novel "Cider with Rosie" to "Cider with Bernard" and to re-read and ponder on the excellent letter that was published in the Chronicle by Ross Pierson.

HON CHIEF MINISTER:

I read all the letters in the Chronicle published under the name of that gentleman but, of course, I have no doubt where the letter actually comes from.

HON J J GABAY:

We know where the cheap cider comes from anyway.

NO. 428 OF 1997

THE HON J J GABAY

EDUCATION - SCHOOL HOURS

Will the Minister for Education state the Government's policy in respect of any changes in the traditional pattern of school hours?

ANSWER

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

The Department of Education has held discussions with the Women's Association, the Gibraltar Teachers' Association and the headteachers of schools on this issue. We have given careful consideration to the survey of parental views carried out by the GTA and we are awaiting the results of a similar survey of the views of teachers.

It has also been decided to form a working group with representations of the Women's Association, the GTA, the headteachers, Parents' Associations and the Traffic Commission to advise the Government and propose practical and viable options in respect of any proposed changes to the present pattern of school hours.

SUPPLEMENTARY TO QUESTION NO. 428 OF 1997

HON J J GABAY:

I will therefore assume, as in many other points that have been raised, that the Government are studying the measure, monitoring progress and will eventually come up with a viewpoint on this subject?

HON CHIEF MINISTER:

Yes, is that not the sensible way to proceed?

HON J J GABAY:

Not particularly when it becomes a matter of practice.

HON DR B A LINARES:

If we did not do that we would be accused of lack of consultation.

HON J J GABAY:

That will happen no matter what.

NO. 429 OF 1997

THE HON J J GABAY

EDUCATION - NON-RESIDENTS

How do the Government monitor the access to Gibraltar's education system by non-residents who may be registered at a Gibraltar address where they do not reside?

ANSWER

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

Whenever the Department has reason to suspect false information in application forms for enrolment in respect of residence in Gibraltar, it demands evidence in the form of a letter from the landlord or a tenancy agreement and in the case of non-Gibraltarians informs the Immigration Authorities who take it upon themselves to check the authenticity of the address and indeed, the legality of the applicant's residence in Gibraltar.

Those who are found not to reside legally in Gibraltar are either not registered or invited to enrol as fee-paying pupils, providing there is room in the school, and if it does not incur Government in extra expenditure, for example, in providing language tuition, etc.

SUPPLEMENTARY TO QUESTION NO. 429 OF 1997

HON J J GABAY:

Am I right in assuming therefore that the letter that the Minister has received from a citizen complaining about a specific case will be investigated?

HON DR B A LINARES:

I can assure the hon Member that that allegation in that letter has already been investigated and we have ample evidence that it is false information.

HON J J GABAY:

Will the citizen concerned be receiving a letter giving the Minister's opinion to that since he took the initiative of writing to him?

HON DR B A LINARES:

I am not too sure what the decision will be in that respect because we cannot be answering every allegation that is filed at the Department from aggrieved people trying to accuse each other of things which do not turn out to be truthful.

HON J J GABAY:

But surely that will only become transparent when the matter is investigated.

HON CHIEF MINISTER:

There is a difference between being grateful for the receipt of information which is then investigated which has been done and involving the provider of the information with a reply which is different. The Minister has already said that on the receipt of the information the matter has been investigated. The hon Member has wanted to take it further by suggesting that now the Minister should write to the person who provided the information. They are two different parts of the exercise.

HON J J GABAY:

Can the Minister confirm that he actually said that just now? Has it been investigated?

HON DR B A LINARES:

I have affirmed and confirmed in this House that the matter has been investigated.

HON J J GABAY:

I would feel it is a matter of courtesy that a letter should be written to the citizen concerned saying the matter has been investigated. This is normal procedure.

HON DR B A LINARES:

I have no axe to grind on this, we may well do so but we have to be careful, as I said before, because this is not a sole incident, there are many other incidents in which accusations very often on personal vendettas from one citizen against another are addressed to us and we have to have a certain prudence in respect of attending to all of them in this courteous manner that the hon Member is suggesting. Nevertheless I have no axe to grind, a letter of reply may be appropriate or it may not be.

ORAL

NO. 430 OF 1997

THE HON J J GABAY

EDUCATION - SUPPLY TEACHERS

How many supply teachers are re-employed retired teachers and how many are newly qualified entrants to the profession?

ANSWER

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

Answered together with Question No. 431 of 1997.

NO. 431 OF 1997

THE HON J J GABAY

EDUCATION - SUPPLY TEACHERS

Will the Minister for Education state how many supply teachers are currently employed?

ANSWER

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

There are no retired teachers currently re-employed in the service. There are 23 retired teachers who are on the supply list and some of them may occasionally, as the need arises, be required to provide temporary assistance in the schools to cover for absent teachers.

There are seven newly qualified teachers who have been offered long-term supply work in part-time or full-time employment outside the permanent and pensionable complement.

SUPPLEMENTARY TO QUESTION NOS. 430 AND 431 OF 1997

HON J J GABAY:

Would the Minister agree that to employ newly qualified teachers on a supply basis is perhaps not the best way of proceeding?

HON DR B A LINARES:

I must remind the hon Member that since we came into office we have increased the complement of teachers by eight after 10 years of a static situation there. We have gone a long way in increasing the complement. There is no other way in which one can employ newly qualified teachers except outside the complement because that is the given situation.

HON J C PEREZ:

Is the Minister saying that the seven newly qualified who do supply work are employed on supply terms or are they permanent and pensionable on supply work? Are they employed as any other supply teacher or would they be employed permanently on supply work to cover for other teachers?

HON DR B A LINARES:

They are employed on a long-term basis, in some cases for a whole year but in terms of payment, etc and their conditions of employment, they are on a supply basis.

HON J C PEREZ:

Is it the case that when there is a need for supply the seven newly qualified are given preference over the retired teachers whenever that is possible?

HON DR B A LINARES:

Yes indeed, I can assure the hon Member of that.

HON J J GABAY:

Is it in a way beyond the imagination of the Department to devise a scheme that looks into the question of supply teaching within the system as happens in major public schools where outside help is hardly ever required but where the supply arrangements come from within the teaching staff in the division of labour so that we do not have people simply employed on a supply basis for the simple reason that a lot of time is wasted since supply teachers generally come in and tell the children to get on with their work? This has been found to be the problem with supply teachers, there is not the necessary continuity and therefore schemes have been devised whereby the individual timetables are so organised that within the body of the teaching staff allowance is made for problems of absences and so on, the unexpected contingencies. I thought it might be a good idea to look into it.

HON DR B A LINARES:

If I understand rightly, this is exactly what we have done. We have employed on a long-term basis seven newly qualified teachers who cannot be accommodated within the given complement but nevertheless they stand as in-built supply teachers within different schools so that when the occasion arises they are already in situ and can easily take over the supply for an absent teacher. I think it is along the lines of what the hon Member is suggesting, that they do not come from outside as very often we have to actually, but they are already in-built into the "complement" of the staff in a particular school so that they can supply on an on-going basis.

HON J J GABAY:

Are these newly qualified teachers who act as supply teachers, do they have a guarantee of future permanent employment?

HON DR B A LINARES:

No, of course, there cannot be a guarantee. They are grateful because they are working and they have employment and they are fulfilling their vocation and they hope, of course, that one day as vacancies arise from within the complement, they will stand a pretty good chance because they are already there, they have a foot in there to be able to take on a pensionable and permanent job.

HON J J BOSSANO:

Can I ask, in the granting of discretionary awards for people who go on to teaching, is the possibility of them coming back and being employed a factor that is taken into account or are they given the grant notwithstanding that it may not be possible to offer them employment?

HON DR B A LINARES:

There are very few discretionary awards given for teaching as such, for a whole degree course leading to a teaching qualification. There are, of course, discretionary awards, as I explained earlier on today, for Post Graduate Certificates of Education because it is a natural development of a particular degree already obtained. But certainly in the Awards Committee the prospects of employment which vary greatly from one subject to another, may I say, in some areas there are definitely gaps where we are short of teachers, in other areas there is a superabundance of teachers and those options are very clearly put before, not only by the Awards Committee but by the advisers in the department when the applicants come in a preparatory sense to enquire about their possibilities of a career in teaching, apart from the obvious careers guidance which is given within the schools.

HON J J BOSSANO:

Am I right in understanding that in answer to a previous question, in fact, in relation to Post Graduate Certificate of Education the Minister said that this was after they did a year in the schools here?

HON DR B A LINARES:

Yes, indeed, that is another precaution taken by the Government, that we wish to ensure that the students who after obtaining a first degree decide to take on a Post Graduate Certificate of Education to take on a teaching career know what they are doing, they have had the experience of a year in the field, at the chalkface, to put it literally, of the classroom and also to enable the department to assess the suitability of the candidate for a teacher career.

HON J J BOSSANO:

What I do not understand, perhaps the Minister for Education can educate me on this point, is why we are doing that when in fact there is no chance of giving them a job when they are finished because we have already got seven long-term supply who cannot even be guaranteed a job never mind the one who has not even gone off to UK? If there are people who are interested in teaching and who may improve their prospects of employment by having a teaching qualification, is it not better to give them the chance to go ahead and do that rather than require them to be a year in school before they go which must give them the impression that there is work for them when they get back and then there is no work for them?

HON DR B A LINARES:

There are two points to be made on that one. First of all, at the end of the day the individual vocational decision of a student carries an intrinsic merit and has to be respected but, as I say, we still delay the whole thing by making them take a year in teaching locally so that they are absolutely sure that that is what they want to do. Secondly, there is a turnover. The fact that there is a glut at the moment and there are seven teachers who cannot obtain permanent employment in the pensionable establishment does not mean that in a couple of years time, in three years time, there may not be more vacancies, in fact, in our review of the situation there are quite a number of teachers who will be retiring in a few years time and there will be openings coming to the fore in that respect. So it is not as black as it might appear.

HON J J BOSSANO:

In the numbers that are currently doing this year, presumably there are some, how do they fit into the system in terms of the people who are doing supply and the people who are on the complement? What do they actually do in this year? What is the role that they have? Are they in addition to the normal teacher or are they with the supply teachers?

HON DR B A LINARES:

Does he mean the student teachers? [*HON J J BOSSANO: Yes.*] They are in addition. They are an addition to the school complement, they are not officially supply teachers or permanent and pensionable teachers, they are student teachers with very much their own rate of pay which is that of a student teacher.

NO. 432 OF 1997

THE HON J J BOSSANO

EDUCATION - MOD STUDY

Have the Government been consulted over the study the MOD is conducting of Service Schools?

ANSWER

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

The Cost Scrutiny Unit of the MOD wrote to the Director of Education in January 1997 explaining that they, "Were carrying out a scrutiny of Services primary schools throughout Europe and also in Gibraltar focused on the activities, funding, cost effectiveness and efficiency of those schools", and I am quoting from their letter.

The MOD expressed interest in the educational arrangements for local children so as to, again I quote from the letter, "Place the Services School in its proper context". We were accordingly asked for "background information", very detailed information, concerning our schooling system in Gibraltar.

The Director was also informed that an officer from the MOD Cost Scrutiny Unit would be discussing the matter further with the Director of Education, but we have not heard any more since the initial approach in January.

All this, the hon Member will understand, hardly comes to a consultation proper.

SUPPLEMENTARY TO QUESTION NO. 432 OF 1997

HON J J BOSSANO:

Does the Minister know how near they are to completing the study given that we are getting on now for 11 months since they started it?

HON DR B A LINARES:

We have no information whatsoever on this and I can tell the hon Member that even the headteacher of the local Services School has absolutely no information whatsoever in this respect.

NO. 433 OF 1997

THE HON MISS M I MONTEGRIFFO

SPORTS DEVELOPMENT UNIT

Can Government confirm whether they intend to proceed with a consultancy to determine what further steps will be taken to set up the Sports Development Unit?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government, on the advice received from the Gibraltar Sports Advisory Council, have asked the United Kingdom Sports Council to carry out a consultancy on Sports Development in Gibraltar. This was one of the matters discussed with the UK Sports Council officials during my recent visit to UK in conjunction with the Commonwealth Conference on Sport held in Edinburgh.

SUPPLEMENTARY TO QUESTION NO. 433 OF 1997

HON MISS M I MONTEGRIFFO:

In view that in October the Minister for Sport answered a question that I put to him that the consultant would be visiting Gibraltar shortly. Is he more knowledgeable as to the date when he will be coming to Gibraltar?

HON LT-COL E M BRITTO:

Yes, towards the end of January.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm that this consultancy will also include the Gibraltar Football Association or are the Government divorcing football from this consultancy?

HON LT-COL E M BRITTO:

No, the consultancy is on Sports Development. As far as I know football still remains a sport and therefore it will include football.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm also whether they are still undecided as to whether the post will form part of the establishment or not?

HON LT-COL E M BRITTO:

As I explained to the hon Member in answer to Question No. 296 of 1997, the consultancy is wide-open and it will include the post of Sports Development Officer.

NO. 434 OF 1997

THE HON MISS M I MONTEGRIFFO

SECOND SYNTHETIC PLAYING SURFACE

Can Government confirm whether they are considering providing the Gibraltar Hockey Association with a new synthetic pitch that requires watering?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government at present have no plans to provide a second synthetic playing surface.

Government do consider it important for sports facilities to be improved and, through the Gibraltar Sports Advisory Council, have asked all recognised sports governing bodies to submit details of projects etc, which they consider important to improve sports facilities in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 434 OF 1997

HON MISS M I MONTEGRIFFO:

Has the Minister been officially or unofficially approached by the GHA?

HON LT-COL E M BRITTO:

Yes, a number of suggestions have already been received and are being collated but I can confirm that one of those is from the GHA who have suggested that - I think the Opposition Member's definition of a pitch that requires watering is a little bit wide - what they have requested is a water based synthetic turf which indeed requires watering and as the hon Member knows... [*HON MISS M I MONTEGRIFFO: It is the same.*] No, it is not the same. One of the problems is the cost of fresh water. One of the things we are researching and seeking advice on is whether it is possible to have that type of playing surface with a brackish water irrigation system or even a salt water irrigation system. The obvious problem, of course, is that the accumulation of salt clots up the grass or the synthetic surface and causes problems but apparently there are ways around this and this is one of the things we are researching.

NO. 435 OF 1997

THE HON J J GABAY

CEMETERY FOR ANIMALS

Can Government confirm that they have granted a patch of ground to serve as a cemetery for animals?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, we have not granted a patch of land for an animal cemetery.

SUPPLEMENTARY TO QUESTION NO. 435 OF 1997

HON J J GABAY:

May I ask the Minister for Education whether it is a fact that a number of school boys from Bayside actually addressed a letter on the subject to the Government?

HON CHIEF MINISTER:

It is true that my office has received an orchestrated bundle of letters from schoolchildren which, given that they emanated from schoolchildren and from children in a particular class in a particular school, I passed on to my hon Colleague the Minister for Education to investigate further not just in relation to the proposal but indeed whether it was appropriate that children in attendance at Government schools or at any school should be orchestrated in this way for such purposes.

HON J J GABAY:

I challenge that statement seriously in the sense that I think that pupils are entitled and should be encouraged, if necessary, in matters which are dear to them to send a letter to the Government. I cannot understand why there should be an objection. As for orchestration, to use the Chief Minister's favourite expression, that is a matter of judgement.

HON CHIEF MINISTER:

Yes, the hon Member must know just how easy it is to manipulate children. Secondly, as to the question of.....

HON J J GABAY:

On a point of order. I educate children, some politicians manipulate

HON CHIEF MINISTER:

As to the point about being forced, I only came to the view that there had been an element of coercion when one of the children was candid enough to tell me in the letter that he had been forced to write it.

HON J C PEREZ:

Is the Chief Minister not aware that this has happened all the time? Certainly when I was a Minister I used to have some teachers doing projects in the class and the project was to write to the Minister about litter or about traffic problems or things like that and this was the teacher making the children aware of the environment in which they live and of the civic responsibilities that they have for Gibraltar and so on. Is he not aware that this is the case, that it happens regularly and that it cannot have been the manipulation that he sees in everything that anybody does?

HON J J GABAY:

From what I understand, the response came in the form of a rather irate letter and I think this jumping to conclusion that the whole thing was orchestrated is really quite unfair. The essential thing here is, and there may be a fundamental disagreement, that I feel quite certain that children are entitled really to write to Ministers on subjects totally apolitical which are of concern to them and for the teacher to receive a reprimand from the headmaster of the school can only amount to manipulation from the top, something which is terribly unfair and which is really quite unjust given young children's concern for animal life.

HON CHIEF MINISTER:

All I can say is that I limited myself to passing the letters on, I am not aware whether there has or has not been a response. I have no strong views one way or the other as to whether there should be a cemetery for pets or not. I do have views which do not coincide with the Opposition Members as to the legitimacy of teachers using the children in their charge to pursue agendas in which they have a particular interest. But in any case let me say, if as the hon Member is now informing me, of which I was not aware, that the teacher in question has received a letter of reprimand it can only have been the professional judgement of his headteacher and certainly not the result of any political requirement, interference or still less direction from any Minister.

HON J J GABAY:

Could the Minister for Education enlighten us as to exactly what his knowledge is in this particular incident and what his role has been in it?

HON DR B A LINARES:

Well, I got this bundle of letters and we examined the school registers and were able to focus that all the names came from one particular class in one particular school and I certainly left it at that. I agree, to some extent, with the Hon Mr Perez that we do not dramatise this, that it is an element which very often takes place in schools, we do not take a dramatic view of this but nevertheless it was the judgement of the headteacher, when he was informed about this, that he should exercise an element of control over this because as the hon Member can also I am sure agree, teachers can also go overboard.

HON J J GABAY:

How absurd can we get to say that we are going overboard because a few children write to the Chief Minister about something as slight as wanting a patch of ground in which to bury animals because today they are conditioned to respect animal life in a way that we were not? How can we talk about the manipulating of pupils, how can we talk about orchestration, this is utter nonsense. Really I think it speaks very badly of the system, in fact, that does not encourage youngsters occasionally to send a letter to the Chief Minister about something which they feel is dear to them, it is absolutely unbelievable.

HON CHIEF MINISTER:

I am always delighted to receive letters from school children and I receive many of them and I answer them. Of course, it all depends on what the definition of orchestration is, frankly to get- and I do not know how old these children were but they could all write so I suppose they must have been eight or nine - but to get 26 children to write a letter almost in identical terms expressing the same view on the same issue, well I do not know what the hon Gentleman's definition of orchestration is but I think if one gets 26 adults in a room and they are asked to write their views on the same issue the chances of their having that degree of consensus is most unlikely.

HON J J GABAY:

This is certainly not the case. I would just simply add that it is quite natural, for example, in a classroom to be studying a poem that really in a very emotional way touches upon a child's love of animal life and if the teacher says, "Write on the subject" there will be an identity of views these days on a subject like that. What is wrong if the teacher says, "If you feel strongly about this then you should address the Chief Minister"? The Chief Minister should be proud of that not upset.

HON CHIEF MINISTER:

The answer is very simple, the Chief Minister is not at all upset, the Chief Minister is quite happy to be written to. The Chief Minister simply makes the observation that it is very unlikely - and these were not, by the way, three line letters saying, "Please I would like there to be an animal cemetery" - these were lengthy letters, it was really impressive, certainly very good letter writing practice which is to be encouraged and applauded but, frankly it seemed clear that somebody was promoting their case for a pet cemetery. Incidentally there may be a jolly good case for a pet cemetery, I repeat the fact that if somebody wants a pet cemetery presumably they submit an application to the Government Lands Management Committee and the application will be given due consideration. This should not be mistaken for any view or judgement on that aspect of the matter.

