

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

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

## INDEX

### QUESTIONS & ANSWERS

29<sup>th</sup> April 1997

Questions 64 – 160

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Afro-Asian Satellite Station	144	155
BA Flight Gib/Gatwick (16 August 1996)	91	60
Beaches – Bathing Season	93	62
Brussels Visit	155	173
Cancellation of Scheduled Flights	95	65
Chilton Court and Edinburgh House	138	145
Companies with Government Contracts	156	174
Director of Media and Public Relations	153	169
Display of Prices in Pesetas	139	147
DTI – New Post, Financial Services Director	140	150
Education – Co-Operation with Mancomunidad De Municipios	124	115
Education – OFSTED Report	127	121
Education – Safety of Pupils	125	118
Education – St Peter's School	128	123
Education – Student Teachers	123	114
Elcor Group/Afro-Asian Satellite Project	145	156
ETB – Unemployed Gibraltarians	83	40
ETB – Unregistered Labour	86	45
ETB – Vocational Cadets	84-85	43-44
GASA – Allocation of Additional Land	129	130
GASA – Financial Assistance	130	132
GE Capital Satellites (Gib) Ltd	146	158
General Sinking Fund – Forecast Outturn	152	166
GHA – Forecast Outturn of Revenue and Expenditure	72	19
GHA – Lewis Stagnetto Ward	70	9
GHA – Nursing Review Report	68	5
GHA – Personal Emoluments Administrative Grades	74	22
GHA – Post of Chief Executive	71	11
GHA – Relocation of Health Centre	69	6
GHA/MOD – Interchange of Patients	67	4
GHA/MOD – Operating Theatres	66	3
GHA/MOD – Secondary Medical Care	64-65	1-2
GHA/MOD – Secondary Medical Health Care	73	21
GHA/MOD – Treatment of Patients at RNH	75	23
Gibraltar Heritage Trust – Annual Report	76	28
Gibraltar Identity Cards	154	170
Gibraltar Rifle Association – Indoor Range	132	136
Gibtel/Nynex – Complaints	133	138
Government Housing – Allocation of Post-War Flats	100	76
Government Housing – Allocation of Pre-War Flats	101	77
Government Housing – Housing Applicants	102	78
Government Housing – Medical Advisory Board	99	74
Government Housing – Medical Cases	97	68
Government Housing – Social Cases	98	71
Government Housing – Vacant Units	80-81	37-38
Governor's Cottage Camp – Workshop Units	141	151
HM Forces Personnel	158	178
Hotel Industry – Redundancies	90	57
Illegal Russian Immigrants	104	80
Income Tax – Company Tax	148	162

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Income Tax – PAYE	149	163
Income Tax – PAYE Arrears	150	164
Income Tax – PAYE Collected	151	165
King’s Bastion	77	29
King’s Bastion – Relocation of Electrical Sections	136	143
Licensing Department – Driving Licences	147	161
Main Street Beautification	88	55
May Festival	126	119
Mediterranean Yacht Race	89	56
MOD Expenditure 1997/98	159	179
MOD Rundown – Loss to the Economy	160	181
Mosque Building Site – Fatal Accident	79	35
Mosque Building Site – Safety	78	32
MOT Test Centre	135	141
Nynex – Allocation of Telephone Numbers	134	140
Nynex/Telefonica – Flag Cable	137	144
Payment of Family Allowances to Spanish Workers	157	177
Pre-Fab Block – Demolition	82	39
Prison – Number of Inmates	116	98
Question Withdrawn	96	67
Sandy Bay – Shuttle Arrangements	143	154
Social Security – Closed Long-Term Benefits Fund	105	84
Social Security – Closed Long-Term Benefits Fund	121	109
Social Security – Incomplete Contribution Records	119	107
Social Security – Incomplete Payment Records	120	108
Social Security – Insurance Cards	103	79
Social Security – Pensionable Age	106-115	85-97
Social Security – Pensionable Age	118	106
Social Security – Self-Employed Insurance Cards	117	101
Social Security – Social Assistance Fund	122	111
Sports Development Officer	131	135
Street Market	142	152
Tourism Ministry – New Posts	92	61
Tourism Ministry – New Posts	94	63
Varyl Begg Estate – Car Park	87	50

ORAL

NO. 64 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA/MOD - SECONDARY MEDICAL CARE**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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



ORAL

NO. 65 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA/MOD - SECONDARY MEDICAL HEALTH CARE**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

ORAL

NO. 66 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA/MOD - OPERATING THEATRES**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

ORAL

NO. 67 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA/MOD - INTERCHANGE OF PATIENTS**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

NO. 68 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

SUPPLEMENTARY TO QUESTION NO. 68 OF 1997

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

About four weeks ago.

