

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

**18TH DECEMBER, 1997  
NO. 353 TO NO. 501**

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## QUESTIONS & ANSWERS

18<sup>th</sup> December 1997

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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.

ORAL

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 MOD 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 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 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?

ANSWERTHE 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 ex-pats, 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.

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 1997THE 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?

ANSWERTHE 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.



ORAL

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 1997

THE HON A ISOLA

**SHOREX EXHIBITION IN LONDON**

Did Government participate at the recent Shorex exhibition in London and if so, at what cost?

ANSWER

THE 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.

ORAL

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 1997

THE 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?

ANSWER

THE 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.