NO. 436 OF 1997

THE HON J J GABAY

GOVERNMENT WORKSHOPS - ROSIA ROAD

Can Government inform the House of their plans for the area that has been cleared in Rosia Road where the old Government workshops were located?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government have already informed the House in reply to questions from the Hon J C Perez that this site is to be used for relocating those sections of the Electricity Department which are presently operating from King's Bastion and the Orange Bastion Depot in Irish Town.

More specifically I can tell the House that the scheme will provide workshops, offices, storage and welfare facilities for the Distribution, Consumer Services and Installation Sections as well as for the provision of the Meter Testing Station. These facilities will be housed within one building comprising of two separate sections running from east to west. These two sections will be saddled by a section running north to south at first floor level. This building will be designed and sited to create open spaces within the site and improve the view from Rosia Road.

Following consultations with, and representations received from, the Gibraltar Heritage Trust, the site is to be also enhanced by the creation of a walkway around Ragged Staff Flank. This will allow the public to have access to areas which were previously inaccessible and hidden from view by the boundary wall along Rosia Road. These areas will include a magazine and a short tunnel that were found during a survey of the site.

It is also proposed to restore the Flank wall itself by removing all encumbrances added during the Second World War and to retain the magnificent specimen of Araucaria Excelsa or Norfolk Island Pine.

NO. 437 OF 1997

THE HON J C PEREZ

NYNEX - FLAG TELECOMS CABLE

Can Government state what the FLAG Telecoms Cable is now in service, and if so, whether Gibraltar Nynex has now linked up to it?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Fibre-optic Link Around the Globe telecommunications cable, known as FLAG, is in service. Gibraltar Nynex's connection to FLAG has been completed. The necessary technical tests are presently being carried out and, if successful, the Gibraltar Nynex connection to FLAG will then become operational in early 1998.

NO. 438 OF 1997

THE HON J C PEREZ

NYNEX - CUSTOMERS INTERNATIONAL TELEPHONY

Has Gibraltar Nynex applied to Government for a licence to offer customers international telephony?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No.

SUPPLEMENTARY TO QUESTION NO. 438 OF 1997

HON J C PEREZ:

Could Gibraltar Nynex offer customers international telephony as from 1 January without a licence given that the necessary legislation for the manipulation of such business is not at the moment in place as directed by the European Union? Could Gibraltar Nynex, as a result of the liberalisation of telecommunications as from 1 January just go ahead and offer customers international telephony?

HON LT-COL E M BRITTO:

No.

HON J C PEREZ:

Can the Minister explain why, in his opinion, this is not so?

HON LT-COL E M BRITTO:

We ventilated this subject at length in answer to Question No. 301 of 1997. I refer the hon Member to the answers that were given there.

HON J C PEREZ:

I am not asking him to give me his views on why it cannot take place because of the question of the number of lines and so on. I am telling him whether legally can this happen at the moment regardless? I know that the hon Member is Chairman of the company and the Government are 50 per cent shareholders but strictly legally can a company come in and offer international telephony after 1 January because it is liberalised under Community law?

HON P C MONTEGRIFFO:

As the hon Member knows, the transposition of the relevant directives is a matter to which this Government attach importance and we hope to bring in legislation in that area very shortly. The view the Government take is that until the transposition of the directives is implemented in Gibraltar it is not open to any other operator to have access to Gibraltar. The transposition, as I am sure the hon Member knows, is complicated and it would be completely out of the question for any operator to have access to Gibraltar in advance of full-scale transposition in the way the Government are proposing.

HON J C PEREZ:

So despite the problems on the limit on the number of lines that there is and everything else, the view of the Government is that anybody wishing to offer telecommunication services as from 1 January 1998 has to go through the normal procedure that Gibtel and Nynex needed to go before in order to acquire a licence from the Government to be able to do so?

HON CHIEF MINISTER:

Yes, the liberalisation regime is done by directive. That is to say, it is not a regulation of direct application and therefore it is something that the Government of Gibraltar are required to transpose into the law of Gibraltar. Until we do so citizens do not acquire a right except the right, as hon Members now know have been acquired by citizens in certain circumstances, to seek redress against Member State Governments that do not transpose directives into EEC law but the mere adoption of the directive does not give the right to the citizen.

NO. 439 OF 1997

THE HON J C PEREZ

GIBTEL - TELEPHONE CHARGES

Can Government state whether it is the intention of Gibtel to further reduce international telephone charges?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, customer collection charges to Band 13 countries, that is UK and Portugal, will be reduced as follows with effect from 1 January 1998:-

The standard rate per minute will be reduced from its current rate of 55p to 50p and the cheap rate per minute from 45p to 40p.

It is proposed to extend the cheap rate period to commence at 2000 hours with effect from 1 April 1998 and to further reduce customer collection charges to all destinations during the course of the 1998/99 financial year.

ORAL

NO. 440 OF 1997

THE HON J C PEREZ

GBC - PENINSULA PRODUCTIONS

Can Government give details of the proposals made to them by Peninsula Productions for the running of GBC?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 441 of 1997.

NO. 441 OF 1997

THE HON J C PEREZ

GBC - SECOND TELEVISION CHANNEL

Have Government studied the proposals submitted by GBC for the introduction of a second television channel?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Peninsula Productions submitted outline proposals to the Government on 27 May 1997 for operating the radio and television service in Gibraltar. After examining them, the Government decided that the proposals should be submitted to the Board of GBC for the purpose of information, consultation and for their own evaluation. These were submitted to the Board in August.

The company is seeking further information about GBC and its assets and may then modify its proposals.

At this time, and at the request of the company, the details of the proposals are confidential but no negotiations have taken place.

In the meantime the Government are holding in abeyance GBC's proposal for the introduction of a second television channel.

SUPPLEMENTARY TO QUESTION NOS. 440 AND 441 OF 1997

HON J C PEREZ:

If I take it rightly the proposals are for the take-over of GBC not for a frequency to operate a television in competition with GBC?

HON LT-COL E M BRITTO:

That is correct.

HON J C PEREZ:

Who would take the ultimate decision of whether the proposal should be addressed or not, would it be the Board of GBC, the Government on the basis that they are the ones that provide the money to GBC at the moment or does the constitutional position allow the Government to decide to pass on GBC to a company without the agreement of the Board?

HON CHIEF MINISTER:

The ultimate decision, in practical terms, rests with the Government because it is a matter for the Government to decide whether we are willing to continue the necessary subvention for GBC to continue in its present form. So in a practical sense, as so many other decisions that affect GBC both presently and historically, have ultimately fallen on the Government. However, of course, there are questions of a broadcasting nature as opposed to a particularly GBC nature, which would need to be saved and certainly any alternative arrangement - we are talking very hypothetically, these proposals are nowhere near being in a condition that the Government could even consider, let alone accept, so this is the sort of hypothetical discussion at this stage - for the production and delivery of broadcasting would have to leave intact the mechanism for ensuring the independence of the broadcasting in Gibraltar so there would be a difference between the regulation and supervision of broadcasting and the physical delivery of it. Those aspects of it, the Government take the view, would remain even if a Government, us or any other Government, were to accept a proposal at any time in the future for the delivery of broadcasting services in Gibraltar would be without prejudice to the powers of the Board of GBC under the Ordinance to ensure the preservation of independence, standards and all the other things which we all attach importance to in Gibraltar in relation to the protection of broadcasting from political manipulation.

HON J C PEREZ:

Would the Chief Minister give the Opposition the commitment that I gave him when I was sitting on the Government, that no changes would take place unless it was approved by this House of Assembly which is a commitment I gave him in reply to a motion that he moved in this House when he was in the Opposition?

HON CHIEF MINISTER:

I do not know if the commitments were given for the same reason but I can certainly tell the hon Member that this Government would regard as inconceivable that we should make any changes to the broadcasting landscape in Gibraltar without a full and timely debate on the matter in this House before anything was done.

HON A ISOLA:

On the question of the second television channel which I think the Minister said was being held in abeyance, how long will this be held in abeyance? Bearing in mind that the Chief Minister has told us that the proposals from Peninsula Productions are nowhere near, what is the relationship between one and the other?

HON CHIEF MINISTER:

I do think that the hon Members are giving far too much immediacy or far too much substance to the existence of this proposal. From where the Government stand the position is this, the Government are always - I am sure the hon Members were - open to consider proposals. We do not say to people, "You may not submit to the Government proposals in respect of broadcasting". It is not that we have solicited proposals. Proposals have reached the Government, they have been the subject matter of exploratory conversation between the Minister for Government Services, it has been made clear to the proposers of the proposals that they are not in a condition where the Government can either give them serious consideration and therefore the Government have not given them serious consideration. I think the hon Members are overstating the position or over-egging the position if they think that the Government have even conceptually decided that we want to do something different in relation to GBC. We are just sitting waiting for somebody to submit a proposal which is at a stage to be considered and then it will be considered and it may very well be rejected even when it is in a state worthy of consideration. So the position there is no different to the position that it would be if tomorrow somebody else submitted another proposal. We are getting proposals all the time.

HON A ISOLA:

It is because of that specific reason that I ask the question and that is because the proposal is so remote and because it is so distant. What is the reason for holding consideration of the second television channel proposed from GBC in abeyance? Bearing in mind the two questions were answered together and put in the same breath, if one likes, we can read from that that one is reliant on the other. It seems that it is not and that is the reason for that question.

HON CHIEF MINISTER:

What I hope hon Members will consider is the natural desire on the part of the Government not to make decisions which in effect tie us to a certain future for GBC without first having exhausted all reasonable alternative proposals. My use of the word "reasonable" in that context certainly raises the spectre of a time frame because if a reasonable proposal that the Government can consider is not submitted within a reasonable period of time it is not proper that all other proposals are left in abeyance to see whether and if other people, it is a matter of judgement. I agree that we must by now be reaching the end of what would be the period of time for them to submit at least proposals in a state that they can be seriously considered and I suspect that this a decision that the Government will have to make in the forthcoming months. There are aspects of the GBC proposal, which is not limited just to a second channel, which commit the taxpayer of Gibraltar to not just a commitment to a subvention but indeed there are aspects which in effect would commit future Governments, indeed, to increased subventions albeit

on an index linked basis. Therefore these are important matters that cannot just be decided and Government cannot commit themselves to such plans without ensuring that we have not also considered other proposals which may be more in the interest of the taxpayer. The hon Member has asked me to give an indication. I do not wish him to hold us to this indication, it is not a commitment, it is no more than an indication. I do not know if the Minister would agree but certainly I would say that this matter will have been resolved during the first quarter of next year. One of the reasons for the delay, let me say to the hon Member, is what the proposer regards as an unreasonable failure or reluctance by GBC to provide information required by the proposer to make the proposal better. In other words, to put the proposal and the condition that the Government would need it to be in order to consider it and therefore there is an element of competition there which is reflected in the way that information flows that the proposer says prejudices them. We are trying to resolve that as well.

NO. 442 OF 1997

THE HON J C PEREZ

POST OFFICE - RELOCATION

Can Government confirm that it is still their intention to move the Post Office to the building presently occupied by the Health Centre?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government are considering moving the Post Office to the building presently being occupied by the Health Centre. A feasibility study is currently being undertaken to determine how the services are to be offered from this new location.

SUPPLEMENTARY TO QUESTION NO. 442 OF 1997

HON J C PEREZ:

In that study, will the Government give consideration to leaving the Post Office counters at their present location given the centrally situated place in which they are in and given that the building in which they are in is a listed building? I understand that the rest of the Post Office on top of that is in a very bad condition and I myself have raised that condition here in the House. But certainly the part where the sale of stamps take place and where they deal with the general public is an area which can easily be made better and is a prime area and in the centre of town which is, I think, where the Post Office should remain.

HON LT-COL E M BRITTO:

It is all relative. The move is all of 200 metres in one direction so the distance is not really relevant. [*HON J C PEREZ: In 2.5 square miles.*] But having said that, it is actually moving it nearer to the centre of population in the reclamation area and in the Glacis area, but having said all that, my advice is that it would be impractical to maintain the counters in one location and the rest of the Post Office elsewhere.

NO. 443 OF 1997THE HON J C PEREZ**DISPOSAL OF REFUSE**

Will Government state whether the Los Barrios rubbish tip has been made use of by Gibraltar for the disposal of refuse during the last two months?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

As a result of the fire that occurred at the Incinerator in late May of this year which resulted in the Incinerator being out of action for some time, refuse was temporarily stored at the old quarry site pending repairs to the plant. Unfortunately, a second fire occurred at the quarry site in mid June and as a consequence of the fire fighting, the stored refuse became saturated with salt water. Subsequently, further refuse continued to be stored at the quarry site until the plant was back in operation.

Large quantities of salt impregnated refuse are deemed unsuitable for incineration by the operators of the Incinerator. The bulk of the stored refuse has been delivered to the Los Barrios tip for disposal. This operation has been on-going for a few months and is shortly to be completed.

SUPPLEMENTARY TO QUESTION NO. 443 OF 1997

HON J C PEREZ:

Does the Minister not recall that at the last meeting of the House on 3 October he told me that no refuse had passed the frontier, that none had been sent to the Los Barrios tip and I asked, "Where is the refuse?" and he said, "I do not know". Can he not remember that that was the question on 3 October?

HON LT-COL E M BRITTO:

I doubt very much that I would have said, "I do not know". [*HON J C PEREZ: Look at Hansard.*] Well, quote a number and find it where it says, "I do not know". The refuse at that stage, if I said that no refuse had crossed the frontier then presumably, I would have to check the date, the refuse had not started to cross the frontier and that is why I gave that answer. The negotiations to take it to the Los Barrios tip were protracted and difficult and if that was the answer I gave then, then the refuse had not left Gibraltar.

HON J C PEREZ:

That is why I have asked for the last two months and the Minister has said over a period of a few months because the information was that it had not happened. Can I ask the Minister whether the agreement that was entered into was between the company and the Los Barrios and that there is no agreement with the Government as he has stated?

HON LT-COL E M BRITTO:

Absolutely correct. The arrangement is a purely commercial arrangement between the operators of the Incinerator and the handlers of the Los Barrios tip. If maybe the hon Member would like to tell me what answer to what question he is referring, did he say the meeting of October?

HON J C PEREZ:

Yes. I have to apologise to the Minister. It was not the Minister who said that he did not know where the rubbish was, it was the Chief Minister who said it for both of them. I asked, "Does the Chief Minister know what has happened to that rubbish since? Is it still there or has it now been disposed of?" And the Chief Minister said, "I have to admit that I am not aware and the Minister is not aware either but as the contract was signed two days ago we believe that the preparatory arrangement in the removal of the rubbish will now be in hand".

HON LT-COL E M BRITTO:

That answers the question exactly. If the contract had been signed two days previously of course we did not know whether it started.

HON J C PEREZ:

So I take it that it has not taken place over a number of months but over the last two months which is the specific question that I have asked?

HON CHIEF MINISTER:

Indeed, and I should also add that the hon Members keep on asking questions designed to enquire whether the agreement is between the commercial operator or between the Government and the Mancomunidad de Municipios, in fact it is between the operators. But I have to make it very clear

to the Opposition Members that the Government would have no objection whatsoever to entering into direct agreements in this area. I do not know whether the purpose of the question is to establish whether or not that has happened, if it required to happen we would be very willing to do it.

HON J J BOSSANO:

We know how happy the Chief Minister is to do agreements with our neighbours, that is not what we want to find out, we want to know whether he has done it?

NO. 444 OF 1997

THE HON A ISOLA

BAR COUNCIL/FINANCE CENTRE

Have Government received any representations from the Bar Council in respect of matters relating to the development of the Finance Centre?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government receive regular representations from and undertake extensive consultations with the Finance Centre Council, one of the constituent parts of which is the Bar Council. We have received no separate representations from the Bar Council in respect of matters relating to the development of the Finance Centre.

SUPPLEMENTARY TO QUESTION NO. 444 OF 1997

HON A ISOLA:

Have Government not been sent minutes of the meeting of the Bar held on 12 November 1997 which I understand had been sent to the Government but if it has not then it has not, stating the views of the Bar Council in areas relating to implementations of directives and the general position of Gibraltar within the EU?

HON CHIEF MINISTER:

I do not know. It may have been sent to my office. I remember receiving a letter from the Chairman of the Bar, whether it enclosed or did not enclose the minutes themselves I do not know. But certainly it may well do, I have discussions with the Chairman of the Bar Council regularly and he may have followed that up. I remember he sent us a view on the tax code issue. [*HON A ISOLA: It was at that time.*] Well, then it might be included in that one.

ORAL

NO. 445 OF 1997

THE HON A ISOLA

BANK LICENCES

Can Government state how many banks have applied for a licence to operate from Gibraltar since May 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Since May 1996, one bank, Abbey National Treasury International Ltd, has been licensed.

SUPPLEMENTARY TO QUESTION NO. 445 OF 1997

HON A ISOLA:

The question refers to applications, have there been any others that have applied and that have not been licensed?

HON P C MONTEGRIFFO:

I have not got that information. I assumed that what the hon Member was after was the banks that had been licensed. I am certainly happy to provide that information. I am not aware that there has been a great deal of banking licence applications but I would not want to commit myself to saying there have been none, there may have been possibly one other one but I would have to really get the regulator to confirm the position to me.

HON A ISOLA:

If the Minister would undertake to write to me after this session. The question was seeking applications, it says "have applied" so I would be grateful for that.

ORAL

NO. 446 OF 1997

THE HON A ISOLA

DEPOSITS IN LOCAL BANKS

What was the total amount deposited in banks in Gibraltar as at 1 June 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The total amount deposited in banks in Gibraltar as at 30 June 1996 stood at £3.2 billion.

ORAL

NO. 447 OF 1997

HON A ISOLA

Question withdrawn.

NO. 448 OF 1997

THE HON A ISOLA

INSURANCE COMPANIES - LICENCES

Can Government state how many insurance companies have applied for a licence to operate from Gibraltar since May 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Since May 1996, four formal applications have been made for licences to carry on insurance business under the Insurance Companies Ordinance 1987. In respect of these, three licences have been granted and one is still under consideration.

SUPPLEMENTARY TO QUESTION NO. 448 OF 1997

HON A ISOLA:

Would the Minister give me the names of those three that have actually been licensed? I assume those have been advertised.

HON P C MONTEGRIFFO:

No, I do not have that information with me and again I am not very sure that the House is the appropriate place in which such information should be transmitted. It is information that I think would be quite freely available and I am quite happy to obtain that from the Regulator and pass it on to the hon Member. I thought I might add, if the hon Member is really interested in assessing the extent to which there is insurance activity, that the question has been answered on a strict basis, namely, how many insurance companies have applied and acquired a licence since that period. A distinction is to be drawn between an insurance company and an insurance manager and the hon Member may be interested in knowing that, in fact, there are five applications that have been made for insurance company management licences within that period, four of which have been granted and one of which is still under consideration. So that demonstrates quite a potential activity in the insurance company management field. I should also perhaps add that as the hon Member will be aware, it is common practice for the Regulator to invite draft applications before an application is formally submitted so that effectively when it is submitted it has a very good chance of being approved. There are in fact currently two draft applications pending in

respect of insurance companies proper. So that by way of additional information to what I said when I first stood up on my feet, there are two further insurance company applications pending in draft form. In terms of insurance company management firms five applications have been made, four approved and one still under consideration.

HON A ISOLA:

If I may just ask, I am grateful for that information. Of the four that have been approved, how many of those are from people currently doing business in Gibraltar? In other words, how many of those are from companies that have previously set up offering services within the industry itself?