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

The answer is no, yes.

NO. 69 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA - RELOCATION OF HEALTH CENTRE**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

SUPPLEMENTARY TO QUESTION NO. 69 OF 1997

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

MR SPEAKER:

If he wants to yes, certainly.

HON K AZOPARDI:

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

HON J C PEREZ:

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

HON K AZOPARDI:

The Hon Member can think that but I cannot comment.

HON J L BALDACHINO:

Which means what?

HON CHIEF MINISTER:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

MR SPEAKER:

That is not a point of order.

HON MISS M I MONTEGRIFFO:

Clarification, Mr Speaker.



NO. 70 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA - LEWIS STAGNETTO WARD**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1997

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

MR SPEAKER:

I am quite sure from any proposal from you.

HON MISS M I MONTEGRIFFO:

Thank you, Mr Speaker.

NO. 71 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA - POST OF CHIEF EXECUTIVE**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

SUPPLEMENTARY TO QUESTION NO. 71 OF 1997

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

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

HON MISS M I MONTEGRIFFO:

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

HON CHIEF MINISTER:

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

HON MISS M I MONTEGRIFFO:

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

MR SPEAKER:

But what is the question.

HON MISS M I MONTEGRIFFO:

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

HON CHIEF MINISTER:

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

HON MISS M I MONTEGRIFFO:

He has not answered my question, Mr Speaker.

MR SPEAKER:

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

HON J J BOSSANO:

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

MR SPEAKER:

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

HON J J BOSSANO:

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

MR SPEAKER:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

No, Sir.

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

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



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

HON K AZOPARDI:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

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

HON J J BOSSANO:

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

HON K AZOPARDI:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

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

HON K AZOPARDI:

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

HON J J BOSSANO:

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

MR SPEAKER:

This will be the last question and the last answer.

HON K AZOPARDI:

No it is not a pre-condition.

MR SPEAKER:

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

NO. 72 OF 1997

THE HON MISS M I MONTEGRIFFO**GHA - FORECAST OUTTURN OF REVENUE AND EXPENDITURE**

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

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

**RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDING 31 MARCH 1997****Receipts**

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

**Payments**

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

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

ORAL

NO. 73 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA/MOD - SECONDARY MEDICAL HEALTH CARE**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

NO. 74 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA - PERSONAL EMOLUMENTS ADMINISTRATIVE GRADES**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

SUPPLEMENTARY TO QUESTION NO. 74 OF 1997

HON J J BOSSANO:

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

HON K AZOPARDI:

Yes, Sir.



NO. 75 OF 1997

THE HON MISS M I MONTEGRIFFO

**GHA/MOD - TREATMENT OF PATIENTS AT RNH**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

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

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

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

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

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

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

If the hon Member would give way.

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON MISS M I MONTEGRIFFO:

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

HON K AZOPARDI:

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

HON J L BALDACHINO:

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

HON K AZOPARDI:

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

HON J L BALDACHINO:

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

HON K AZOPARDI:

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

HON J L BALDACHINO:

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

HON K AZOPARDI:

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

HON J L BALDACHINO:

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

HON K AZOPARDI:

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

NO. 76 OF 1997

THE HON J GABAY

**GIBRALTAR HERITAGE TRUST - ANNUAL REPORT**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

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

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

SUPPLEMENTARY TO QUESTION NO. 76 OF 1997

HON J GABAY:

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

HON K AZOPARDI:

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

NO. 77 OF 1997

THE HON J GABAY

**KING'S BASTION**

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

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government do not yet have a preferred option.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1997

HON J GABAY:

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

HON K AZOPARDI:

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

HON J GABAY:

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



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

MR SPEAKER:

What is the question?

HON J GABAY:

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

HON CHIEF MINISTER:

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

HON J GABAY:

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

HON CHIEF MINISTER:

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

MR SPEAKER:

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

HON J GABAY:

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

MR SPEAKER:

Have you got a question for the Minister?

HON J GABAY:

Would he not agree?