HON P C MONTEGRIFFO:

I would like those details really to be given to the hon Member directly. I have not got the details with me now and I am happy to provide them all separately by way of correspondence when I get that information from the Financial Services Commission.

ORAL

NO. 449 OF 1997

THE HON A ISOLA

NUMBER OF COMPANIES INCORPORATED

How many companies have been incorporated in Gibraltar since 16 May 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The number of companies incorporated in Gibraltar since 16 May 1996 is 5,411. This number is broken down as follows:-

16 May 1996 to end of December 1996	-	2079
1 January 1997 to end of November 1997	-	3195
1 December 1997 to 12 December 1997	-	137

ORAL

NO. 450 OF 1997

THE HON A ISOLA

EMPLOYMENT - FINANCIAL SERVICES SECTOR

Can Government state how many persons are estimated to be currently employed in the Financial Services Sector broken down in the following categories:-

Banking/Finance
Insurance
Company Managers
Legal/Accounting Firms
Investment Advisors
Others?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The latest Employment Survey statistics as at April 1996 show the number of persons employed within the Banking, Finance and Insurance industries as 1,584. This figure can be broken down as follows:-

Banking/Finance	616
Insurance	130
Legal/Accounting	443
Others	395

I should stress that the Employment Survey which is itself subject to an element of non-response, covers employees only and consequently does not take into account persons working on a self-employed basis within the industry. The Government are therefore confident that the total amount of persons working within the financial services sector is over 2,000.

SUPPLEMENTARY TO QUESTION NO. 450 OF 1997

HON A ISOLA:

The Minister said the Employment Survey of April 1996. The reason why I am not clear is because in answer to Question No. 113 of 1996 the figure I was given on a survey that had been tabled in the House earlier that day which was as at April 1995 was 2,965.

HON P C MONTEGRIFFO:

I am quoting from the last figures which correspond to the Employment Survey of April 1996. A disparity of that type can only be explained by some re-categorisation of the employment of one particular sector. Certainly the hon Member will have noticed that in my reply, for example, I have not been able to give any figure in respect of company managers or in respect of investment advisers because those categories just do not appear in the Employment Survey. The whole area of statistics, and I confess and I think that this is a difficulty that we all face, is flawed with difficulty and the Government's estimate based on fairly anecdotal evidence is that the Financial Services Sector represents well in excess of 2,000 but it is the case that the empirical statistical evidence is often difficult to rationalise.

HON A ISOLA:

Might I just ask, the last time the question was asked about a year ago, I was given a figure from the actual survey and then a figure from the ETB where there was a big difference and the figure I have just given of 2965 was actually the ETB figure and not from the Employment Survey. Does the Minister not have that figure available from the ETB side?

HON P C MONTEGRIFFO:

Obviously we have a figure available. I think the question is to what extent each of these figures are accurate indicators for the purposes of what we are interested in elucidating which is the extent of activity that the sector enjoys and in particular that the sector is experiencing growth. I think that the figures are difficult to rationalise. The figure I have quoted is the last figure in time which I thought was relevant, couched as it is with two qualifications; one that an Employment Survey in itself has an element of non-response, there will be those who have not responded to a survey, and secondly and perhaps more importantly, that large areas of the finance sector are peopled by self-employed individuals and that therefore the survey figure will not cover those at all.

HON CHIEF MINISTER:

Perhaps if I can just add to that, the hon Member is aware that one of the problems in the statistics that come out of the ETB is the fact that many jobs that have been closed for one reason or another are not notified to the ETB and the figures aggregate beyond the reality in the sense that job losses are not notified and therefore the reality is probably somewhere in between the two.

HON J J BOSSANO:

Would the Government not agree that if we are given figures for two periods of time with the same in-built efficiency then assuming that there has not been either a decline or an improvement in the accuracy, a trend ought to be visible? That is to say, given that whatever constraints there may be on the figure for 1996, the same constraints were there in 1995 and presumably will be there in 1997, that is a factor that can be built-in almost as a constant surely?

HON P C MONTEGRIFFO:

I am not sure that one could make that conclusion. In one sense if the figure was assessed using the same criteria by the same people following the same guidelines that should seem to follow. But I do not feel confident in agreeing with the hon Member. If nothing else there is no evidence, quite apart from these figures, that there would have been a decline in finance sector activities in the order that those two figures taken starkly would suggest, that simply is not the case. Therefore even in trend terms, I do not think that the comparison is particularly useful.

HON J J BOSSANO:

I am afraid the Minister has not understood what I have said. I am not comparing the difference between the 2900 and the 1500 which are in fact two independent figures. What I am saying is the figure from the Employment Survey of 1995 and the figure from the Employment Survey of 1996 or the figure from the ETB of 1995 and the figure from the ETB of 1996 ought to be comparable because whatever was missing in one year was missing in the other year. I am not therefore comparing the figures from two different sources but the figures from the same source. In fact, if it is even that, can the Minister confirm that the figure in the Employment Survey of April is in fact what is recorded as people employed in the finance sector who actually pay PAYE?

HON P C MONTEGRIFFO:

April of what year?

HON J J BOSSANO:

April of any year since in fact the Employment Survey shows the number of people paying tax under PAYE in the month of April and in the month of October. Can he confirm that the figure that he has given us today in answer to Question No. 450 are the employees in the Financial Services Sector paying PAYE in the month of April 1996?

HON CHIEF MINISTER:

Yes, my understanding is that the Employment Surveys are collated by reference to PAYE returns and not by reference to the old form of questionnaires, it is not a census anymore, indeed we are reviewing at the moment whether to return to the census system because relying on tax information makes the figure historical the moment that one is able to publish it because people delay in submitting their PAYE returns and things of that sort. So one of the things that the Government are studying at the moment in relation generally to statistics is whether we ought to move away from again the reliance on PAYE return figures for that basis. If I could just add to that, the hon Member may be interested, I think, the extent to which the ETB figures are not reliable and to the extent that he said that one set of figures taken together should establish a trend, I think that is probably more true of the PAYE figure than the ETB figure. For example, he may be interested to know that as at this morning the ETB figures for banking, finance and insurance industries produces the extraordinary figure of 3142. All this means is that the turnover of personnel is reflected twice because the outgoing job is not closed down for ETB purposes; the incoming one is open and there is just a complete distortion of the reality. So if trends can be gleaned from the figures I think it is much safer to glean the trend from the PAYE figure regardless of the fact that they too may harbour inaccuracies than it is from the other set of figures.

HON J J BOSSANO:

Therefore, presumably, the answer then is that the Government can confirm that since the figure of 1584 is the number of people paying PAYE in 1996 which is what is reflected in the Employment Survey so-called because it is no longer a survey, it is an accurate reflection of the amount of people paying PAYE that this figure is in fact directly comparable to the answer that he gave the previous year which is based on the same source?

HON CHIEF MINISTER:

It would be, I cannot recall the answer that he gave but yes it would be because this is a system that we inherited and we have not yet changed it so presumably the statistics have been produced in the same way both this year and when the question was asked last year. Of course it still excludes, on a different point, self-employed people and it also excludes people who had not yet returned their PAYE end of year P7 by the time the measure was taken. But subject to those yes, there should be a comparable trend between the two because the source of the statistics is the same.

HON J J BOSSANO:

Given that the sources of the statistics is the same, presumably the Government also would not have expected particularly in this section of the private sector, that is the financial services industry, that there should have been a worsening of employers not returning their P8s or employees not being recorded for tax purposes. So it is not an unreasonable assumption to consider that any difference in the figure reflects a real change and not a change in growth or decline of response from employers to collecting PAYE from their employees in the financial services industry.

HON CHIEF MINISTER:

What the hon Member says may very well be true. It is as likely to be true as not. In a sense we are discussing figures which have a degree of empirical value but which are not scientific but to the extent that they are not scientific this year or last year and that the lack of science is the same in both years and we assume that employers have not changed their taxpaying habits in the meantime, that the figures should be comparable in that sense, yes.

HON J J BOSSANO:

This is more than just an assumption. Surely the Government would be conscience and aware of a deterioration in the financial services industry of employers making such returns, I would have thought. In other areas it might be more difficult but in this particular area?

HON P C MONTEGRIFFO:

This is the point, quite apart from the statistics the point I was also seeking to make is that the Government are aware of the performance of the financial services sector and we are not aware of any decline of the sort that would explain a decline in figures. The finance centre is not subject to the same sort of pressures to say, for example, the retail trade may be because of the peseta exchange. There is no evidence or information that the Government have received to suggest any downturn in employment in the finance centre. We have not had closure of banks, we have not had closure of insurance companies, there have not been either well publicised or otherwise more closely guarded redundancies in the sector. Therefore there is nothing to suggest any decline in that sector whatsoever.

HON J J BOSSANO:

Is the Minister not aware that the answer that he has given us does not suggest a decline and we are not suggesting that there is a decline. In fact, the answer that he gave was that there used to be 1,515 and there are now 1,584.

HON P C MONTEGRIFFO:

Absolutely.

HON J J BOSSANO:

So therefore everything that has been said to explain why there are doubts about the accuracy of the figure because there is no decline, well nobody is saying that there is a decline.

HON P C MONTEGRIFFO:

The mere fact that there was an allusion to the ETB figure which is a much higher figure seemed to suggest, reasonably so, that the point being made by the Opposition was that if the ETB figure a year ago was much higher and the figure I quoted was much lower, does this not show that there are less people employed? Frankly, without recalling the background to the figure, my own view was that they are computed in different ways. I am delighted that there appears to be 70 more people employed in the sector today than a year ago.

ORAL

NO. 451 OF 1997

THE HON A ISOLA

RELOCATED EXECUTIVES POSSESSING SPECIALIST SKILLS

How many relocated executives possessing specialist skills were registered as at 1 June 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As at 1 June 1996 there were eight registered relocated executives possessing specialist skills.

ORAL

NO. 452 OF 1997

THE HON A ISOLA

RELOCATED EXECUTIVES POSSESSING SPECIALIST SKILLS

How many relocated executives possessing specialist skills have been registered since 1 June 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Since 1 June 1996 there has been one registration.

SUPPLEMENTARY TO QUESTION NO. 452 OF 1997

HON A ISOLA:

Would that registration by any chance be a servant of the Government or Development Corporation?

HON CHIEF MINISTER:

It could not be a servant of the Government because it is not open to servants of the Government.

HON A ISOLA:

Contractor?

HON CHIEF MINISTER:

Nor a contracted basis. There is a proposal to extend it to employees of the Gibraltar Development Corporation which has not been entertained any further but this one cannot be that.

HON A ISOLA:

The reason for that question was that in a previous question on the Financial Services Development Director we were told in answer to that question that he was a relocated executive possessing specialist skills.

HON P C MONTEGRIFFO:

The position is that as hon Members may recall the rules regulating relocated executives as drafted by the previous administration only extend to exempt companies and qualifying companies and even in the case of those companies within certain parameters. The Government have prepared regulations which would extend the application of relocated executive status to also statutory bodies thereby bringing on board as well the Gibraltar Development Corporation type of employer. As we stand today we are not able, under existing rules, to make a person who is remunerated by the Gibraltar Development Corporation a relocated executive because that company is neither a qualifying or exempt company. So there are rules that will be published shortly to change the legislation to allow that to take place. So the contractual basis upon which the Finance Centre Development Director has been taken on board is that he shall be a relocated executive but the legislation is not yet able to accommodate that and therefore it is being amended for that purpose and for other purposes as well and that should be published shortly.

HON J J BOSSANO:

Does that mean that at present in the time that he has been in the employment of the Government he has been subject to tax because the law provides that he should be?

HON P C MONTEGRIFFO:

Well, in strict terms yes. The regulations will have to accommodate that position but strictly speaking yes, the question of tax residence obviously is a matter of law as well. Usually that requires spending the better part of the year in Gibraltar which I will not get into the details of that but in strict theory yes, the hon Member is correct. The current arrangement is that the relocated executive rules cannot apply to that individual and therefore the rules will seek to correct that when they are published, hopefully early in the new year.

HON J J BOSSANO:

Independent of what the rules will do for the future, I am talking about the present. Therefore at present he is being taxed according to the local law and paying tax or he is breaking the law, which of the two is it?

HON P C MONTEGRIFFO:

At present he is a self-employed individual and at present he is liable to tax but the rules will accommodate the position whereby he will be given relocated executive status as from the date of his remuneration by the Development Corporation. Those are the terms upon which he was contracted and those are the terms which will be reflected in the regulations when they are published.

HON J J BOSSANO:

So, in fact, he is not an employee of the Development Corporation, he is in fact a self-employed subcontractor to the Development Corporation?

HON P C MONTEGRIFFO:

That is right, he is contracted as a consultant to the Development Corporation, as a self-employed individual. One of the changes, in fact, that the rules will bring about - these are the rules to relocated executive status as company drafted, one has to be an employee of a qualifying company or an exempt company - the new rules will basically extend so that as long as one is remunerated by either an exempt company, a qualifying company or a statutory body one is able to apply for a licence as a relocated executive.

HON A ISOLA:

The rules actually do not apply to exempt companies either, it is a 1992 Company or qualifying company. The other point that arises from that is that the law as it is today obviously will have to be changed for this provision. The rules specifically exclude anybody from becoming a relocated executive possessing specialist skills if in the previous two years he has been employed in Gibraltar. So obviously we are going to have to redefine who can apply as well as who can be his employer. Is that all going to be done?

HON P C MONTEGRIFFO:

Absolutely, there are changes to the rules that will be required as a result of that. I do not see that those changes in any way should impact on the position as far as this particular individual is concerned. This is not a person who has been in employment in Gibraltar and now seeks to benefit from the rules or that an application is being conceived after this man has been contracted. From the beginning the arrangement has been structured on the basis that there will be an extension of these arrangements to him. The rules, in our view, are not sufficiently flexible to work the way they were designed to work. As far as we are concerned we do not envisage a great proliferation of relocated executives but it must be said that there are many in the finance centre, including local employers, this is not an expat local..... [*HON J J BOSSANO: Who like to pay less.*] No, not who want to pay less, we all would like to pay less, who believe that because Gibraltar has a tax rate which is high that to induce people to come to Gibraltar it is sometimes necessary to extend relocated executive status. This is not something we invented, the Opposition introduced the legislation and they introduced many certificates for many people, all expats because they have to be expats by definition effectively, to come to Gibraltar to undertake this work. And I think it was the right decision and all we are seeking to do is to improve some aspects of that because it has been demonstrated over the last few years that the operation of the rules does not actually bring about the benefits that they were

designed to produce. Repeating, as I do, the fact that we do not envisage a wholesale army of relocated executives marching into Gibraltar the moment that the rules change. What we do see is a reasonable variation to the rules to allow them to work better.

HON J J BOSSANO:

Does the Government not understand that the purpose of the rules that were set up was to get people to come to Gibraltar to bring new business and to be paid by others, not to be paid by us, and therefore the whole business of us paying somebody from our own money to come in as a relocated executive is totally alien to the concept of the original idea which is to bring in new business?

HON P C MONTEGRIFFO:

I do not agree at all with that. Firstly, if that was their intention it certainly is not reflected in the legislation at all. There is absolutely no suggestion of that. But in any event, the purpose of the programme must be to generate business for Gibraltar and to ensure that what we use it for is to bring in the expertise necessary to make Gibraltar grow and that is exactly what this particular gentleman is designed to do and we therefore have actually no difficulty in extending the concept of this to a person in his position. Let it be said that we are not talking here about a person who is seconded from somebody in the public sector, say, in the UK and therefore comes as a public servant and therefore be used to a public sector sort of situation. This man is from the private sector and therefore the extension is to an individual operating within the private sector in the UK who comes to Gibraltar to work in what is still a commercial environment for him in attracting business to Gibraltar.

HON A ISOLA:

Is the Minister not aware that these rules were brought in by and after recommendation made by consultants of the Government, Price Waterhouse, with the approval of the Financial Services Council, including lawyers, accountants and everybody else, with the specific intention of having a facility whereby qualifying companies or 1992 holding companies, that is exactly what it was set up for, the law says it, it reflects exactly what it wanted to reflect..... [*HON CHIEF MINISTER: We are changing it because we want to now extend it to something else, so what?*] But to argue that the rules were not created for the purpose of attracting business to Gibraltar.... [*HON P C MONTEGRIFFO: They were created for that.*] No.

HON P C MONTEGRIFFO:

The interpretation put on that by Opposition Members is that the only way that the rules can therefore be used for that purpose or indeed that the only legitimate reason for which they should be extended is for entirely private

sector operation. Well, here we have a quango, a quango which is the Gibraltar Development Corporation, a quango which is of their creation, which has recruited on consultancy terms a person working in the private sector in the UK and the Government have decided to engage that person on terms that allow him to apply for relocated executive status. It is a matter of judgement as to whether the Government are right in extending those terms or not. But we think it is an entirely defensible and proper use of a regime designed to bring to Gibraltar expertise that we think is very vital to develop the sector.

HON J J BOSSANO:

The man is here and is working and is getting paid and presumably the fact that the regime has not been applied to the Gibraltar Development Corporation has not inhibited him from carrying out his work. So why is it that there is a need to change the rules when he can continue to be paid as he is being paid at the moment which presumably is the terms of his contract?

HON CHIEF MINISTER:

Because the Government both collect tax and pay the salary of people who we engage. People who we engage abroad with particular expertise come at a price and they have an expectation of earnings which the Government can either choose to satisfy and have them or not satisfy and not have them and if we are going to satisfy it and bring them here, it is perfectly legitimate for the Government to say, "Well, I will just in effect cap his tax liability since in any case any tax liability that he pays is going to incur to me". It is worth making two points in relation to this individual. First of all, frankly, it shows a lack of understanding of what the man is here to do if hon Members do not understand that he is here precisely to create economic activity. Secondly, even as a relocated executive possessing specialist skills whom we have thought is in Gibraltar's interest to bring here, he is paying more tax to the Government of Gibraltar than some of the expatriate experts that hon Members saw fit to bring over who paid no tax in Gibraltar at all, for example, the previous expert brought from the UK for the benefit of the Income Tax Office.

HON J J BOSSANO:

The Government surely are not misleading this House by telling it that we were paying from Gibraltar funds anybody who was not paying tax to Gibraltar, that is not the statement the Government is making, no? The officer to which he refers was paid by the British Government and he must know that British Government officers seconded to the Gibraltar Government service pay tax in the UK, surely he must know that? He does not know it or he prefers to sit there and scowl at me and shake his head, which is it?

HON CHIEF MINISTER:

It is exactly the same principle. The question is not who pays the salary, the question is whether we have a man working in Gibraltar paying less tax than him and me, that is the point that he was attacking and it has nothing to do with who picks up the net amount, nothing at all. It is a question of the fact of having an expat here, which he appears to consider heinous, not paying as much tax as the rest of us. What I am saying is that we have both done it in the interest of Gibraltar, both him and us and we think it is a jolly good idea.

HON J J BOSSANO:

I am not saying the man is heinous or whatever else the Chief Minister may think I am saying. All I am pointing out is that there is a fundamental difference in our judgement, presumably we are still permitted to have judgements in this House, they do not have a monopoly of it, that in our judgement there is a fundamental difference, would the Government not agree, between saying to a private employer that we want to attract to Gibraltar that in order to keep that employer's labour cost down we will permit that employer to transfer a manager to Gibraltar with a particular tax regime because otherwise the gross cost of the employee to the employer would go up. But if the Government want to bring an expert from the UK and agree to give that expert £80,000 after tax there is nothing to stop that amount being grossed up and the Government paying the gross amount which is the real cost to the Government and it makes no difference at all to the bottom line of the balance sheet. But the argument of providing the facility to the employer is not extendable to the Government because in the case of the employer in the private sector, would the Government not agree, that if it was a private sector employer there is a difference between paying somebody £80,000 and £10,000 to the Government and paying somebody £130,000 of which the Government would get £50,000 and the employee would get £80,000? So there is a fundamental philosophical difference in the treatment of the two because in the case of the Government the only logical need to change this law is because the Government do not want to say, "I think this man is worth £150,000 or £130,000" which is the real cost, would the Government not agree with that analysis?