HON K AZOPARDI:

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

NO. 78 OF 1997

THE HON J L BALDACHINO

**MOSQUE BUILDING SITE - SAFETY**

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

ANSWER

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

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

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

SUPPLEMENTARY TO QUESTION NO. 78 OF 1997

HON J L BALDACHINO:

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

HON J J NETTO:

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

HON J L BALDACHINO:

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

HON J J NETTO:

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

HON J L BALDACHINO:

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

HON CHIEF MINISTER:

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

HON A ISOLA:

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

MR SPEAKER:

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

HON CHIEF MINISTER:

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

MR SPEAKER:

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

HON A ISOLA:

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

HON J J NETTO:

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

HON J L BALDACHINO:

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

HON CHIEF MINISTER:

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

HON J L BALDACHINO:

I am grateful to the Chief Minister for that answer.

NO. 79 OF 1997

THE HON J L BALDACHINO

**MOSQUE BUILDING SITE - FATAL ACCIDENT**

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

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

ANSWER

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

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

SUPPLEMENTARY TO QUESTION NO. 79 OF 1997

HON J L BALDACHINO:

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

HON J J NETTO:

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

HON J J BOSSANO:

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

HON J J NETTO:

Yes.

HON J J BOSSANO:

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

HON J J NETTO:

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

ORAL

NO. 80 OF 1997

THE HON J L BALDACHINO

**GOVERNMENT HOUSING - VACANT UNITS**

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

ANSWER

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

Answered together with Question No. 81 of 1997.



NO. 81 OF 1997

THE HON J L BALDACHINO

**GOVERNMENT HOUSING - VACANT UNITS**

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

ANSWER

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

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

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

SUPPLEMENTARY TO QUESTION NOS. 80 AND 81 OF 1997

HON J L BALDACHINO:

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

HON H CORBY:

Yes, that is correct.

HON J L BALDACHINO:

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

HON H CORBY:

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

NO. 82 OF 1997

THE HON J L BALDACHINO

**PRE-FAB BLOCK - DEMOLITION**

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

ANSWER

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

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

SUPPLEMENTARY TO QUESTION NO. 81 OF 1997

HON J L BALDACHINO:

To which Head has this been charged to?

HON J J NETTO:

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

HON J L BALDACHINO:

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

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

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

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

ANSWER

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

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

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

SUPPLEMENTARY TO QUESTION NO. 83 OF 1997

HON J J BOSSANO:

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

HON J J NETTO:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

That is not my question.

MR SPEAKER:

That is his answer.

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

ORAL

NO. 84 OF 1997

THE HON J L BALDACHINO

**ETB - VOCATIONAL CADETS**

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

ANSWER

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

Answered together with Question No. 85 of 1997.

NO. 85 OF 1997

THE HON J L BALDACHINO

**ETB - VOCATIONAL CADETS**

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

ANSWER

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

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

February	22
March	19
April	17

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

NO. 86 OF 1997

THE HON J L BALDACHINO

**ETB - UNREGISTERED LABOUR**

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

ANSWER

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

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

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

SUPPLEMENTARY TO QUESTION NO. 86 OF 1997

HON J J BOSSANO:

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

HON J J NETTO:

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

HON J J BOSSANO:

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



HON J J NETTO:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

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

HON J J BOSSANO:

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

*[Interruption from the Public Gallery]*

HON CHIEF MINISTER:

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

MR SPEAKER:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

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

HON CHIEF MINISTER:

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

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

HON J J BOSSANO:

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

MR SPEAKER:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

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

MR SPEAKER:

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

HON J J BOSSANO:

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

HON J J NETTO:

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

HON J L BALDACHINO:

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

HON CHIEF MINISTER:

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

NO. 87 OF 1997

THE HON J C PEREZ

**VARYL BEGG ESTATE - CAR PARK**

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

ANSWER

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

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

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

The following needs to be carried out or completed:-

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

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

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

SUPPLEMENTARY TO QUESTION NO. 87 OF 1997

HON J C PEREZ:

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

HON J J NETTO:

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

HON J C PEREZ:

Does the Minister....

HON J L BALDACHINO:

On a point of order.

MR SPEAKER:

There is a point of order.

HON J L BALDACHINO:

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

MR SPEAKER:

That is not a point of order.

HON J C PEREZ:

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

HON J J NETTO:

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

HON J C PEREZ:

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

HON J J NETTO:

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

HON J C PEREZ:

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

MR SPEAKER:

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

HON J L BALDACHINO:

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

MR SPEAKER:

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

HON J L BALDACHINO:

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

MR SPEAKER:

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

HON J L BALDACHINO:

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

HON J J NETTO:

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



HON J C PEREZ:

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

HON J J NETTO:

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

ORAL

NO. 88 OF 1997

THE HON A ISOLA

**MAIN STREET BEAUTIFICATION**

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

ANSWER

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

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

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

SUPPLEMENTARY TO QUESTION NO. 88 OF 1997

HON A ISOLA:

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

HON J J HOLLIDAY:

That is correct.

NO. 89 OF 1997

THE HON A ISOLA

**MEDITERRANEAN YACHT RACE**

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

ANSWER

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

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

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

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

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

NO. 90 OF 1997

THE HON A ISOLA

**HOTEL INDUSTRY - REDUNDANCIES**

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

ANSWER

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

Government have not been informed of any such redundancies.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1997

HON A ISOLA:

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

HON J J HOLLIDAY:

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

HON A ISOLA:

What is the duration of the assistance?

HON J J HOLLIDAY:

I am sorry, could he repeat that again?

HON A ISOLA:

Will that be for the duration of the financial assistance?

HON J J HOLLIDAY:

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

HON CHIEF MINISTER:

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

HON A ISOLA:

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

HON J J HOLLIDAY:

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

HON A ISOLA;

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

HON J J HOLLIDAY:

They are not really conditions.

HON CHIEF MINISTER:

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

HON A ISOLA:

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

HON CHIEF MINISTER:

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

HON J J BOSSANO:

Is there a specific requirement that there will be no redundancies in a particular hotel from the level of employment at the starting of the granting of the aid? There may be the expectation that there will be higher employment but is there, as a condition, that there will not be a reduction at least?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

I asked the question earlier, I asked the Minister what will happen if the condition is broken? The answer I got at the time was that there are no conditions but obviously now there are in respect of that level. Do the Government envisage anything happening in the event if this condition is broken?

HON CHIEF MINISTER:

There is still some work to be done on the structure for the delivery of this support. The hon Member should not assume that this support is in the form of cash handouts and certainly such support as was given is very rightly to be secured. This is not a question of writing a cheque and sending it in the post and hanging around to see whether anything is produced. We have not gone into the detail, the detail is not a long way off now and the hon Member will see that the detail of the scheme is calculated to ensure an ability to monitor and to police it and to see that the taxpayer gets value for whatever is invested in this.

ORAL

NO. 91 OF 1997

THE HON A ISOLA

**BA FLIGHT GIB/GATWICK (16 AUGUST 1996)**

When were Government informed of the difficulties with the BA Flight Gibraltar/Gatwick of 16 August 1996 and have Government taken any steps to satisfy themselves of the matters arising from the incident?

ANSWER

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

Government were informed on 3 March 1997 of an incident in which the 16 August 1996 flight from Gibraltar to Gatwick was involved.

Government took the necessary steps to obtain copies of the internal GB Airways reports on the incident which include the GB Airways Engineering Report and the GB Airways Air Safety Report, together with copies of the Occurrence Report filed with the Civil Aviation Authority. These reports do not indicate that there were any difficulties. What happened was that the captain of the flight in question failed to operate in accordance with the procedure laid down in the airline's operations manuals. This failure led to an internal disciplinary hearing which was conducted by the airline.

Government are satisfied that this was an isolated incident, which was blown out of proportion as a result of a sensational and inaccurate press report which was published in the 2 March 1997 edition of the newspaper "The Mail on Sunday".

NO. 92 OF 1997

THE HON A ISOLA

**TOURISM MINISTRY - NEW POSTS**

When will the Tourist Board make public the details of the successful applicants for the new position advertised of Commercial Director, Products Manager and Marketing Manager and what are the terms of engagement?

ANSWER

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

The selection process for the recruitment of a Commercial Director of Tourism, a Product Manager and a Sales and Marketing Manager has not yet concluded. Following short listing of applicants, interviews have commenced and will be concluded shortly. The names of the successful applicants will be made public as soon as successful candidates have been selected.

The terms of engagement will be finalised once the successful applicants are offered employment. These terms will depend on the experience and standing of the individuals.

SUPPLEMENTARY TO QUESTION NO. 92 OF 1997

HON A ISOLA:

When do Government envisage being in a position to make the announcement?

HON J J HOLLIDAY:

I expect that this will happen before the end of May.