HON P C MONTEGRIFFO:

No, we do not agree with that analysis, no and I think, frankly, the hon Member has made a huge drama of matters of principle and philosophy of something very practical. Of course the Government could have paid a gross amount, but the Government think it is reasonable, in the context of the type of individual in mind and the sort of expertise in question, to extend this facility in the way we are going to do. There is no great drama or issue in this at all.

NO. 453 OF 1997THE HON A ISOLA**SHOREX EXHIBITION IN LONDON**

Did Government participate at the recent Shorex exhibition in London and if so, at what cost?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government were approached by the organisers of Shorex to put up a Gibraltar Finance Centre stand at the Shorex exhibition. Having consulted some of the Gibraltar participants at last year's events, the decision was taken not to participate at the 1997 exhibition. However, two private organisations from the Finance Centre, Ellul and Co and Newcastle Bank, funded their own stands at the exhibition.

Anthony Fisher was asked by the organisers and agreed to give the opening address at the three day conference running parallel to the exhibition. This was done at no cost to the Government other than his travel and accommodation expenses. Anthony Fisher combined his trip to London with meetings with two financial journalists and with Lowe Bell First Financial.

SUPPLEMENTARY TO QUESTION NO. 453 OF 1997

HON A ISOLA:

Are Government aware that at that seminar Mr Fisher - I am told by somebody that was there..... [*HON CHIEF MINISTER: He must not bring here*] I am informed, said that the 4th Directive was being implemented imminently and that the insurance passporting and the investment directives were moving swiftly and painted a picture that I thought was quite different to what the actual position was. Are Government aware whether that was so or not, and if so, what are the Government's view on that?

HON P C MONTEGRIFFO:

I am aware that there are some that are alleging that that was said. My understanding, from Mr Fisher, is that he did not make comments of that type. Specifically with regard to the 4th and 7th Company Directives, if the hon Member is interested in knowing what the up-to-date position is I think that those supplementaries are probably best dealt with in the context of the question that is before this House in a few minutes time. But I deny that there was any suggestion that he made comments that were out of step with Government's thinking on this matter.

NO. 454 OF 1997

THE HON A ISOLA

LOWE BELL FIRST FINANCIAL

What has been the total amount paid to the Financial Services Public Relations company in London and in respect of what services?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Low Bell First Financial were engaged by the Government in August this year on a retainer fee of £5,000 per month to provide International PR services on behalf of the Gibraltar Finance Centre. The services are set out in the agreement and cover a full range of PR activities, including continuous briefing of journalists and press agencies on matters relating to the Gibraltar Finance Centre, press interviews and visits. They have also arranged several press interviews for individual members of the private sector in order to promote Gibraltar. The widespread and positive international press coverage that Gibraltar has received over the past few months bears testimony to the value and importance to Gibraltar of this services.

SUPPLEMENTARY TO QUESTION NO. 454 OF 1997

HON A ISOLA:

The Minister refers to £5,000 retainer, is there anything else that is paid or are all these services inclusive of that cost?

HON P C MONTEGRIFFO:

All the services are included there except for special projects that we may decide to commission from time to time. No such special projects have in fact been commissioned but, for example, if there were to be an event like Britannia again where it might be thought important to give the matter particular exposure, that would be the sort of event where the Government might be persuaded that it would be useful on a one-off exercise to have particular input and exposure.

NO. 455 OF 1997

THE HON A ISOLA

EEC - 4TH AND 7TH COMPANY DIRECTIVES

What do Government consider will be the effect on the finance centre in Gibraltar of transposing the 4th and 7th Company Directives?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government fully appreciate the difficulties that the transposition of the 4th and 7th Company Directives will cause to the company management sector within the Finance Centre. We have therefore sought to consult the industry widely and in consequence have received many representations on this matter.

The publication of company accounts as required by the 4th and 7th Company Directives will impose an additional cost on company managers. It is also strongly felt in some quarters that disclosure of a company's assets will affect certain types of company management business. The Government are acutely aware of these concerns. Our legislation will therefore make maximum use of the exemptions afforded by the directives, especially in the context of small companies. We are also very conscious of the concerns with regard to the timing of the transposition. Even though the 4th Directive goes back to 1978 the Government will seek to win as much time as possible before introducing the legislation which will include appropriate transitional periods. It is our intention to ensure that the transposition of these directives and the timing of their implementation in Gibraltar should be undertaken in the least damaging way to the company management sector of our Finance Centre.

SUPPLEMENTARY TO QUESTION NO. 455 OF 1997

HON A ISOLA:

Do Government have any pressure more so than there has been in the past in respect of this directive for its transpositional implementation?

HON P C MONTEGRIFFO:

The position with regard to pressure is briefly as follows: there has been no pressure with regard to insurance and banking passporting on the basis that both for banks and for insurance companies the provisions of the 4th and 7th Company Directives have been incorporated in the relevant banking and insurance legislation. There is no direct linkage being made between the

implementation of the 4th and the 7th at this stage and the next passporting badge that we are seeking to obtain, namely, passporting in investment services, there is no direct linkage. But it is the view of the Government that transposition will have to take place at some stage and that we cannot indefinitely put this off. Whilst therefore we are not under immediate pressure for transposition, we think it proper - and that is why the Government have started this process of consultation - to expose to the industry the reality that these directives impose and to then work with the industry in seeking how we can best accommodate them. So we are not under pressure as we stand today to transpose it within a specific framework but they are directives which are outstanding a long time; they are brought to our attention as directives that require transposition; the Government are keen to work to win as much time as possible to get them introduced and therefore we do not think we could simply afford to sit back and forget that they are there because the moment will come, logically when specific and direct pressure may be applied and it is better that we should have thought about this in advance, won for ourselves the best possible terms for transposition and prepare the industry for accommodating the changes.

HON A ISOLA:

Are Government aware and perhaps I should declare an interest, obviously as a lawyer involved in company management and I am sure that some of my hon Colleagues in the Government may have an interest in that too in the not too distant future, are Government aware of the very serious concern that there is in the industry with relation to the 4th and 7th Directives? Taking that into consideration, am I right in saying that the directive which is in the form of a Bill on the Investment Services Directive before us, that is not the one he was referring to, that the directive in respect of the investment services is the only reason apart from the ones outlined by the Minister just now which is bringing this problem to a head rather than being left on the back burner which it has been for 20 years, would that be right?

HON CHIEF MINISTER:

It is not right. I would just like to make two points. The first is that hon Members well know that this is a positive legal obligation and that responsible politicians and responsible members of the Finance Centre industry do not give less well informed people a contrary impression. There is no point winding people up and leaving people to believe that the Government are somehow voluntarily inflicting this pain for no good reason. The second point that I want to make is that whilst there is no pressure of the sort that previous Governments in Gibraltar have come under in relation to transposition or non-transposition of directives, the fact of the matter is that the European Commission has begun to take an interest in the non-implementation in Gibraltar of the 4th and 7th Directives and certainly there is a great concern that this might lead to infraction proceedings in the not too distant future. Therefore the hon Member thinks that the position in relation to the 4th and 7th Directives are the same as they have been since 1978, I have

to tell him that whilst we are not under any pressure to implement them in the way that my hon Colleague has explained, the position is not the same as it has been since 1978 in the sense that the Commission, as the hon Member presumably knows, not just in respect of company law but in respect of directives generally in Gibraltar, has now focused in on Gibraltar and the days when Gibraltar was forgotten and left alone and nobody took any great interest about whether Gibraltar had complied with this or that directive or not finished several years ago.

HON P C MONTEGRIFFO:

Let me add, because I think there is also some confusion in the hon Member's mind. The Bill before the House with regard to the transposition of the Investment Services Directive has nothing to do with the question of the 4th and 7th Directives. The transposition of the directive would be the subject of separate legislation and indeed the consultative process that we have undertaken in the industry does require us to get back to it well before we would actually be promoting legislation. The legislation before the House is indeed for investment services passporting, in some respects it impacts on licensees across the board but it does not have any impact at all on the 4th and 7th Directives or the question of publication of the accounts.

HON J J BOSSANO:

In the context of people winding people up, can the Chief Minister confirm that when he was winding people up in the dinner on the insurance intermediaries he did not tell them as has been reported that they were not proceeding with the implementation of the 4th and the 7th Company Directives, that that is an incorrect report?

HON CHIEF MINISTER:

The Chief Minister was not winding anybody up. The Chief Minister was doing something that never used to happen before when the hon Member was in Government and that is alerting the industry to legislation and EU proposals in good time that were very likely to affect them in a very radical way. The only people in Gibraltar who consider that a tax code is of no adverse effect to Gibraltar are the Opposition Members who said in a recent press release they would be jolly hard put to reconcile that opinion with the potential directive on withholding tax on savings that is part of the package that they said was of no consequence to Gibraltar. So the Chief Minister was not winding anybody up, the Chief Minister was doing what the hon Members should have done themselves and did not and now encourage me to do more often than I do which is to go public with things of concern to Gibraltar's Finance Centre. As to what I said about the 4th and 7th Directives, what I said is exactly what the Minister for Trade and Industry has in essence just said now and that is the Government of Gibraltar are not going to be rushed into implementing the 4th and 7th Directives but the timing and the manner of implementation will be completely sensitive, as sensitive as possible, to the

requirement of the industry and indeed to the fact that banking passporting, insurance passporting and investment services passporting, which is what we hope will be much more prevalent part of the Finance Centre for the future than it is today, had to be a reality before we would be rushed into doing anything which could undermine the viability of what is in the long-term designed if not to replace then certainly to compliment in a substantial way. That is what I said, that is the policy of the Government, it was true then, it is true today and it is in essence the same as the Minister for Trade and Industry has just said. Given that the tax code has the potential to undermine the very essential characteristic of passporting which is to attract people to Gibraltar in order to passport into the single market but attract them to Gibraltar on the basis of fiscal incentive otherwise there is no reason why anyone should come to Gibraltar to passport when they can go somewhere else and that is the position. The Government have our eyes on both balls and are determined to play with those balls in a way which is entirely consistent with the interests of the Finance Centre which are essentially the interests of the economy of Gibraltar because we are convinced that the economy of Gibraltar is not sustainable without a successful Finance Centre. The hon Member should therefore rest easy in his bed that we will have that compromise between complying with our obligations but also protecting Gibraltar's essential economic interests.

NO. 456 OF 1997

THE HON J C PEREZ

AFRO-ASIAN SATELLITE COMMUNICATIONS LTD

Have Government had any indication that Afro-Asian Satellite Communications Limited are not to proceed with their intended project in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have no information to indicate that the Afro-Asian Satellite Communications Limited project will not proceed in Gibraltar. However, ASC are still not back in contract with the satellite manufacturer, Hughes, and ASC have informed the Government that their negotiations continue.

SUPPLEMENTARY TO QUESTION NO. 456 OF 1997

HON J C PEREZ:

Have Government extended the memorandum of understanding or has that lapsed now?

HON P C MONTEGRIFFO:

The Government remain interested in bringing this project to Gibraltar but our patience is wearing thin and as a result of that I can inform the House that certainly two of the orbital filings submitted in respect of ASC have been dedicated for another operator. I think it is true to say that although we have been patient in waiting for this project to come right, that we now feel that it is incumbent on this operator to very quickly demonstrate to the Government that this is a project which it can reasonably quickly bring to fruition and over the last few weeks in particular we have exerted continued pressure to ensure that the project is one that we can still place some reliance on. The latest position, as far as they inform us, is that they hope to be back into contract with Hughes very soon but very soon is a rather loose term and we have been where we are now before. Therefore we proceed with caution, still interested in making this project succeed but in the knowledge that it is clearly running into delays which are beyond those that were originally identified.

HON J C PEREZ:

Were the project to go ahead which is very doubtful, would the Minister be able to accommodate the three projects that are now envisaged to be accommodated in Lathbury Barracks?

HON P C MONTEGRIFFO:

Yes, the three projects in question, this one, the ELCO project and the GE project all take into account different plots of land and different orbital filings. One does not depend on another one failing, they are now separate projects with their own requirements potentially serviceable by Gibraltar and we look forward to the ASC project coming to fruition. It is the slowest of the projects, the other two projects are more advanced but it is still an interesting project and one that we are open to lend our assistance to.

ORAL

NO. 457 OF 1997

THE HON J C PEREZ

GE CAPITAL SATELLITES PROJECT

When do the Government expect that the GE Capital Satellites project will commence operations?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government expect GE to launch its first satellite for the Gibraltar operation during the third quarter of 1998. Before the launch, GE will start building its satellite control facility in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 457 OF 1997

HON J C PEREZ:

Have all the matters now been resolved, the matters that he said were left in abeyance before?

HON P C MONTEGRIFFO:

No, they have not. The basic position is that there were heads of agreement which we wanted to bring to a final commercial agreement. Some of the issues that were outstanding relate to licensing matters and the Government concluded several weeks ago with GE's consent that the best thing to do was not to waste a lot of time and energy in trying to finalise a commercial arrangement in anticipation of licensing but rather to have our energy dedicated to getting the licensing regime in place and for them simply to operate on the basis of comfort that we were given in the interim that the legislation would take the form which they would be happy with and indeed on which they had been consulted. The present position therefore is that before the very House, in this session, we have the amendments to the Wireless Telegraphy Ordinance which will now allow in the beginning of the new year for the teleport licence to be granted which is an important element. The Out of Space Act Licence which is with regard to the licence for the satellite is also shortly to be extended to them, all the necessary work for that

having been completed. So really the major issue outstanding then will probably be the real estate documentation. Most of the commercial terms are really already covered in the heads of agreement. So what was holding us back was really the licensing regulatory framework, we have sped on that work to get the Bill before the House before the end of the year and that will allow the licence which is the important one, the teleport licence to be issued to them on conditions that will give them the comfort that they have been seeking to achieve, the contractual arrangements for the last couple of months.

NO. 458 OF 1997THE HON J J GABAY**LASER BEAM TOY GUNS**

Have the Government investigated the potential danger of laser beam toy guns?

ANSWERTHE HON THE CHIEF MINISTER

Government have recently received information as to the concerns that have been expressed in connection with these toys and are considering what, if any, action should be taken.

SUPPLEMENTARY TO QUESTION NO. 458 OF 1997

HON J J GABAY:

Given the concern expressed in letters to the press and calls that we have had at our office, should not by now the Government have actually released some sort of statement at least informing the public of the potential dangers? One particular letter in the Chronicle was particularly apt on the subject, referring to the cat that had been blinded and also a Police Constable seriously injured in the UK and if I may just simply quote from this lady's letter to the Chronicle, she says, "I rang the Police Department to see what advice they could give me". All they could say was, and I quote, "Until the law is passed in Gibraltar the only action they could take is to speak to the person concerned". In view of the costly diarrhoea of press releases that seems to govern the present bureaucracy would it not have been worthwhile to give some sort of statement to the public with some degree of urgency?

HON CHIEF MINISTER:

The hon Member gets very upset when one gets hostile and aggressive with him but I have to say that he does everything possible to provoke it. I do indeed agree that there is a value in Government making a health and safety announcement and I am sure that the Minister for the Environment and Health, who is listening to this debate, will consider whether it is appropriate to make a statement and if so on what terms. In the United Kingdom some problems have arisen due to the misuse of this type of product, there is no doubt about that, which can be freely purchased in the UK, Gibraltar and anywhere else. Because it is such a novel thing, no one has yet taken any step to ban these things. But there have been instances, there is no doubt about this, of momentary blindness; indeed there are instances of it having caused traffic accidents by these being shone into the eyes of a driver that is

momentarily distracted and there has also been a case of a policeman who has suffered actual eye injury and lost an eye as a result of having one of these torches shined in his eyes. It is important, however, not to assume that all of these lasers fall into the same category. Government have put together a considerable amount of research in this matter. There are five categories of lasers. Classes 1 and 2 are not unsafe except when abused or pointed in somebody's eyes or when used to distract somebody from some other activity which is dangerous. What the United Kingdom has done is remove from sale categories 3, 4 and 5 which are very powerful lasers but not categories 1 and 2 which are the ones that we see children with on the end of keyrings and things of that sort. There is certainly no legislation in Gibraltar which would empower the Government to ban them except that we could make them prohibitive imports under the Import and Export (Duty) Ordinance but we could not otherwise declare them illegal. The Government are following closely how the United Kingdom deals with this and of course we will follow suit, in the meantime I am sure the Minister for the Environment and Health will give due consideration to the hon Member's apparently sensible suggestion that some cautionary statement be made on behalf of the Government to add to all the letters that have already appeared in the Chronicle making similar statements. I hope the hon Member will not think that when such a press release is issued it will simply be adding to the diarrhoea of press releases.

HON J J GABAY:

Not at all, I know full well that they go from the sublime to the ridiculous.

ORAL

NO. 459 OF 1997

THE HON A ISOLA

GOVERNMENT RATES

Have Government reconsidered their decision to refuse to give discounts for prompt payment of rates to residential tenants?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 460 and 461 of 1997.

ORAL

NO. 460 OF 1997

THE HON A ISOLA

GOVERNMENT RATES

How many commercial property ratepayers qualified for the rates discount for prompt payment in the quarter ending 30 September 1997, and what was the total value of the discounts made?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 459 and 461 of 1997.

NO. 461 OF 1997

THE HON A ISOLA

GOVERNMENT RATES

What was the total amount of rates paid in the quarter ending 30 September 1997, by commercial property ratepayers who obtained the discount for prompt payment?

ANSWER

THE HON THE CHIEF MINISTER

The questions wrongly give the impression that the Government's recent commercial rates reduction were implemented as a reward for prompt payment of rates. The hon Member must know by now that the policy objective was to deliver assistance to the private sector by reducing its operating costs and thus protect existing jobs and encourage the creation of new ones. This policy objective would not be achieved by reducing rates to residential tenants. It is also Government policy to offer this assistance only to businesses that are up-to-date with their payments. If Opposition Members feel that it is right to give discounts for prompt payment of rates by residential tenants, I can only say that they did not do so in eight years in office. It is not our policy to do so either.

One thousand six hundred and forty-three commercial ratepayers, being up-to-date with their payments, qualified for the reduction in the quarter ending 30 September 1997. The total value of such reductions was £280,626.

The total amount of rates paid in respect of non-domestic hereditaments in the quarter ending 30 September 1997 which qualified for the reduction amounted to £1,586,600.

SUPPLEMENTARY TO QUESTION NOS. 459, 460 AND 461 OF 1997

HON A ISOLA:

Bearing in mind that the business support given to commercial property ratepayers is based entirely on the fact that they pay their rates bills on time, does the Chief Minister not think that the same opportunity should be given to residential property owners who pay their rates bills on time?

HON CHIEF MINISTER:

The hon Member either has not listened to the answer that I have just given him or thinks that there is virtue in repetition for repetition sake. It is implicit in the answer that I have just given him that I do not agree with him but I can see how he thinks it politically popular to simply advocate rates reduction for people. Well, if they thought that people in Gibraltar were paying rates that were too high, they had eight years in which to reduce them and they have not done so.

HON A ISOLA:

Had the policy of the previous Government been to subsidise or give discounts to businesses in commercial rates it may well have been that the discount would also have been given to property ratepayers. Discount for prompt payment was not given to commercial ratepayers and consequently it was never given to the property ratepayers. Does the Chief Minister not agree that it is unfair, on the basis that the only qualification is prompt payment, that it is a form of discrimination between a business tenant and a home tenant not to give the same discount on exactly the same criteria? It is not a question of political pointage, it is simply a question of discrimination.

ORAL

NO. 462 OF 1997

THE HON A ISOLA

GOVERNMENT RATES

How many residential property ratepayers paid their rates in the quarter ending 30 September 1997 on time and what was the total amount of rates paid by them?

ANSWER

THE HON THE CHIEF MINISTER

Six thousand nine hundred and ninety-two ratepayers in respect of hereditaments not classified as non-domestic paid their rates in the quarter ending 30 September 1997. The total amount of rates paid by them was £334,184.

NO. 463 OF 1997THE HON A ISOLA**PROPOSAL FOR TAX CO-ORDINATION**

When were the Government first consulted by Her Majesty's Government on the proposal for tax co-ordination put forward by EU Commissioner Mario Monti?

ANSWERTHE HON THE CHIEF MINISTER

The Government raised this issue with Her Majesty's Government when early indications of the proposals appeared in the press. Thereafter the Government have made intense representations to HMG on the issue.

SUPPLEMENTARY TO QUESTION NO. 463 OF 1997

HON A ISOLA:

Was that the first time that the Government became aware of the Mario Monti proposals when they came out in the press?

HON CHIEF MINISTER:

Whilst I am delighted to be discussing this issue with the hon Member we should discuss it against the backdrop of the fact that Opposition Members think that this is perfectly harmless for Gibraltar, I do not agree that it is perfectly harmless for Gibraltar but that is what hon Members, in effect, said in their recent press release on the matter. Against that backdrop, let us be clear, all this originated in a meeting in Verona in September 1996. Between September 1996 and the summer of 1997 there was nothing in the public domain. The Government picked up a reference to it in a very small article which was the very first little titbit that appeared in which there was no indication of what it was actually about but as it was proposals to harmonise EU taxes it rang alarm bells in us and we wrote to the British Government saying, "What is this and are you making sure that Gibraltar's interests in relation to it are being protected?" The answer I have given the hon Member to his original question indicates that it was not so much a question of us being consulted by the United Kingdom but of us raising the matter with the United Kingdom and thereafter informing ourselves, through a variety of sources, the detail of it and making representations to Her Majesty's Government on the basis of that information that we were acquiring for ourselves. So the answer to the hon Member's supplementary is that yes, July 1997 I think was the first indication that we had of it and indeed I think the first flagging of the issue in the press as well.

HON J J BOSSANO:

So, in fact, what the Government are saying is that they were not consulted by HMG?

HON CHIEF MINISTER:

Well, I think that that is implicit in the answer that I have given him. If the hon Member's definition of "consultation" is that they come to us and say, "Look here guys, this is in the pipeline and we think that this might have implications for you. What do you think guys?", nothing remotely resembling that occurred.

HON J J BOSSANO:

Would the Chief Minister not agree that irrespective of the assessment of just how dramatic the effect is on Gibraltar's financial services and it is not against the backdrop that we think that it will have no effect, but against the backdrop of the fact that we think he was alarmist in the effect that he portrayed. Would the Chief Minister not agree that irrespective of the nature of the effect the Government of the United Kingdom, when negotiating in the European Union on issues that affect Gibraltar, have got an obligation to consult the Gibraltar Government?

HON CHIEF MINISTER:

I do not know what the hon Member's definition of being alarmist is. If an alarmist is raising the alarm then, of course, it was intended to be alarmist. If what he means by alarmist is that we exaggerated the dangers for Gibraltar, let me tell him that it is my view and those of the Finance Centre that there was no exaggeration of the dangers. Can I also remind the hon Member that his first reactions to my alarmist revelations over dinner was not that they were alarmist but that it was irresponsible of me to have made those statements in a private dinner which was being videoed by the press and this was not a hidden camera, by the way, as his political rag says, this was somebody standing in front of me with a video machine..... *[Interruption]*it was not quite as private as all of that, but their original complaint was not that I should not have made the statement at all but that it was irresponsible of me to have made it at the Rock Hotel Restaurant and not in this House. What they were saying was not that I should not have made the statement but that I should have made it here in this House. Well, that is not an indefensible point of view, we may or may not agree, but that is not the same thing as saying that we should not have made the remarks in the first place. All that said, I genuinely do believe that the hon Member is right, that matters such as this raise issues of vital interest to Gibraltar and that it is precisely this sort of issue upon which we are entitled to a substantial degree of consultation which did not occur in this case.

HON J J BOSSANO:

Disregarding all the party political propaganda with which he adorns every answer, how does he explain, in view of the representations made subsequently, that in answer to a question the Prime Minister in the United Kingdom did not seem to be aware of the seriousness of the dangers that this has for Gibraltar?

HON CHIEF MINISTER:

Well, it is not for me to answer for statements made by the Prime Minister. If the statements made by the Prime Minister in Parliament are accurate, which would be very good news for Gibraltar and in a sense would be giving us what we have been asking for and have not been given before, then excepting those circumstances all I can say is that the statements made by the Prime Minister are not compatible with the fact that we have been asking for months for certain assurances which have not been forthcoming. For example, if the emphasis on the fact that this is a voluntary code means that because of the constitutional relationship between Gibraltar and London they accept that they cannot force us to comply with it - one of the things that we have been asking for - then that would be a very large degree of comfort to us. It has not hitherto been forthcoming in the many opportunities that we have given for that comfort to be given to us privately nor does the Prime Minister's statement sit comfortably with the fact - unless of course the man was talking about the tax code as opposed to the Monti package, the Monti package contains, apart from the tax code, a proposal for a directive which if adopted would create legally binding obligations because it is a directive and not a voluntary tax code which would require the withholding of tax from interest on banks. I do not know if the hon Member has yet come across a banker in Gibraltar that thinks that that is not problematic, extremely consequential for the Finance Centre. That is why we want to be excluded from the geographical scope of the whole package because it means that we would be excluded from the directive and what we were saying to London is, "We get excluded from directives often enough when it suits others so there cannot be any conceptual objection to excluding us from directives. On this occasion where we have identified a directive where it would be helpful for us to be excluded from, then please exclude us". That has not been acceded to. So the statement that this is of no danger to Gibraltar, if it means that because the tax code is voluntary the United Kingdom recognises that we cannot be made to comply with the tax code, then that is very good news indeed I just wish that they had told us that in the meetings, for example, when we went to London to have meetings with the Treasury Minister. As to how it is compatible with the second part of the Monti package, it would not be, so I can only assume that the Prime Minister's answers related to a question on the tax code and not in relation to the Monti package generally because certainly his answer would not apply to the proposal from the directive on savings.

HON J J BOSSANO:

Yes, I think the context of the question and the answer in the Commons was about the code of conduct which is, in fact, described as a non-legally enforceable agreement which shows a political commitment but not a legally enforceable commitment.

HON CHIEF MINISTER:

That is one of the bases upon which we have been making representations to the UK Government. In effect we were saying, "These are defined domestic matters, we accept that we have to comply with legally binding obligations because of our EU status but you must not make political commitments of a non-legal nature on behalf of Gibraltar and then expect us to comply with them. Will you please confirm that this is your view?" Let me say that in the last meeting that we attended on the Friday before 1 December when the Monti package was not possible for us to obtain a statement to the effect that because of the constitutional relationship and because it was only voluntary the United Kingdom accepted that we could not be required by them to comply with it.

HON J J BOSSANO:

Can I ask, I had the impression in fact that the meeting with Treasury Ministers had resulted in the Government's request being turned down. Is it that it was turned down or is it that they did not say yes or did they actually say no?

HON CHIEF MINISTER:

The Government's request was that Gibraltar be excluded from the geographical scope. There is a paragraph which is about geographical scope and the Government's clearly formulated request both orally at that meeting and in writing on numerous occasions beforehand was that Gibraltar should be excluded from the territorial scope of these measures and that was refused in terms. In respect to the other point given that it applies to us but given that it is voluntary and given that there is a phrase in there that says that Member States undertake to ensure compliance with these principles in offshore and dependent territories for which they are subject to the constitutional relationship, whether that meant that we fell into that category of territories in whom they could not ensure in effect. And I have to say that we were not successful in obtaining a clear statement in that respect and, indeed, such statements as were made suggested that at least Miss Primarolo although I am happy to say not the Prime Minister, believes that

that is not an accurate statement of Gibraltar's position in fact. But I take great heart not only in what the Prime Minister is saying but indeed remarks made by Miss Primarolo herself giving evidence to the House of Commons European Legislation Committee precisely on this very issue where an MP very helpfully asked whether the Government had taken account of the effects that this might have on the economy of Gibraltar and she, amongst other things, pointed the hon Member to the fact that it was voluntary. So I intend to rely both on the Prime Minister's statements and indeed Miss Primarolo in the European Legislation Committee of the House of Commons to make good the views of the Government of Gibraltar that indeed the United Kingdom lacks constitutional wherewithal to require us to comply with this voluntary non-legally binding political commitment that she has entered into in respect of herself.

HON J J BOSSANO:

And this is in fact in relation to the wording of the paragraph on geographical extension which is in fact in the code of conduct. The actual proposal for a directive some time in 1998 on which a number of other Member States have got reservations presumably if that happens that will happen universally and the same for everybody. But on this particular aspect, is it not the case that the way the geographical extension has finished up it says that the Member States with dependent or associated territories will ensure that the principles apply in these territories within the framework of their constitutional arrangements? So that in fact it seems to suggest that the most that they can do is to urge the Government of Gibraltar?

HON CHIEF MINISTER:

That is our interpretation of the constitutional relationship and indeed that is the point that we have put in crystal clear terms to London. Off the cuff remarks were made by people who may not know better because the Treasury is not the place where one would expect to find the deepest reservoir of knowledge on constitutional affairs of dependent territories, off the cuffs were made in that meeting which suggests that at least one person in that room thought the position to be different. Indeed, one view was expressed, I believe erroneously and I do not suppose that the person was speaking for the United Kingdom Government as a whole, but that indeed the whole geographical extension clause was irrelevant to Gibraltar because the geographical extension clause is only relevant to non-EU territories. In fact, in relation to the EU and therefore Gibraltar, it applies by virtue of the very existence of the document and that the geographical extension clause applies to the non-EU dependent and offshore territories. So even that view was expressed.

HON J J BOSSANO:

Given that the Government have said that they are looking at how they can protect Gibraltar's position, presumably before they move in any direction they will need to know what is the official view to which the United Kingdom can be held?

HON CHIEF MINISTER:

The view that we have put to London is that we have not the remotest intention of implementing this voluntary tax code and certainly not in any manner and within any time frame that would place in any degree of jeopardy the Finance Centre and therefore the economy of Gibraltar. That is the view that we have taken and we have no intention of rolling back the exempt companies or the qualifying companies and any other part of the Finance Centre.

ORAL

NO. 464 OF 1997

THE HON A ISOLA

SUPREME COURT - HAGUE CONVENTION

When were Government informed by Her Majesty's Government that Spain had repudiated its recognition of the Supreme Court of Gibraltar under the Hague Convention?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 465, 466 and 467 of 1997.

ORAL

NO. 465 OF 1997

THE HON A ISOLA

SUPREME COURT - HAGUE CONVENTION

How many instances have there been of service of documents in Spain originating in the Supreme Court of Gibraltar in the period from 1987 when Spain ratified the Hague Convention until 1 September 1997 when Spain gave notice that it would no longer recognise the Supreme Court of Gibraltar under the said Convention?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 464, 466 and 467 of 1997.

ORAL

NO. 466 OF 1997

THE HON A ISOLA

SUPREME COURT - HAGUE CONVENTION

What steps have Government taken to ensure that documents from Spain are not accepted in Gibraltar under the provisions of the Hague Convention until Spain once again recognises the Supreme Court of Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 464, 465 and 467 of 1997.

ORAL

NO. 467 OF 1997

THE HON A ISOLA

SUPREME COURT - HAGUE CONVENTION

What action have Her Majesty's Government taken in response to Spain's notification that it no longer recognises the Supreme Court of Gibraltar under the Hague Convention?

ANSWER

THE HON THE CHIEF MINISTER

By Note Verbale dated 1 September 1997 issued by Spain to the Ministry of Foreign Affairs of the Netherlands, which is the depository of the 1965 Hague Convention on service abroad of judicial and extra judicial documents in civil or commercial matters, Spain declared that it did not recognise the Supreme Court of Gibraltar as a designated authority for the purposes of the Treaty and that any documents submitted by the Supreme Court would be considered null and void.

In response to the Spanish note Her Majesty's Government have issued a Note Verbale to the Government of the Netherlands declaring that under Article 18 of the Convention a Contracting State may designate 'other authorities in addition to the Central Authority and shall determine the extent of their competence', and that the Registrar of the Supreme Court of Gibraltar was designated as such authority for Gibraltar by the United Kingdom in 1970.

Her Majesty's Government's note also stated that the Kingdom of Spain ratified the Convention in 1987, and have made no previous objection to the United Kingdom's pre-existing designation of the Supreme Court of Gibraltar and that in such circumstances, the United Kingdom is of the view that Spain may not object legitimately to this designation now and that accordingly the Supreme Court of Gibraltar remains the United Kingdom's designated authority for Gibraltar for the purposes of the Convention.

Nevertheless, Article 18 of the Convention also provides that an applicant from any Member State Party has the right to address a request directly to the central authority. Therefore, Spanish applicants may send documents to the Secretary of State for Foreign and Commonwealth Affairs which is the UK's Central Authority, for service in Gibraltar. Having said that, there is nothing in the Convention which permits a Spanish authority to refuse to process documents sent to it for service by the Gibraltar Supreme Court as an appropriately designated authority of the UK.

The position of the Gibraltar Government generally in relation to these and similar matters is that documents and requests from Spain are not accepted for processing unless they are addressed to the competent authority in Gibraltar.

It appears that compliance with the Hague Convention may not be mandatory. The Gibraltar Government are checking the position in this respect. However if it were to be so, and Spain could therefore not be forced to accept documents from the Supreme Court of Gibraltar, then in those circumstances, it would be the policy of the Gibraltar Government to reciprocate the non-recognition.

In the period from 1987 to 1 September 1997, there have been five requests for service in Spain of documents originating in the Supreme Court of Gibraltar.

SUPPLEMENTARY TO QUESTION NOS. 464, 465, 466 AND 467 OF 1997

HON A ISOLA:

Do Government have any information that the sudden wish to repudiate the recognition previously granted has arisen as a result of the case emanating from Gibraltar affecting a major Spanish company?

HON CHIEF MINISTER:

I think that there is circumstantial evidence that would sustain such speculation. The Note Verbale was submitted at an essential moment in relation to service in Spain of a document issued by the Supreme Court of Gibraltar in relation to a case before the Supreme Court of Gibraltar relating to the Harbour Views problems, a case by Gibraltar Homes against Banesto that had issued certain guarantee bonds and that this document issued in Gibraltar was part of the claim on that. So certainly whilst I cannot answer the hon Member's question in any sort of certain sense, certainly there is an extraordinary coincidence of timing between the sudden after, as he knows, since 1987, for the last 10 years when they have accepted five documents from the Supreme Court and the sudden realisation that this was somehow terrible to the Spanish case in relation to Gibraltar coincides with a very valuable piece of litigation before our Courts. So certainly the hon Member may well say that, I could not possibly speculate but perhaps downstairs I might share his view.

HON J J BOSSANO:

Do the Government have information on whether in the past where there has been service in Gibraltar from Spain, this has been channelled through the Foreign Office or has it been done directly with Gibraltar?

HON CHIEF MINISTER:

I think it is important to distinguish between channelling and addressing. The Government of Gibraltar do not object to documents reaching it physically through the channel of the Foreign Office because the Gibraltar Government have no other diplomatic channels through which things can be channelled to us. The Government of Gibraltar distinguish between documents physically channelled through the United Kingdom and documents which are not addressed on their face to the competent authority in Gibraltar. So that, for example, if a Commission Rogatoire, a letter of request, were addressed to the competent judicial authority of Gibraltar or to the Supreme Court of Gibraltar or to Her Majesty's Attorney-General for Gibraltar or through some person that represents the judicial authority in Gibraltar but nevertheless that document physically reached us through the United Kingdom albeit so addressed to the Gibraltar Government it would accept it for processing. But if a document is addressed, as seems to be their want, to the United Kingdom judicial authority for Gibraltar then even if that document reached us directly across the frontier by DHL Courier we would not accept it because the question is not the physical routing of the document, the question is whether on the face of it it recognises that Gibraltar has its own judicial authority distinct from the United Kingdom. Having said all that, I cannot tell the hon Member by what route any of the ones that have been accepted in the past has physically reached. The acid test is not the route but how the document is addressed on its face.

HON J J BOSSANO:

Can he tell me then if that is the acid test how it has been done in the past?

HON CHIEF MINISTER:

I can tell him that in the last 12 months there have been nine incoming requests for criminal letters of request, Commission Rogatoire in the criminal field and of those nine received in the last 12 months only one has been processed by the application of the acid test, as I have just described it. I am talking about nine incoming from Spain.

HON J J BOSSANO:

So, in fact, it seems that they were doing this before, it is not that there has been a visible change of strategy on Spain's part since the beginning of September?

HON CHIEF MINISTER:

No. Perhaps I have inadvertently confused the hon Member. The question of letters of request in criminal matters has nothing to do with the Hague Convention. The Hague Convention relates only to the service of documents in commercial or civil matters. In respect of that, that is to say, the Hague Convention which is where they have now done what they have done, there have been nine outgoing requests from Gibraltar to Spain which is what the original question asks. [*HON J J BOSSANO: He said five.*] The nine incoming were criminal Commission Rogatoire. If the hon Member is interested in knowing how many we have had in the same period, 1987 to 1997, in the other direction, that is to say, from Spain to Gibraltar under the Hague Convention of a civil and commercial matter, then I can tell the hon Member that we have received 36 requests for service of documents from various Spanish courts under the Hague Convention in the last 10 years.

HON J J BOSSANO:

Then my question which was answered I think by reference to criminal proceedings which is not what I was asking, does the Chief Minister know whether those 36 that came in came in on the basis of what he has described as the acid test as being addressed to Gibraltar because unless we know what was happening before how do we know whether they are going to be doing something from now on?

HON CHIEF MINISTER:

They must have done because under the Hague Convention it is essential that the detail of the Convention requirements be complied with because there are people's commercial civil litigious rights at stake here and therefore designated authorities are punctilious in ensuring that the requirements of the Convention have been complied with. The central of the designated authority is not the judicial authority, it is by name the Registrar of the Supreme Court of Gibraltar and therefore if documents are not addressed to the Registrar of the Supreme Court of Gibraltar they cannot effectively be served in Gibraltar under the terms of the Hague Convention. Of course they might reach Gibraltar duly addressed to the Registrar of the Supreme Court of Gibraltar through the United Kingdom diplomatic channel and that, as far as we are concerned, would be all right. What I am saying to the hon Member is from my knowledge of how these things work but if he likes I can find out whether that is true of all 36 cases. Indeed, whether they have all come addressed in the cover sheet to the Registrar of the Supreme Court of Gibraltar. I would be very surprised if the answer to that was not yes because otherwise it would not be a proper service under the Hague Convention.

HON J J BOSSANO:

Can the Chief Minister when he finds out confirm the position because if we want to monitor whether they adopt a different approach from the beginning of September I think it would be useful to know whether in fact in the past they have done one or the other or both and got away with it.