HON J J BOSSANO:

Can I ask the Minister whether the applicants who are being interviewed are local or not?

HON A ISOLA:

This is dealt with in a subsequent question, Mr Speaker.



NO. 93 OF 1997

THE HON A ISOLA

**BEACHES - BATHING SEASON**

By when do Government intend to have each of Gibraltar's beaches available for the bathing season?

ANSWER

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

Government intend to have all beaches ready for the start of the bathing season on Friday 13 June 1997.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1997

HON J C PEREZ:

I presume that excludes Camp Bay or is there any development on Camp Bay which will allow it to be open on the 13 June as well?

HON J J HOLLIDAY:

The report from the consultants in respect of Camp Bay that have been received giving recommendations on the work required for the stabilisation of the cliff says that in order to allow Camp Bay to be opened to the public during the summer, some advance work will need to be carried out. A hoarding is being constructed along part of Camp Bay Terrace in order to demarcate an exclusive zone for safety of the public. Alternative temporary toilet and changing room facilities will be provided. The restaurant access will be available from the north end via the first tunnel from Rosia Bay and traffic will be allowed through Keightley Way Tunnel on a two-way basis from the south. The permanent stabilisation work will commence after the summer.

HON J C PEREZ:

So we can take it that those facilities will be available by the same date as the other beaches?

HON J J HOLLIDAY:

That is correct.

NO. 94 OF 1997THE HON A ISOLA**TOURISM MINISTRY - NEW POSTS**

How many applications have been received for each of the posts advertised by the Tourist Board and how many applications for each are from residents of Gibraltar?

ANSWER

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

The number of applications received for these three posts are as follows:

	Total Applications	Applications from Gibraltarians or Gibraltar residents
Commercial Director of Tourism	92	16
Product Manager	47	47
Sales & Marketing Manager	55	55
Unspecified Applications	<u>3</u>	<u>3</u>
Total Applications	<u>197</u>	<u>121</u>

Some of the applicants asked to be considered for more than one post. Therefore all told, there were 169 applicants of whom 88 are Gibraltarian or resident in Gibraltar. Some of the Gibraltarian applicants are resident abroad.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1997

HON A ISOLA:

Am I right in saying that in respect of the Product Manager and the Sales and Marketing Manager those vacancies were only advertised in Gibraltar?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

In respect of these positions, how many interviews have been given or what is the short list which are being interviewed consist of, how many people are we talking about?

HON J J HOLLIDAY:

The interviews in respect of the short list that was prepared from people who had applied from the UK has now been completed. One person has been short listed. There are interviews to be conducted locally and once the first set of interviews have been completed the short list will carry forward to a second.

HON A ISOLA:

Just in respect of the Commercial Director, how many of the people short listed or interviewed are Gibraltarians or residents in Gibraltar?

HON J J HOLLIDAY:

I am not absolutely sure but I think the short list is six locals. There were 76 applications from the UK, five were actually interviewed, one has been short listed for a second interview.

NO. 95 OF 1997

THE HON A ISOLA

**CANCELLATION OF SCHEDULED FLIGHTS**

How many flights have been cancelled on the London/Gibraltar route since the 26 March 1997 and are Government aware of any further cancellations up to the 30 June 1997 by the current sole carrier?

ANSWER

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

The only flight cancellations were on 26 March and 21 April 1997. On 26 March 1997, the flight from London/Gibraltar/Casablanca had to be diverted to Malaga because of adverse weather conditions. On 21 April 1997, the London/Gatwick/Gibraltar flight had to be cancelled due to a security problem in London airports on that day. On the same day the London Heathrow to Gibraltar flight had to be diverted to Malaga due to adverse weather conditions.

No disruptions to the published schedules are projected between now and the end of June 1997.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1997

HON A ISOLA:

Other than the on-coming Monarch flights that start this week, have Government made any representations to the present carrier to increase the number of scheduled flights coming to Gibraltar?

HON J J HOLLIDAY:

This is an issue that was recently discussed with the Chairman and the Managing Director of GB Airways by myself and we had been assured that every effort is being made in order to increase the capacity on the London/Gibraltar route. However, this will be subject obviously to demand once they are able to assess the impact of Monarch on the route. However the current published schedule will not suffer any disruption.