HON CHIEF MINISTER:

Indeed. The important point to remember is this, that under Article 18 of the Hague Convention there appears to be the right, which I do not think has been exercised by Spain in the past, I in my professional capacity remember seeing a document from Spain addressed to the Registrar. But what we are now being told is under Article 18 of the Convention in respect of documents flowing from Spain to Gibraltar, Spain has actually the right under the Convention to address those requests directly to the central authority. So if she has not done so in the past it appears that she is entitled to do so in the future. What she cannot escape from is that even if she sends us documents that flow in this direction addressed to London, that she cannot refuse to accept documents in that direction that reach her from the Registrar of the Supreme Court of Gibraltar.

HON J J BOSSANO:

Does it follow that having repudiated the recognition of the Supreme Court of Gibraltar, Spain can no longer make use even if we did nothing to stop it? Can they actually say, "We repudiate the Supreme Court of Gibraltar to receive things from them but we do not repudiate them to send things to them"?

HON CHIEF MINISTER:

Let us start on the premise that the United Kingdom Government do not consider that Spain is at liberty to repudiate and therefore what Spain has purported to do is not valid. What Spain has said is that she does not recognise the Supreme Court of Gibraltar as a designated authority. If she is going to implement that logically it would mean that she could get documents into Gibraltar by addressing them to the Foreign Secretary but that she would not accept any documents from Gibraltar that reached Gibraltar on behalf of or from the Supreme Court. Spain has not said that she does not recognise the existence of the Supreme Court although of course she has said that in other context and other times. What she has said is that she does not recognise the Supreme Court of Gibraltar as a designated authority for the purposes of the Convention.

HON J J BOSSANO:

And my question is, if that is what she says, does that mean that she would not be able then to address documents to the Supreme Court of Gibraltar because it is not the designated authority as far as Spain is concerned?

HON CHIEF MINISTER:

Indeed, it would logically mean that. It follows from what Spain has done that she will make sure that no Spanish Judge ever again addresses a document to the Registrar of the Supreme Court for the purposes of the Hague Convention otherwise she would be belying the very repudiation that she has just declared under the Note Verbale.

ORAL

NO. 468 OF 1997

THE HON J C PEREZ

GOVERNMENT DEPARTMENTS - PERSONAL EMOLUMENTS

Can Government state what is the projected expenditure in respect of personal emoluments in the current financial year for the period 1 December 1997 to 30 March 1998?

ANSWER

THE HON THE CHIEF MINISTER

Government Departments are currently preparing their Departmental Expenditure Outturn figures for 1997/98. This is being done as part of the preparation for the Estimates for the next financial year. It is not cost effective to carry out a separate exercise at this stage which will entail calculations on the impact of pay settlements including overtime, etc.

ORAL

NO. 469 OF 1997

THE HON J C PEREZ

GOVERNMENT DEPARTMENTS - PERSONAL EMOLUMENTS

Can Government state what has been the total expenditure in the current financial year up to the end of November 1997 in respect of personal emoluments?

ANSWER

THE HON THE CHIEF MINISTER

The total estimated expenditure on personal emoluments in the current financial year up to the end of November 1997 was £21,038,521. It must be emphasised that this is based on tentative figures which may be subject to departmental adjustments. These adjustments will include the impact of pay settlements awarded after November 1997 but which cover periods prior to this date.

Subject to that, if the hon Member were to project that figure up to November forward to the end of March, it would total £31,500,000. That is the straight line projection, by just projecting forward the figure up to November all the way to the end of the year.

SUPPLEMENTARY TO QUESTION NO. 469 OF 1997

HON J C PEREZ:

Which is really a rough estimate of the previous question that I asked?

HON CHIEF MINISTER:

Yes, if he had pursued me in supplementary I would have given it to him in supplementary under that question.

HON J J BOSSANO:

On this basis, in fact, this figure would indicate that the amount provided in the approved estimates will not be spent?

HON CHIEF MINISTER:

The approved estimate is £32,855,000. On the basis of that projection it would be £31,500,000 but that excludes pay settlements. The balance would then be £1,355,000 and if there is any pay settlement in respect of the current financial year back to the 1 April which had not been awarded by the

end of November, it would have to come out from that balance of £1.5 million that is left between the projected expenditure and the estimated expenditure.

HON J J BOSSANO:

But there is, of course, a £1 million figure available for pay settlements at the end of the estimates, a supplementary figure. If the Chief Minister is saying that he has got £1.5 million possibly to deal with the pay settlements then instead of the overspending being here the underspending would be there.

HON CHIEF MINISTER:

Yes, we are not debating what Head the money comes from, we are talking about expenditure on emoluments wherever it is that they might be provided for.

HON J J BOSSANO:

What I am saying is, in fact, the answer that he has given in the supplementary that the projection could turn out to be higher because of the pay settlements would assume that the pay settlements would have to come out of there and not out of the £1 million provided for pay settlements. So in fact even with pay settlements the answer is likely to be that there is going to be an underspending on the amount provided, am I not correct?

HON CHIEF MINISTER:

The hon Member is right provided that the provision for pay settlements is sufficient to meet the full cost of pay settlements.

HON J J BOSSANO:

Is there any indication that it is not? Surely by this time of the year the Chief Minister must be aware that £1 million, given the rate of 2.5 per cent to 3 per cent that the pay settlements are running at, is enough?

HON CHIEF MINISTER:

Well, then the hon Member would be correct. Then there will be, and he will recall that at the time of the budget debate we made it clear that we thought that the estimated expenditure on emoluments was excessive because it made provisions for posts that did not exist and that this really confirms that analysis made at that time. The estimates are drawn up on the basis of the establishment as provided for in the estimates but that the reality of it is that many of those established posts do not actually exist in fact and therefore there is that saving under the emoluments heads in the various departments.

ORAL

NO. 470 OF 1997

THE HON J C PEREZ

CIVIL SERVICE - VACANT POSTS

Of the posts that have become vacant within the civil service as a result of internal promotions, how many are expected not to be filled and what grades are they?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 471 and 472 of 1997.

ORAL

NO. 471 OF 1997

THE HON J C PEREZ

CIVIL SERVICE - VACANT POSTS

Of the posts that have become vacant within the civil service as a result of internal promotions, how many have been filled, advertised or in respect of which boards have been held?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 470 and 472 of 1997.

NO. 472 OF 1997

THE HON J C PEREZ

CIVIL SERVICE - VACANT POSTS

On the 85 vacancies filled by internal promotion from within the civil service can Government list the posts that have become vacant as a result?

ANSWER

THE HON THE CHIEF MINISTER

The position remains as I informed the hon Member in answer to Question Nos. 335 and 336 of 1997, that is, that vacancies are not filled simply because they arise. If a vacancy arises it is filled only if Government consider that there is a continuing need for that particular post. It is not yet possible to say how many such vacancies will be filled. In other words, how many vacancies have resulted in the upwards musical chairs will be filled. I can tell the hon Member that it is expected that vacancies for promotion to AO, which is the next upwards musical chairs, to AO from AA, will be advertised early in the New Year.

SUPPLEMENTARY TO QUESTION NOS. 470, 471 AND 472 OF 1997

HON J C PEREZ:

He has not answered the question. I accept that he might not be able to tell me the vacancies that are not going to be filled because the process has not been completed but he could certainly tell me the vacancies that have already been filled, at what grades they are and which are advertised because those, as the Chief Minister himself has said, are in the process of being filled and some promotions have already taken place as a result of other promotions above that.

HON CHIEF MINISTER:

Except that that is the answer to the next question on the Order Paper, No. 473 of 1997. If he likes we can roll them all up into one.

NO. 473 OF 1997THE HON J C PEREZ**CIVIL SERVICE - VACANT POSTS**

Of the 85 vacant posts which have been filled or were in the process of being filled as at 3 October 1997, how many were filled by new entrants from outside the civil service?

ANSWERTHE HON THE CHIEF MINISTER

As at 3 October 1997, the posts of Teachers - 3; Lecturers - 2; Technicians - 3; Typists - 7; and Administrative Assistants - 21; have been filled by new entrants from outside the civil service.

I suppose I should add, just to rig this answer to what I said in the previous answer, that of those AAs the vast majority of them have been taken on from outside the service to vacancies created following approved promotions. Obviously the hon Member knows that the musical chairs at the end of the day leaves a gap at the very bottom.

SUPPLEMENTARY TO QUESTION NO. 473 OF 1997

HON J C PEREZ:

Yes, what I am saying is that whilst I accept that the Chief Minister could not have given me the figure of the posts that are definitely not going to be filled because the process is not complete, what I am saying is that having started the process by promoting people to the post of Senior Officer grade the subsequent promotions that have taken place between the post of Senior Officer grade and the AA at the bottom are vacancies that have arisen internally which is part of the information I asked the Chief Minister to provide.

HON CHIEF MINISTER:

Yes, it is available. It is public information in the Bulletin of Circulars. In other words, as people have gone up to Senior Officer certain people have been promoted to SEO and that is available, I can tell him now, and then when they have moved up to the extent that the gap that they left at HEO level has been filled, that is fact.

HON J C PEREZ:

And at every level there have been sometimes an increase, perhaps a decrease of some of the grades. [*HON CHIEF MINISTER: Indeed.*] I think it would be helpful if the Chief Minister does not mind, providing that information perhaps from the Personnel Manager so that we can have a clear picture of what the civil service looks like now in terms of the levels.

HON CHIEF MINISTER:

Yes, I am happy to do that. If the hon Member could bring himself to be patient for a bit longer of course the real clear picture will be reflected in the estimates that we will bring to the House in a few months time but if he wants the information sooner it can be put together relatively quickly.

HON J C PEREZ:

The Financial and Development Secretary knows that I do my own personal exercise before the estimates come to the House so it is good to have the information.

HON CHIEF MINISTER:

That is why we send them to Opposition Members at least by law, 15 days before the debate but the hon Member knows that we do not stick to the letter, we sent them to hon Members much in advance than 15 days precisely to give him time to prepare himself for the budget.

HON J C PEREZ:

Which is not the same as notice of questions for the meeting of the House.

HON J J BOSSANO:

Can I ask, in fact since the Chief Minister prefaced the answer by saying that as he had mentioned previously not every vacancy will necessarily be filled, effectively the questions were trying to establish which are being filled and which are not. Is that the information that is going to be provided?

HON CHIEF MINISTER:

I will be able to tell him which have, in fact, been filled and which have not been filled but the fact that they have not yet been filled does not mean that we have necessarily decided that they will not be filled or they might come to that but that is the process that has not yet taken place and will not take place until the dust has settled following all the musical chairs and we take a view of the manpower resources in each section.

NO. 474 OF 1997

THE HON J C PEREZ

CIVIL SERVICE - VACANT POSTS

Have steps now been taken to fill any of the eight posts still vacant in the civil service as stated in answer to Question No. 336 of 1997?

ANSWER

THE HON THE CHIEF MINISTER

The position is as follows:

The Senior Officer in Social Affairs has not been proceeded with as yet.

The Social Worker post was advertised but did not attract any suitably qualified candidate. The position will now be reviewed in the light of Milbury Care Services now handling the management of such services for Government and one of the secret seven is indeed a social worker. So there may not now be a need. There is actually one trained Social Worker in Gibraltar but he works in a bank and was not attracted to move given the salary differentials between what he was earning in the bank and there are no other qualified Social Workers.

The Legal Assistant post was filled on transfer from the Attorney-General's Chambers.

Vacancies will be going out for Constables shortly.

It is expected that the Senior Professional Technical Officer post in the Procurement Unit will be advertised in due course and I expect that to be shortly.

The Draftsman post is being advertised shortly. I have seen a text of the advertisement.

No final decision has been made in respect of the Senior Officer post in the Ministry of Employment. In other words, we have to see whether we proceed with that or on another basis.

The Assistant Archivist post has not yet been proceeded with.

So there is still much uncertainty. Some of them decisions have been made to proceed but it has not yet been executed and in two or three of the cases the ball is still up in the air as to whether we are going to proceed with them at all.

NO. 475 OF 1997

THE HON J C PEREZ

CUSTOMS HOUSE - RELOCATION

Is it the intention of Government to move Customs House from its present location?

ANSWER

THE HON THE CHIEF MINISTER

The possibility of relocating Customs House to British Lines Road next to the existing Customs facilities there is being considered.

SUPPLEMENTARY TO QUESTION NO. 475 OF 1997

HON J C PEREZ:

Would that mean that automatically the Support Services Section in British Lines Road would come into Customs House which would be beside the garage and workshops?

HON CHIEF MINISTER:

It certainly involves the finding of a new home for that division. The Customs have a desire to locate themselves on one side anyway but in addition to that desire there are inadequate facilities at the entry control at the British Lines Road facility for commercial vehicles to be put to one side and examined. There is nowhere that Customs at the commercial gate area can actually inspect a vehicle except there on the public highway. So those are the two reasons for moving Customs and it will also improve management controls over those stations. As to whether the road section goes to where the hon Member has identified or somewhere else still has to be decided, indeed no one has suggested that possibility. I think that it may not be suitable because really what they need is a yard in which to pile aggregates and I am sure the hon Member has been down there. So I do not think that the existing Customs House in Waterport Road is suitable as a builder's yard but there are other sites which we are looking to outside town which would be, in fact, a very suitable reaccommodation for that facility.

NO. 476 OF 1997THE HON J C PEREZ**INTERNATIONAL DIALLING CODE**

Can Government state whether they agree with the policy of the British Government as expressed by Lady Symons in the House of Lords, that the solution to Gibraltar's international dialling code is for Spain to expand the number of lines in the province of Cadiz?

ANSWERTHE HON THE CHIEF MINISTER

The policy of the Gibraltar Government is that Spain should be required to facilitate access to Gibraltar from Spain via Gibraltar's 350 code thereby making Gibraltar's numbering plan independent of Spain's.

SUPPLEMENTARY TO QUESTION NO. 476 OF 1997

HON J C PEREZ:

Does that mean that the British Government do not share that position? That the British Government share the position of Lady Symons and is this reflected in any way in Brussels in relation to the cases that are pending with the Commission?

HON CHIEF MINISTER:

Well, I have told the hon Member what the policy of the Gibraltar Government is to the extent that if anybody expresses a different policy then it follows that we do not agree with that alternative statement of policy. The position in the cases to which the hon Member refers and to the extent that I can comment on it without prejudicing it is that at least at this stage which is the interim relief stage, the Commission Director General dealing with this matter appears to have accepted technical submissions made on behalf of the complainants that in fact for the purposes of roaming agreements for mobile telephony Spain can in fact block out up to the 350 system without prejudicing what she regards as her position generally in relation to the 350 code by a system that I have had explained to me. But that is limited to the question of roaming agreements, it does not address the question of the numbering plan generally. Gibtel need numbers in which to expand and indeed the Gibraltar Government's position is, that without more numbers in the ordinary non-mobile numbering plan, we just do not see how we can deliver on a liberalised telecoms market. If we cannot give numbers to

somebody who says, "I have a right to compete in this market place" and to put up a service one needs subscriber numbers and there are none available, then we have a predicament. Whether that aspect of the matter will be resolved in the way that the question indicates is a very different issue but it certainly is not the Government of Gibraltar's policy. The Government of Gibraltar's policy is to disentangle the numbering plan once and for all.

HON J C PEREZ:

I welcome the fact that the policy of the Government of Gibraltar continues to be that there is no reason why Spain cannot recognise international codes. What I am really trying to get at is, that if within the process that needs to take place with the Commission with the cases, Britain is asked to express a view, whether the view that the people looking at this case will have is the view of the Gibraltar Government, the view of the British Government or both views?

HON CHIEF MINISTER:

Well, it might be the latter but certainly the position as put to us is that the British Government are willing to field the Gibraltar Government's position in Brussels on this issue and that at the moment that is their position, that is what they are doing. But whether that will remain the case right to the bitter end.

NO. 477 OF 1997

THE HON J J BOSSANO

GOLD BULLION IMPORTS

Can Government state what was the value of gold bullion imports in the financial year 1996/97 and the six months since 1 April 1997, and the amount of import duty collected in these periods?

ANSWER

THE HON THE CHIEF MINISTER

The Government do not consider that it is in the public interest of Gibraltar to put this information in the public domain.

However, I will be happy to give it to the hon Member on a confidential basis.

SUPPLEMENTARY TO QUESTION NO. 477 OF 1997

HON J J BOSSANO:

Can the Government explain, in fact, why this was not possible when I wrote on 18 October and asked the Financial and Development Secretary and eventually got a reply on 18 November which would have avoided me needing to put the question if this had been answered in that way?

HON CHIEF MINISTER:

The hon Member is right. There has been a degree of delay in replying to his correspondence. He will be receiving an informed letter shortly but I hope that he will treat it confidentially. I think he understands why this information could be open to abuse by those who would seek to abuse it.

NO. 478 OF 1997

THE HON J J BOSSANO

VOLUME OF PETROL IMPORTED

Can Government state what was the volume of petrol imported in the financial year 1996/97 and the six months since 1 April 1997, and in respect of which there has been a 1 per cent increase in import duty?

ANSWER

THE HON THE CHIEF MINISTER

The Government do not consider that it is in the public interest of Gibraltar to put this information in the public domain. I will be happy to give it to the hon Member on a confidential basis. It is contained in the draft letter that he will be receiving shortly. I really do not think that it serves Gibraltar for others to know the extent to which this sector contributes or does not contribute to the economy.

NO. 479 OF 1997

THE HON J J BOSSANO

MOTOR VEHICLES IMPORTED

What was the number and value of motor vehicles imported by licensed dealers in the financial year 1996/97 and the six months since 1 April 1997, and the import duty paid in these periods?

ANSWER

THE HON THE CHIEF MINISTER

The number and value of motor vehicles imported by licensed dealers and the import duty paid thereon over the periods identified by the hon Member are as follows:

In respect of the financial year 1996/97, 525 motor vehicles with a value of £3,276,683 and an import duty yield of £922,274. Those statistics in respect of the period 1 April to 30 September 1997 would be respectively, 372; £2,029,763; £573,349.

SUPPLEMENTARY TO QUESTION NO. 479 OF 1997

HON J J BOSSANO:

So in fact the figures indicate that there was not a decline in the first six months of this year as compared to the level of last year?

HON CHIEF MINISTER:

Subject to seasonal fluctuations, and I do not know whether that has any impact in the motor trade, there would actually appear to be a slight improvement because for six months 372 is more than half of 525. So subject to the impact, if any, of seasonal fluctuation, it would appear that they are not doing worse this year than last, that is true.

NO. 480 OF 1997

THE HON J J BOSSANO

MOTOR VEHICLES IMPORTED

What was the number and value of motor vehicles imported by individuals in the financial year 1996/97 and the six months since 1 April 1997, and the import duty paid in these periods?

ANSWER

THE HON THE CHIEF MINISTER

The number and value of motor vehicles imported by individuals and the import duty paid thereon over the periods identified by the hon Member are as follows:

Financial year 1996/97, 117; with a value of £639,935 and an import duty yield of £208,854. The equivalent figures for the first six months of this financial year are 80; £490,793 and £162,611.

NO. 481 OF 1997

THE HON J J BOSSANO

GOLD BULLION IMPORTED

Can Government state what was the quantity of gold bullion imported in the financial year 1996/97 and the six months since 1 April 1997?

ANSWER

THE HON THE CHIEF MINISTER

The Government do not consider that it is in the public interest of Gibraltar to put this information in the public domain. I will however be happy to give it to the hon Member on a confidential basis and it is contained in the letter that he will be shortly receiving.

NO. 482 OF 1997

THE HON J J BOSSANO

BUILDING MATERIALS IMPORTED

Can Government state what was the value, in the financial year 1996/97 and in the six months since 1 April 1997, of the type of building material which is now subject to import duty?

ANSWER

THE HON THE CHIEF MINISTER

The value of building materials imported over the periods identified by the hon Member are as follows:

Financial year 1996/97 - £5,304,984 and April to September 1997 - £4,059,375.

I am sure the hon Member will recognise the increase which I am sure reflects the confidence in Gibraltar reflected in the construction industry.

SUPPLEMENTARY TO QUESTION NO. 482 OF 1997

HON J J BOSSANO:

Or perhaps, would the Government not agree, prior knowledge that they were going to put an import duty on the 1 September? We will see what has happened since the import duty has been introduced.

HON CHIEF MINISTER:

That cannot be affected by that, they did not know that. What the hon Member must be aware that this reflects the advanced stage projects such as Westview Park, Montagu Crescent, Cormorant Wharf, it is just the timing of the stages of particular projects.

HON J J BOSSANO:

So that we agree that it is neither his nor my interpretation?

HON CHIEF MINISTER:

I would like it to be mine.

NO. 483 OF 1997THE HON J J BOSSANO**INCOME TAX - PAYE**

How much was collected in PAYE in each month since August 1997?

ANSWERTHE HON THE CHIEF MINISTER

The PAYE tax collected in each of the months August 1997 to November 1997 was:

August	-	£3,701,651
September	-	£3,211,171
October	-	£3,548,976
November	-	£2,973,055

I should add that these figures are not the final definitive figures as an important percentage of the total PAYE collected is in respect of Gibraltar Government employees details of which are provided to the Income Tax Office by the Treasury. These details are currently being scrutinised to reconcile the Treasury figures with the Income Tax Office records. But I should add that the figures that I have given are included subject to being checked.

SUPPLEMENTARY TO QUESTION NO. 483 OF 1997

HON J J BOSSANO:

Presumably that is no different from what is true of the comparable figures for the same months of other years?

ORAL

NO. 484 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the latest figure in respect of corporation tax paid on assessments raised for the tax year 1994/95?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 485 and 486 of 1997.

ORAL

NO. 485 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the latest figure in respect of corporation tax paid on assessments raised for the tax year 1995/96?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 484 and 486 of 1997.

NO. 486 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state whether there has been any change to the total figure of assessments for corporation tax for the year 1995/96 since the estimate of £12,317,236 was provided?

ANSWER

THE HON THE CHIEF MINISTER

The sum collected in respect of corporation tax assessments for the years 1994/95 and 1995/96 are as follows:

1994/95	£10,063,066
1995/96	£ 8,180,186

The corporation tax payable on assessments raised for the tax year 1995/96 now stands at £12,278,437.

NO. 487 OF 1997

THE HON J J BOSSANO

INCOME TAX - EMPLOYER'S DECLARATION & PAYE CERTIFICATES

Can Government state how many employers have still not returned the 1995/96 Employer's Declaration and PAYE certificates and the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

The total number of employers is 135. The total number of employees affected is approximately 460.

SUPPLEMENTARY TO QUESTION NO. 487 OF 1997

HON J J BOSSANO:

Given that we are now talking about 15 months after the close of the tax year, can the Government say whether there is any legal action being undertaken against any of these 135?

HON CHIEF MINISTER:

I cannot tell the hon Member whether there is any legal action in the sense of commenced proceedings of a judicial nature yet taken. What I can tell the hon Member is that the Government's Central Arrears Collection Unit is now more or less up and running, it has been staffed, it has been resourced, it now has an in-house lawyer attached to it and part of what it will do, apart from simply seeking out in conjunction with the Labour Inspectors, there will be a broad front of action which will include not just rooting out unregistered labour - by which I mean labour that is not registered for PAYE or social insurance, but indeed follow-up on not just arrears of payment of PAYE but indeed follow-up the non-delivery of the PAYE certificates. This is really the new instrument, the new capability that the Government have put in place to address the whole question of arrears and I am happy to report to the hon Member, although I have not got the information at my fingertips, that it is already yielding in the first three months of its operation, very impressive results.

HON J J BOSSANO:

I have in fact drawn the attention of the Government previously to similar questions in that these are people not returning the certificate independent of the fact that they may not be paying over the money. People in arrears are over and above these figures? Can the Government say, getting them to actually declare what they have collected is something that.....

HON CHIEF MINISTER:

There are two different types of defaults. There is a default in not paying over the money and there is a default in not sending in one's certificate. People who have not done the latter are very unlikely to have done the former and vice versa. The new machinery that the Government have put in place will pursue these people as well. I think in recent years, the Commissioner of Income Tax has lacked a unit which can dedicate itself to rooting out defaulters of the various varieties and they are not just limited to PAYE related situations, this new arrears unit is a specialised unit in all forms of default which result in loss of revenue to the Government including this one but not limited to this one.

HON J J BOSSANO:

Can the Government say whether these people are in fact clocking up the daily penalty that is supposed to be in place when the time limit for returning the PAYE certificate expires?

HON CHIEF MINISTER:

If he is asking me a legalistic question the answer is of course that yes they are but whether they ever get around to paying it of course will vary from case to case but I am not aware that there has been any relaxation of the application of the penalty rules by the Income Tax Office but I have no particular information on that. If the hon Member wants to know what the present practice is in relation to the application of penalties I am very happy to have that information made available to him.

NO. 488 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the latest figure for the corporation tax payable on assessments raised for the tax year 1996/97 and how much has been collected to date?

ANSWER

THE HON THE CHIEF MINISTER

The corporation tax payable on assessments raised to date for the tax year 1996/97 now totals £10,590,868, of this sum £5,993,832 has been paid.

NO. 489 OF 1997

THE HON J J BOSSANO

INCOME TAX - SPANISH FRONTIER WORKERS

Can Government state how many Spanish frontier workers paid PAYE in the month of June based on the 1995/96 PAYE returns made to date by employers?

ANSWER

THE HON THE CHIEF MINISTER

The information requested cannot be provided given that individual taxpayers' records are kept in respect of annual and not of monthly earnings.

I can, however, inform the hon Member that, based on the 1995/96 PAYE deduction cards returned to date a total of 632 Spanish frontier workers paid PAYE in that year.

SUPPLEMENTARY TO QUESTION NO. 489 OF 1997

HON J J BOSSANO:

In fact, let me make sure that I have understood the nature of the answer. What the Chief Minister is in fact saying is that it does not follow that there were 632 in the month of June but that there were 632 at some point during the tax year?

HON CHIEF MINISTER:

Yes, that is what the answer is intended to mean.

NO. 490 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state how many assessments for corporation tax have been made in respect of qualifying companies for the tax year 1996/97 and the total amount of corporation tax so assessed?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of corporation tax assessed for the year of assessment 1996/97 in respect of qualifying companies is £258,147 representing tax payable by seven companies.

SUPPLEMENTARY TO QUESTION NO. 490 OF 1997

HON J J BOSSANO:

Can the Government confirm that this sum assessed is, in fact, included in the total given in answer to Question No. 488 of 1997, of £10.6 million approximately, the one he has just given me?

HON CHIEF MINISTER:

I cannot tell him with accuracy but it should be because qualifying companies pay ordinary corporation tax, there is not any other sort of tax. So I would expect that since qualifying companies pay ordinary corporation tax that it is included in the answer to the question to which he refers.

HON J J BOSSANO:

Can Government say how much of the amounts so assessed has been paid so far in respect of the qualifying companies?

HON CHIEF MINISTER:

I have not got that information available and again if he will remind me or I will try and remember myself, I will have it provided to him. It is not in my answer.

NO. 491 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state how much has been collected in respect of corporation tax in each month since August 1997?

ANSWER

THE HON THE CHIEF MINISTER

The sum of £279,972 was collected in respect of corporation tax in September 1997; the sum of £782,449 in October 1997 and the sum of £192,476 in November 1997.

ORAL

NO. 492 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the total number of companies which have had assessments for corporation tax for the year 1995/96?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 493 of 1997.

NO. 493 OF 1997

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the total number of companies which have had assessments for corporation tax for the tax year 1996/97?

ANSWER

THE HON THE CHIEF MINISTER

The total number of companies which have had assessments for the tax years 1995/96 and 1996/97 are as follows:

1995/96	-	1073
1996/97	-	962

SUPPLEMENTARY TO QUESTION NOS. 492 AND 493 OF 1997

HON J J BOSSANO:

Can the Government confirm whether in fact the assessments are only where the company has a tax liability? Could there be a drop because some companies have no tax to pay or is an assessment made even where there are no taxable profits?

HON CHIEF MINISTER:

I would hope that the Commissioner of Income Tax concentrates the resources available to him to make assessments on those companies that he thinks will yield some tax to him but I cannot answer that question with the information available to me. It may contain a number of section 72 assessments in the absence of a return and those are sometimes eventually appealed away or removed. I would hope that the majority of these are assessments against returned accounts which show a profit.

HON J J BOSSANO:

I am trying to establish in terms of being able to interpret the information that I have been provided with whether there could be a difference in the answer one gets from one year to another because a company in a particular year does not show a taxable profit or whether in fact the same number of assessments should exist irrespective of the profitability? That is what I am trying to establish.

HON CHIEF MINISTER:

I would have thought that in that case the number of assessments do not affect profitability. In other words, it is not that companies are assessed one year because they have made a profit but not the next year because they do not. Most companies that would be assessed in respect of 1996/97 especially in respect of a recent period like 1996/97, are likely to be assessments in the light of submitted returns and the submitted accounts. It is highly unlikely that the Income Tax Office will have raised assessments in the absence of returns in respect of a period as recent as 1996/97.

HON J J BOSSANO:

Can Government say for the period 1995/96 whether they have a figure for the number of companies in respect of which an assessment has not yet been finalised but is still pending?

HON CHIEF MINISTER:

I do not know if the hon Member is just teasing me or whether he is serious. How can he possibly think that I could have that information available to me? If he is interested in statistical information as he was in the question he should have put it in a question and he would have had it just as he has had the statistics that he has asked in the question. I could not possibly give the hon Member that information from my personal knowledge of the matter but if he is interested in that information it will be provided to him as it would have been had he included it in his original question.

HON J J BOSSANO:

Presumably the Government are sufficiently interested in what is happening in the economy of Gibraltar to want to know whether there are still 1000 more companies that have to be assessed for 1995/96 or 100 more companies that have to be assessed for 1995/96. Does he have any idea of how close to the total the figure of 1073 that he has given me is? Are we likely to get a revised figure that is very different from that eventually? That is what I am trying to get at.

HON CHIEF MINISTER:

We might but as Minister with responsibility for Finance and the Economy I am not the tax collector in Gibraltar and, of course, when he asks, "Do Government have this information available?" Of course, Government in our wider administrative context have this information available. If he is asking me whether I personally ring up the Commissioner of Income Tax and ask him, "How many more companies have you got left to assess?" The answer is that I do not. I am extremely surprised that by implication that is what he used to do. What I do do, which I am sure he used to do as well, is keep a close eye on the collection figures to make sure that the Government's revenues

are holding up and that there is no early indication of a potential fall in long-term revenue. That, I think, is a legitimate function for somebody in my position not to keep tabs on the administrative machinery of collection except to equip them with the necessary resources to do that job as efficiently as possible.

HON J J BOSSANO:

No, I was not making any of the assumptions that he attributes to me. I was just assuming that it was conceivable that he might have on a little piece of paper a possible answer to a possible supplementary which is how the system works.

HON CHIEF MINISTER:

Unfortunately, the people who try to guess the sort of supplementaries that he might ask me did not quite choose the very questions that he has indeed put to me. He has got a whole range and I suppose that if he was limiting himself to genuine supplementaries they might have had a better chance of guessing it but in effect what he is asking for is additional statistical information. It is not available to me but if he wants it he can have it. And to have this sort of information, let me say to the hon Member, he does not have to put down questions in the House. If the hon Member wants this sort of statistical information he can have it by either writing for it or as a matter of course.

NO. 494 OF 1997

THE HON J J BOSSANO

INCOME TAX - EMPLOYERS DECLARATIONS & PAYE CERTIFICATES

Can Government state how many employers have returned the 1996/97 Employers' Declaration and Certificate since 26 September and the number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

A total of 43 employers, reporting on 178 taxpayers, have returned the Employers' Declaration and PAYE Certificate on or after the 26 September 1997.

NO. 495 OF 1997THE HON J J BOSSANO**I&D FUND - ESTIMATED EXPENDITURE**

What is the estimated expenditure of the Improvement and Development Fund by Head of Expenditure in August, September, October and November this year?

ANSWERTHE HON THE CHIEF MINISTER

<u>Head</u>	<u>August</u> £	<u>Sept</u> £	<u>Oct</u> £	<u>Nov</u> £	<u>Total</u> £
101-Housing	25,205	6,324	6,120	7,830	45,479
102-Schools, Youth & Culture Facilities	122,874	212,620	87,992	82,797	506,283
103-Tourism & Transport	152,488	199,500	140,227	5,693	497,908
104-Infrastructure & General Capital Works	156,884	124,407	277,706	468,772	1,027,769
105-Electricity	5,950	16,202	627	369	23,148
106-Industry & Development	<u>308,156</u>	<u>151,526</u>	<u>273,297</u>	<u>228,489</u>	<u>961,468</u>
	<u>771,557</u>	<u>710,579</u>	<u>785,969</u>	<u>793,950</u>	<u>3,062,055</u>

It must be emphasised that these are tentative Treasury figures which may vary as a result of any departmental adjustments received.

SUPPLEMENTARY TO QUESTION NO. 495 OF 1997

HON J J BOSSANO:

Would the Government now agree, in the light of these figures and the ones that have been provided previously, that it now seems highly unlikely that they will be spending the £40 million provided in the Improvement and Development Fund?

HON CHIEF MINISTER:

Yes, I think it follows and he should bear in mind that in that £40 million there was a very large item which was a provision for Harbour Views Project which, of course, we hope to be able to resolve in another way. But yes, the essential point that he is making that the Government's capital expenditure programme has been much slower in moving than we would have hoped is certainly a fair comment.

ORAL

NO. 496 OF 1997

THE HON J J BOSSANO

EXPENDITURE - DEVELOPMENT STUDIES

Can Government give a breakdown of the £82,000 spent on the new Subhead of Expenditure, Development Studies, showing each item?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 499 of 1997

NO. 497 OF 1997THE HON J J BOSSANO**MOD CONTRIBUTION TO THE ECONOMY**

Can Government state how the MOD contribution to the economy of Gibraltar has been calculated to amount to £17.5 million, given that MOD expenditure in the current year is almost £60 million?

ANSWERTHE HON THE CHIEF MINISTER

I do not know how the figure of an MOD contribution to the economy of £17.5 million has been calculated nor indeed to whom the hon Member attributes it. I understand that the figure for 1995/96 was in the order of £42 million.

SUPPLEMENTARY TO QUESTION NO. 497 OF 1997

HON J J BOSSANO:

Since I cannot give an answer I will ask a question. Does the Chief Minister not know that that is what he said when he was in London addressing the NATO Council and that therefore I am attributing it to him?

HON CHIEF MINISTER:

I have no recollection of having said that the MOD contribution to the economy was £17.5 million. I will check my own text of the speeches delivered but if he has read it in a newspaper report it can only have been a misprint.

HON J J BOSSANO:

Perhaps when he checks it he will be able to inform me if it was a misprint or not?

HON CHIEF MINISTER:

Subject to checking it, I can tell him that my almost certain recollection is that that figure was not cited by me in the context of MOD expenditure.

NO. 498 OF 1997

THE HON J J BOSSANO

GDP CALCULATIONS

Can Government state when and by whom was Gibraltar's Gross Domestic Product calculated to be at present £250 million?

ANSWER

THE HON THE CHIEF MINISTER

The latest official estimate for Gibraltar's Gross Domestic Product was £328 million for the year 1995/96, the figure of £250 million cited by me in a recent speech in London was in error, even allowing for the inexactitude of the calculation of GDP in Gibraltar historically.

SUPPLEMENTARY TO QUESTION NO. 498 OF 1997

HON J J BOSSANO:

Now that we know the £250 million was in error, what was it that he intended to say as presumably he must have been provided for the purpose of that speech with an estimated figure of where the GDP stands at the moment?

HON CHIEF MINISTER:

What I should have said in the speech was about £300 million.

NO. 499 OF 1997

THE HON J J BOSSANO

EXPENDITURE - DEVELOPMENT STUDIES

Will Government provide this House with a copy of the results of each of the studies carried out under the new Subhead of Expenditure, Development Studies?

ANSWER

THE HON THE CHIEF MINISTER

The breakdown of the expenditure on this new subhead is as follows:

Project Runway	£24,874
KPMG - Import Duty Review	£30,509
Rotunda Valuation	£2,500
Environmental Pollution Study	<u>£22,600</u>
Total Actual Expenditure	<u>£80,483</u>

Project Runway is an independent accountants report commissioned jointly between Bell Atlantic, British Telecom and the Government as to the respective valuations to be placed on Gibraltar Nynex Communications Limited and Gibraltar Telecommunications Limited. The document is confidential and highly sensitive commercially. It would not be appropriate to make its contents public. I should add there that initially the two outside shareholders had intended to commission that report by themselves but because the Government wanted the people who did the report should have a duty of care and obligation to the Government as well, we insisted on being included as a commissioning party and pay a share of the cost.

The KPMG study into the import duty structure contains information publication of which the Government do not consider to be in the public interest of Gibraltar. The Government do not consider it appropriate to make a copy available at this stage.

The Rotunda Valuation is a rental valuation effected for the purposes of on-going arbitration and possible negotiations as to the rent payable in relation to premises known as La Rotunda on Winston Churchill Avenue. For that reason it would not be appropriate to publish the valuation report.

The Environmental Pollution Study relates to an on-going measurement for a limited period of time of air pollution in Gibraltar in order to obtain data on the extent of pollution in Gibraltar by certain gases with a view to making a case to the European Commission to exempt Gibraltar from the obligation to set up permanent monitoring stations, as required by some directives, for measuring

concentrations of those gases and for monitoring air pollution and lead in the air. As far as I am aware, a written report on this issue has not been prepared and submitted to the Government. In other words, this particular item is the cost of on-going sampling in order to put data together to make a case to the commission for not requiring Gibraltar to set up permanent monitoring stations on the basis that these are not problem areas in Gibraltar.

SUPPLEMENTARY TO QUESTION NOS. 496 AND 499 OF 1997

HON J J BOSSANO:

Can I ask, the Government contribution to the Runway presumably has nothing to do with the runway notwithstanding there is one called the Rotunda? [*HON CHIEF MINISTER: No.*] The Government of course are also contributing as a shareholder, presumably in Gibtel and in Nynex as well?

HON CHIEF MINISTER:

No, these are contributions by shareholders and I am happy to tell the hon Member that I think, subject to having my jacket tugged by the Minister, we have actually got away with paying one-third of the cost even though we are 50 per cent shareholders in each of the two companies and therefore, in principle, should have paid half the cost of the report.

HON J J BOSSANO:

What is being paid for is what, a valuation of each of the two companies, Gibtel and Nynex?

HON CHIEF MINISTER:

There are separate valuation reports as to the value of each of the two companies separately.

HON J J BOSSANO:

And this report is what, in order to form the basis.....

HON CHIEF MINISTER:

If the hon Member would give way. I have just been reminded that there is a third report on the value of a hypothetical merge between Nynex and Gibtel.