HON A ISOLA:

Is the Minister aware that with effect from 6 April to 15 April there was not a single seat available on any of the flights being carried out by the scheduled carrier and is he also aware that two or three years ago we had an average of 26 flights per week and that at the moment we have 13 flights a week, five or six of which are travelling on to Morocco and therefore a part of that plane and the capacity of it is being taken up by passengers going to Morocco?

HON J J HOLLIDAY:

That is correct.

HON A ISOLA:

Is the Minister in a position to give any hope of any increases in the number of flights coming other than the Monarch flights?

HON J J HOLLIDAY:

That is precisely why I have had meetings with the Chairman and Managing Director of GB Airways to try and see whether we can increase the capacity on the route. Additionally, obviously, Monarch coming on the route will actually alleviate part of the supply and demand concerns that the hon Member is expressing in the House today.

ORAL

NO. 96 OF 1997

THE HON J C PEREZ

Question withdrawn.

NO. 97 OF 1997

THE HON J L BALDACHINO

## GOVERNMENT HOUSING - MEDICAL CASES

Can Government state how many housing applicants have been recommended as medical cases by the Medical Advisory Board broken down in the different categories and dates of recommendation and at present awaiting allocation?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are a total of 108 persons who have been medically categorised by the Medical Advisory Board. Of these, 49 have been categorised 'A'; 27 have been categorised 'B' and 32 have been categorised 'C'.

The dates when they were categorised are as follows:-

<b>MEDICAL A</b>			
	<b>Date</b>		
Case 1	13-Aug-93	Case 22	31-Jan-96
Case 2	11-Jan-94	Case 23	28-Feb-96
Case 3	17-Mar-94	Case 24	28-Feb-96
Case 4	21-Apr-94	Case 25	19-Mar-96
Case 5	21-Apr-94	Case 26	19-Mar-96
Case 6	24-May-94	Case 27	27-Mar-96
Case 7	24-May-94	Case 28	27-Mar-96
Case 8	28-Sep-94	Case 29	27-Mar-96
Case 9	26-Oct-94	Case 30	27-Mar-96
Case 10	26-Oct-94	Case 31	27-Mar-96
Case 11	17-Dec-94	Case 32	08-May-96
Case 12	17-Dec-94	Case 33	08-May-96
Case 13	17-Dec-94	Case 34	17-May-96
Case 14	25-Jan-95	Case 35	18-May-96
Case 15	17-May-95	Case 36	04-Sep-96
Case 16	28-Jun-95	Case 37	04-Sep-96
Case 17	20-Sep-95	Case 38	04-Sep-96
Case 18	20-Sep-95	Case 39	04-Nov-96
Case 19	20-Sep-95	Case 40	16-Dec-96
Case 20	25-Oct-95	Case 41	16-Dec-96
Case 21	25-Oct-95	Case 42	17-Feb-97
		Case 43	17-Feb-97
		Case 44	11-Mar-97
		Case 45	11-Mar-97
		Case 46	11-Mar-97
		Case 47	11-Mar-97
		Case 48	14-Apr-97
		Case 49	14-Apr-97

## MEDICAL B

	Date
Case 1	10-Jan-91
Case 2	13-Aug-93
Case 3	01-Sep-93
Case 4	28-Sep-94
Case 5	28-Sep-94
Case 6	26-Oct-94
Case 7	07-Dec-94
Case 8	28-Jun-95
Case 9	28-Jun-95
Case 10	28-Feb-96
Case 11	27-Mar-96
Case 12	08-May-96
Case 13	08-May-96
Case 14	04-Sep-96
Case 15	04-Sep-96
Case 16	04-Sep-96
Case 17	04-Nov-96
Case 18	04-Nov-96
Case 19	04-Nov-96
Case 20	04-Nov-96
Case 21	16-Dec-96
Case 22	13-Jan-97
Case 23	12-Feb-97
Case 24	17-Feb-97
Case 25	17-Feb-97
Case 26	17-Feb-97
Case 27	17-Feb-97

## MEDICAL C

	Date
Case 1	16-Sep-92
Case 2	21-Apr-94
Case 3	28-Sep-94
Case 4	28-Sep-94
Case 5	28-Sep-94
Case 6	26-Oct-94
Case 7	17-Dec-94
Case 8	28-Jun-95
Case 9	20-Sep-95
Case 10	25-Oct-95
Case 11	29-Nov-95
Case 12	31-Jan-96
Case 13	31-Jan-96
Case 14	28-Feb-96
Case 15	28-Feb-96
Case 16	19-Jun-96
Case 17	04-Sep-96
Case 18	04-Sep-96
Case 19	04-Sep-96
Case 20	04-Sep-96
Case 21	04-Sep-96
Case 22	04-Sep-96
Case 23	04-Sep-96
Case 24	04-Sep-96
Case 25	04-Sep-96
Case 26	04-Sep-96
Case 27	13-Jan-97
Case 28	17-Feb-97
Case 29	11-Mar-97
Case 30	11-Mar-97
Case 31	14-Apr-97
Case 32	14-Apr-97



SUPPLEMENTARY TO QUESTION NO. 97 OF 1997

HON J L BALDACHINO:

I would just like to ask, Mr Speaker, even though people who may be medically recommended, is it correct to assume that not necessarily they will be allocated accommodation according to the time of the recommendation? In other words, it is not something that the person who has been the longest recommended will actually get the accommodation, is that the case?

HON H CORBY:

It depends on the merits of the case. There might be a position where a person comes into the Medical 'A' category and it is a very, very great injury that he has probably his legs have been amputated, that would take precedence over other people who have been there for a longer time.

NO. 98 OF 1997

THE HON J L BALDACHINO

**GOVERNMENT HOUSING - SOCIAL CASES**

Can Government state how many housing applicants have been recommended by the Housing Advisory Committee as social cases, and their dates of recommendation, and at present awaiting allocation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are presently 64 persons who have been categorised by the Housing Advisory Committee as social cases.

These can be broken down into 28 Social 'A'; 19 Social 'B' and 17 Social 'C'.

The dates when they were categorised are as follows:

**SOCIAL A**

	Date		
CASE 1	23-Sep-93		
CASE 2	15-Nov-94		
CASE 3	27-Jun-95	CASE 17	11-Jun-96
CASE 4	05-Dec-95	CASE 18	11-Jun-96
CASE 5	05-Dec-95	CASE 19	26-Jun-96
CASE 6	05-Dec-95	CASE 20	16-Nov-96
CASE 7	12-Dec-95	CASE 21	21-Nov-96
CASE 8	16-Jan-96	CASE 22	21-Nov-96
CASE 9	23-Mar-96	CASE 23	06-Jan-97
CASE 10	16-Apr-96	CASE 24	16-Jan-97
CASE 11	16-Apr-96	CASE 25	17-Mar-97
CASE 12	16-Apr-96	CASE 26	21-Apr-97
CASE 13	16-Apr-96	CASE 27	21-Apr-97
CASE 14	20-May-96	CASE 28	21-Apr-97
CASE 15	20-May-96		
CASE 16	20-May-96		

## SOCIAL B

	Date
Case 1	13-Dec-94
Case 2	22-Mar-95
Case 3	25-Apr-95
Case 4	05-Dec-95
Case 5	05-Dec-95
Case 6	16-Apr-96
Case 7	20-May-96
Case 8	20-May-96
Case 9	20-May-96
Case 10	20-May-96
Case 11	11-Jun-96
Case 12	03-Sep-96
Case 13	03-Sep-96
Case 14	08-Oct-96
Case 15	08-Oct-96
Case 16	08-Oct-96
Case 17	08-Oct-96
Case 18	21-Nov-96
Case 19	20-Feb-97

## SOCIAL C

	Date
Case 1	10-Oct-94
Case 2	17-Jan-95
Case 3	17-Jan-95
Case 4	23-May-95
Case 5	11-Jun-96
Case 6	11-Jun-96
Case 7	03-Sep-96
Case 8	08-Oct-96
Case 9	08-Oct-96
Case 10	08-Oct-96
Case 11	21-Nov-96
Case 12	12-Dec-96
Case 13	12-Dec-96
Case 14	12-Dec-96
Case 15	12-Dec-96
Case 16	16-Jan-97
Case 17	20-Feb-97

SUPPLEMENTARY TO QUESTION NO. 98 OF 1997

HON J L BALDACHINO:

May I ask the Minister, those who have been recommended about three years ago, they must have been offered something, is it that they have refused or is it that they are still waiting for an offer?

HON H CORBY:

In some cases they have refused and in others they are still waiting for an offer but at times we offer them accommodation, they do not like it, so they do not take it up. It is twofold, they either refuse it or no offer has been made, it depends on the merit of the case insofar as the medical cases are concerned as well.

HON J L BALDACHINO:

Is it the case that when somebody is socially recommended it does not necessarily mean that they will have to be offered a flat according to their room requirements?