HON J J BOSSANO:

Can I ask, on the report on the environment which is an on-going one and presumably could still produce further costs?

HON CHIEF MINISTER:

No, I think not. As I recall this bid, £22,600 was the total cost of collecting samples over a sufficiently long period of time to generate data for making the report to put to Brussels. I do not know if all has been spent yet but this is the total cost of the whole exercise from beginning to end.

HON J J BOSSANO:

And this is, as I understand it, from the explanation that has been given, in order to make a case to show that the quality of the air is such that we should not need to have to engage in permanent monitoring of the level of pollution, am I correct?

HON CHIEF MINISTER:

The hon Member knows that there are some directives, some of which have actually been transposed now in Gibraltar, which establish an obligation to set up monitoring stations. I remember the hon Member making theatrical points about this when he was standing where I am standing now. It has been estimated, I do not know if this information was in existence at the time when he was in Government, but it has been estimated that the initial set-up cost of such monitoring stations is £250,000 and that thereafter the annual running cost is in the order of £60,000 to monitor gases which we think are demonstrably not a relevant potential problem area in Gibraltar and therefore this expenditure which may be wasted expenditure, if our case does not succeed, but we have judged is worth spending £22,600 trying to create a case which will relieve us of the need to make the much larger initial and subsequent annual expenditure.

I should add in relation to the KPMG study that there is an additional reason and that is not just that it contains a lot of information that I have not been willing to give the hon Member across the floor, but indeed the document is not spent in the sense that it covers things that we could do in the near future and the distant future which would not be helpful if it became public knowledge because it would signal what Government may be planning.

NO. 500 OF 1997THE HON J J BOSSANO

REVIEW OF DEPENDENT TERRITORIES

When was the Government informed that Gibraltar would be excluded from the review of the dependent territories being conducted by the Foreign Office?

ANSWERTHE HON THE CHIEF MINISTER

The Government have not been informed that Gibraltar would be excluded from the review of dependent territories.

SUPPLEMENTARY TO QUESTION NO. 500 OF 1997

HON J J BOSSANO:

Then the UK newspaper report which quoted the Chief Minister as expressing disappointment that we were being excluded is not in fact accurate either?

HON CHIEF MINISTER:

I do not know to which particular report the hon Member is referring. I recall answering a journalist's question on a hypothetical basis. That is to say, if we had been excluded with the Falkland Islands and if that is because we are the subject of a territorial dispute, then the Government would object to that. But if we were being excluded because the Foreign Secretary says that he is going to deal with us on the basis of our own constitutional proposals, then that would be less serious. But at no time have I been told Gibraltar is being excluded. The nearest that comes to that is that I received a letter from the Convent which used the phrase "this primarily" - I cannot remember if it was "primarily" or "principally" but one of those two words - Caribbean orientated review. That suggests that they are not dwelling excessively on Gibraltar but I have never been told that Gibraltar forms no part in the sense that we are being excluded from this review altogether.

HON J J BOSSANO:

Therefore I assume that the Government are working on the assumption that unless and until they are told otherwise the review will include Gibraltar, is that right?

HON CHIEF MINISTER:

We have a letter from Baroness Symons addressed to the Government of Gibraltar through its London Office that the position in respect of the dependent territories review was that London had asked Governors to obtain local views on future constitutional arrangements and links with Her Majesty's Government. It is true that I have not been consulted in that sense specifically under the umbrella of the dependent territories review but I have had many discussions with His Excellency the Governor on the Government's ideas in relation to constitutional review that I have no doubt that he has passed back to London and which London may consider to be consultation with this particular Chief Minister of this particular dependent territory. I have not received from the British Government a piece of paper saying, "Pursuant to the dependent territories review what are your views?" Remember that we gave notice of our intention to put up constitutional proposals long before the Foreign Office announced its intention to conduct a dependent territories review so it might be that in their minds that will be our consultation process.

HON J J BOSSANO:

Independent of what is in their minds is it that the Government's expectation when the review is completed and a report is produced by the Foreign Secretary in February, Gibraltar will be included or not included?

HON CHIEF MINISTER:

I have an indication that there may be a delay now in that but whether it is delayed or not I have no indication one way or another as to whether Gibraltar will feature in that report nor indeed do I have any indication that the Foreign Secretary will publish a report. The plan had been that he would announce the upshot of it in a keynote speech that he was due to make at the forthcoming Dependent Territories Association Conference which is due to take place in February.

HON J J BOSSANO:

Is the Government saying that in fact this is not now likely to happen, that there has been some change to the plan? Perhaps the Government will confirm that the indications that had been made public was that the Foreign Secretary had in fact expressed a wish to be given an hour in which to expand on the conclusions of the review which was going to be conducted. Is this something that is not now likely to take place?

HON CHIEF MINISTER:

The situation is fluid but my latest understanding is that the Foreign Secretary no longer intends to avail himself of that opportunity to make the announcements as had been previously envisaged.

HON J J BOSSANO:

Is, in fact, then the latest position known to the Government that they are working on a longer time scale to complete the review? Does that mean that this is going to be spread over a longer period?

HON CHIEF MINISTER:

I have heard reference to some delay but I have not been given any information that would suggest that there is going to be a long delay, I think they are talking of a few weeks but his guess is as good as mine.

NO. 501 OF 1997

THE HON J J BOSSANO

SPAIN'S PROPOSALS FOR CO-SOVEREIGNTY

Have the Government asked Her Majesty's Government to reject Spain's proposals for co-sovereignty?

ANSWER

THE HON THE CHIEF MINISTER

Yes, it is implicit in a public statement that we have issued and it will be specifically put to the Foreign Secretary in a letter that is presently being drafted.

SUPPLEMENTARY TO QUESTION NO. 501 OF 1997

HON J J BOSSANO:

Are the Government aware of the content of the statement made by the Spanish Foreign Secretary in the meeting in London, independent of the part that deals with the proposal for co-sovereignty?

HON CHIEF MINISTER:

I am as aware of its content as is the hon Member who, to my knowledge, has received a copy of it. The Government would not have rejected proposals without at least knowing what they amounted to. We have had a copy, I do not know whether the man read the whole document out at his meeting with Mr Cook. If he did, and given that there was a need for simultaneous translation it must have been a very tiresome evening. But certainly the document was either read out or tabled or whatever. We have seen that document, it contains proposals which are wholly unacceptable to the Government of Gibraltar and I suspect equally unacceptable to the Opposition Members and that is the basis upon which the Government have publicly rejected it and urged the UK Government to do the same.

HON J J BOSSANO:

Do the Government know whether in fact the British Foreign Secretary made a comparable statement in reply at that meeting given that in fact of the 12 pages in the statement of Senor Matutes, as I recall it, something like one page deals with co-sovereignty and 11 pages deal with lots of other things on which presumably the British ought to be replying?

HON CHIEF MINISTER:

I have not got the document with me. My understanding is that the Foreign Secretary did not make a submission of anything near the length of the Spanish Foreign Minister's, that he simply limited himself to acknowledging the fact that the man had spoken and saying that whilst not rejecting it indeed it is true that the Foreign Secretary did not there and then say, "These proposals are unacceptable to the United Kingdom". What he did say, in his reply, and I think in very wholesome and welcome terms, that as far as the British Government were concerned they were a non-starter if they were not acceptable to the people of Gibraltar.

HON J J BOSSANO:

I am not limiting myself to the proposal for co-sovereignty which is, in fact, what has received most of the publicity but, for example, to the fact that Spain makes clear that integration with the United Kingdom is something that they consider to be in conflict with the bilateral negotiating process under the Brussels declaration. Is that going to be simply not answered by the UK?

HON CHIEF MINISTER:

When I said earlier about drafting a reply to the Foreign Secretary the reply will be comprehensive and it will deal with all aspects of Senor Matutes's statement. The Foreign Secretary in turn reject any of the detail of Senor Matutes's speech except to enter the reservation and make the statement that as far as the UK Government was concerned the wishes of the people of Gibraltar were paramount. There was no detailed rebuttal as far as I am aware of any of the content of the Spanish Foreign Minister's contribution.

HON J J BOSSANO:

Given that in fact the British Government are, of course, fully committed as previous Governments have been, to respect the preamble to the Constitution and that the Foreign Secretary expressed the view that he thought it highly unlikely that the wishes of the people of Gibraltar would coincide with the wishes of Senor Matutes, what is it that the co-ordinators are studying exactly?

HON CHIEF MINISTER:

Well, that is as unclear to me as it is to him. Given that the British Government are committed to respecting our wishes and given that our wishes are that these proposals are unacceptable, I do not suppose there is any point in them meeting to discuss those proposals. Indeed any discussion on those proposals would be inconsistent with a commitment to our wishes. I suspect what the British Foreign Secretary had in mind for discussion between the co-ordinators were his reference to - I am just trying to recall the exact words - but I think the joint statement said something about Britain were going to

suggest some ideas for economic co-operation in the area. I can only assume that that is what will be the subject matter of the co-ordinators' discussion. Certainly to the extent that the wishes of Gibraltar are concerned, to that extent there is nothing to discuss with these proposals. They are based on a fundamental premise which are not acceptable to the people of Gibraltar and that fundamental premise is that they are based, in a sense, on a Spanish Gibraltar, a Gibraltar within the Spanish Constitution preceded by a period of joint sovereignty which is in those terms equally unacceptable, I think it does not make the proposals any more attractive by preceding them with a period of joint sovereignty.

HON J J BOSSANO:

Are the Government aware, in fact, that when the previous Conservative Government finally rejected the proposals of Senor Moran they actually said that they were not acceptable because the final result was predetermined? And if they are aware, would the Government not agree that it is almost as if as a consequence of that kind of reply then proposals have been described as being for an indeterminate period so that they would address the argument that was put by the British side in 1993?

HON CHIEF MINISTER:

I do not think so. These proposals seem pretty predetermined to me. The indeterminate period of joint sovereignty is almost an incidental part of the proposals. Senor Matutes's ideas are fundamentally about the eventual status and this business of an indeterminate period of joint sovereignty is almost thrown in as an afterthought just to put our minds at rest. The proposals themselves are very predetermined, it is almost punctuated. This recalls to my mind what I thought was one of the more irrational moments and statements made recently by the hon Member on GBC TV a night or two ago when under pressure from the interviewer he said, when asked, "Is it not enough that the Government have rejected the proposals?" He went on to say, quite incomprehensibly, "Yes, but the fact that the Government have rejected the proposal recognises their right to make the proposal in the first place", which apart from being a logical nonsense, recalled to my mind, when I was watching him, how he had made so much song and dance about demanding that the British Government should formally and finally reject the proposals put on the table in 1993 or whenever it was and not rejected by Sir Geoffrey Howe or whoever it then was. I think it is a nonsense to suggest that rejecting proposals somehow recognises the right of the proposer to make proposals in the first place but if indeed that is what it means, it must mean it for him as well as for me.

HON J J BOSSANO:

I hope the fact that it means to him what it means to me or vice versa means that he is inching gradually closer to my position which is that what we need to reject is not the proposals but the forum in which the proposals are made.

Would he not agree, in the light of his comments and in the light of the fact that he has obviously now read the whole of Senor Matutes's statement, that it is absolutely clear from that statement that participation in the Brussels process is participation in a process in which proposals have to be considered for Gibraltar's decolonisation? Does he not recognise that it is absolutely inescapable that that is the case?

HON CHIEF MINISTER:

No, the Spanish may think that that is what the Brussels process is about but certainly we recognise that the Spaniards are entitled, under the Brussels process, to discuss and to raise and make proposals and to mention the word "sovereignty" which is not the same as recognising that it is a process in participation in which it recognises a Spanish role in the decolonisation of Gibraltar. They are very different things. The fact that they obviously on the face of the Brussels Agreement itself it says that they can raise the question of sovereignty. Agreeing that they can raise the question of sovereignty to which there is absolutely no obligation to agree to anything is not the same thing as recognising that they have a role in our decolonisation and that, as far as we are concerned, is the important difference and the important distinction. If we thought that the Brussels Agreement formally gave Spain an institutionalised role in our decolonisation, then we might well take a very different view to it but that is not our interpretation.

HON J J BOSSANO:

I must say that is very welcome news. I do not think it is too difficult to persuade the Government that that is what it does. Would the Chief Minister not agree that when he goes to the Fourth Committee of the United Nations in October every year the resolution before the Fourth Committee which is drafted jointly by the United Kingdom and by the Kingdom of Spain and in respect of which he has asked for an amendment so that Gibraltar should be included as having a right to be present in the discussions about its future status make it explicitly clear that the negotiating process is to decide the final status of Gibraltar in a Committee that is only discussing Gibraltar because it is charged with discussing what is going to happen to a colony? If it was not about decolonisation would he not agree with me, that it would not be on the table in front of that Decolonisation Committee?

HON CHIEF MINISTER:

No, I do not agree and in maintaining that position in a sense I am doing my hon Friend a favour because surely he cannot have forgotten already that in his first speech to the United Nations in 1992 there was a whole page worth in which what he was asking the United Nations to do was to recognise a voice for Gibraltar in the process of dialogue and it was the same process of dialogue, it was the one that was the subject matter of the annual consensus resolution and he passionately advocated for Gibraltar's voice in that dialogue, not in some other dialogue, in that dialogue to be recognised. And that is all that I am doing. When he got cold feet and abandoned the job we

are sticking to it but it cannot have been OK for him to ask the United Nations Committee of 24 in July or whenever it was 1992 or 1993 to say, "Please gentlemen, you must give us our own voice in this dialogue" and now it is suddenly so terrible for us to go to the same forum, to the same Committee, to ask for exactly the same thing.

HON J J BOSSANO:

Obviously we are not going to agree that he is not asking for the same thing as I was asking but he can certainly make clear just to be factually correct that the consensus resolution is not in front of the committee of 24 and that I have not made any reference to anything he may have said in the Committee of 24 but in the Fourth Committee where he specifically asked for the resolution to be altered to include Gibraltar. Is he not aware that in fact Mr Cook immediately after the meeting said that he had attended a meeting of the Brussels Agreement entered into by the Conservative administration which is for the purpose of discussing Gibraltar's constitution and status, is he not aware of that?

HON CHIEF MINISTER:

I cannot believe indeed the regard that I have for the hon Member prohibits me from concluding that the point that he is making is that it is OK to go to the committee of 24 of the United Nations asking for one's own voice and talks under the Brussels Agreement but it is a mortal sin to go to the room next door and ask the Fourth Committee which is the committee of which the Committee of 24 is a special sub-committee, that the difference, I do not believe that the hon Member is giving ground at the rate that leaves him with no better argument than that. In other words, that it is OK to ask the committee of 24 to give one a voice under the Brussels Agreement but that it is not OK to ask the Fourth Committee simply because the consensus resolution is before the Fourth Committee. He must know that the Fourth Committee draws up its resolutions on Gibraltar on the basis of a report that it gets from the Committee of 24, from its own special committee on decolonisation. When the hon Member tries to put round my neck the millstone of wishing to recognise a role for Spain in our decolonisation and implies that from the policy that we have in relation to the Brussels Agreement, I can do no better than to remind him, as I have now done several times in recent months, that it was he and not me who told the United Nations in 1993 in a glossy booklet published exclusively for the purpose of advocating Gibraltar's right to self determination and distributed to each member of the committee, it was he who said to them that the exercise of the right of self determination for Gibraltar may require a process of dialogue with Spain. The only Chief Minister in the history of Gibraltar who has in unambiguous terms recognised a role for Spain in the exercise of Gibraltar's decolonisation is the Opposition Member, if not I challenge him to find a sentence that I have uttered in the United Nations equivalent to the one that he has uttered and which I have just cited.

HON J J BOSSANO:

If he refuses to answer the question but let me just say.....

MR SPEAKER:

I am not going to stop you but I think this is no longer a Question and Answer session, it is a debate which we might well have on a motion. But certainly you have the last question and the last answer.

HON J J BOSSANO:

It is not that I wish to convert it into a debate, it is just that every time I ask a question, the Chief Minister now has to rely in order to hide behind something he hides behind a glossy booklet produced for the Government of Gibraltar by his PR recruit from the Gibraltar Chronicle which quotes from what was said in 1993. He has not made one sentence before the Committee of 24 in the first appearance of the Government of Gibraltar in July 1992 to try and make out that if I said something there then, then that must mean that whatever he is doing now must be right because I said it then. Well, of course, the reality of it is that the only Chief Minister who has actually said specifically, would he not agree, not that it might be necessary, that it might be wise or that it might be desirable but that he was asking formally the Committee to amend a resolution before it in order to make a specific requirement that Gibraltar should be present because Gibraltar ought to be there when its future status was being discussed in order to decolonise it? If he believes that that is right then I regret to say that we should not be considering who said it first, who said it last or whether we all said it. If he believes it to be right then, in fact, if we are going to be able to put a view which is Gibraltar's view, those who believe that that is right ought to be defending it. If he believes it is not right and that there is nothing to be gained for Gibraltar by attempting to sit down and discuss our future with Spain, then he ought to take the final step and reject that whatever hopes he might have had of attending Brussels without getting involved in discussion on decolonisation which is not possible, he knows it is not possible to have one without the other, then if he is prepared to give up attending Brussels because the price that has to be paid is that we have to talk to Spain about decolonisation and he is not prepared to do it, then let us move in that direction but he is not doing Gibraltar any good by pretending that all he has ever done since he got elected was to read my booklet of 1993.

MR SPEAKER:

You have got one answer, keep it short and that is the end of this question.

HON CHIEF MINISTER:

The point about who said what first is not to simply identify who said it first, it is to spotlight, it is to underline the sheer duplicity of the hon Member's accusation to me. He is attributing to me by interpretation of my words what he said in crystal clear unambiguous words that did not require interpretation and I think the people of Gibraltar must now know that once and for all. I do not go to the United Nations and if he did not misrepresent my speeches at the United Nations as the rest of Gibraltar does not, the rest of Gibraltar applauds me for my speeches at the United Nations, the hon Member distorts them. I do not go to the United Nations to recognise and to ask for a voice with Spain in our decolonisation, I do not do it. I have gone to the United Nations to ask for a voice in any dialogue about Gibraltar. We have made crystal clear what we are interested in talking to Spain about. The hon Member wants to say, "In 1993, I Joe Bossano thought that it was OK to seek a voice for Gibraltar in those talks" - as he did - "but since 1993 I have changed my mind and I should never have asked it", well that would be a perfectly defensible position. But what he cannot do now is pursue arguments blotting from his memory what he himself did and said and now attributing to me for asking for the same thing five years later as he asked for five years ago, a certain dreadful agenda which he either did not attribute to himself when he asked for the same thing or when he wishes to conveniently not to be reminded. What he has said in the past is completely irrelevant and, surely, and this is my final point, the hon Member's grip on Gibraltar's vital foreign policy interests, the hon Member's lack of control about the articulation of his own policies in relation to self determination, cannot have been so amateurish and inept that he would allow a journalist who then did not even work for the Government, the editor of a newspaper, to draft his Government's blueprint on self determination which he then proudly takes under his arm wrapped in cellophane, hands out to every ambassador in the United Nations with a video and that when it is pointed out to him that that booklet contains a sentence that says, "I the Chief Minister of Gibraltar hand you this booklet which says that we believe that the exercise of self determination may require a process of dialogue with Spain" the best defence that he can come up with is that somebody else wrote it and not him. Well, it is an absurd position for the hon Member to maintain. The facts are the facts and we are entitled to deduce what is obviously deducible from those facts which is a much more legitimate exercise in my humble opinion, than distorting my own words and on the basis of a distorted interpretation of my words attributing to me views and policies which in fact he has articulated without the need for interpretation.