HON H CORBY:

What we normally do is, if the person has children, then we take that into account but we normally try to tailor the house for the composition of the family as far as that is concerned.

HON J L BALDACHINO:

What I am saying is, if somebody has been recommended for a reason other than their requirement for housing, on the social cases is it that they have a social problem which is something which, for example, if they have a problem of housing or they have been waiting for housing it means that they would normally be in the normal housing waiting list. So in the social case is it the social aspect that is being recommended? For example, the Minister stated that in medical cases they considered the person on the merit of the case and what I am saying is, Mr Speaker, is this also considered under the medical case and therefore if the Housing Department does not have an adequate housing proposition they could be offered something else to take away the social problem that they may have?

HON H CORBY:

Yes, that is correct. If a person will accept not their requirements but let us say that there is a lady with a child and we can offer her a one bedroom flat, we do that as well.

NO. 99 OF 1997

THE HON J L BALDACHINO

**GOVERNMENT HOUSING - MEDICAL ADVISORY BOARD**

Can Government state how many Government tenants have been recommended by the Housing Medical Advisory Board for an exchange:

- (a) stating their present housing units in room composition and those required if not the same
- (b) date of recommendation
- (c) how many of these reside in pre-war accommodation and at present waiting accommodation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

It is not the responsibility of the Medical Advisory Board, under the Housing Allocation Scheme (Revised 1994), to recommend an exchange.

The terms of the Medical Advisory Board are:-

- (1) to examine medical evidence presented by applicants and to -
  - (a) award medical points to a maximum of 200 points per application; or
  - (b) recommend the placing of the applicant on a Medical Category list;
- (2) to advise the Housing Allocation Committee on the allocation of flats to urgent cases under the Medical Category priorities;
- (3) to recommend on special medical requirements of any applicant;
- (4) to recommend on any other special matters referred to it by the Housing Allocation Committee.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1997

HON J L BALDACHINO:

I am afraid I differ with the Minister because before anybody can be classified for an exchange on medical grounds he obviously has to go to the Medical Board. That is the Board that will classify who is a medically categorised person or not.

HON H CORBY:

Yes, but what happens is that the Medical Board categorises people on (a), (b) and (c). Then this is taken to the Housing Allocation Committee and on the merits of the case the flats are allocated. The Medical Board does not itself recommend to allocate flats, it is up to the Housing Allocation Committee taking into account the medical side of the matter. I think mainly the question was phrased wrongly. The hon Member wants an answer to another question which he is asking. Let me tell him that the Medical Board only categorises on (a), (b) or (c); it is the Housing Allocation committee which then allocates the flats.

HON J L BALDACHINO:

I am afraid I do not agree with the Minister that the question that has been presented is wrong. It is true of all the cases, not just for an exchange, it is also true what the Minister has said on people who are medically categorised apart from the exchanges. Under the Housing (Special Powers) Ordinance the Committee that has the power to allocate is the Housing Allocation Committee and no other Committee, the others are advisory committees. It would be true that the Allocation Committee in some cases might delegate those powers to the Medical Board but the question is, first before the Housing Allocation Committee can make a decision where somebody exchanges or is allocated on medical grounds he has to go to the Medical Advisory Board which is what my question states. Therefore what I am asking, Mr Speaker, is simply that. After being recommended by the Housing Advisory Board for an exchange can the Minister state how many of those have the same room composition just for the exchange, others might require less or others might require more, that is what I am asking and the date of recommendation and how many of those reside in pre-war accommodation? I think the question is quite clear within the ambit of the Housing (Special Powers) Ordinance.

HON H CORBY:

The question says, "Can Government state how many Government tenants have been recommended by the Housing Medical Advisory Board for an exchange" and it is nil because they just categorise people in (a), (b) and (c) and then it goes to the Housing Allocation Committee. If the hon Member is saying that he wants to know which of the Housing Allocation Committee designated several flats to I will not be able to give him that information because I have not got it at hand at the moment.

HON J L BALDACHINO:

My question is, how many have been recommended by the Medical Advisory Board for an exchange, it does not necessarily mean that the Housing Allocation Committee will then decide to allocate them a house, that is what I have asked. If the Minister has not got the information I am prepared to wait until he has that information?

NO. 100 OF 1997

THE HON J L BALDACHINO

**GOVERNMENT HOUSING - ALLOCATION OF POST -WAR FLATS**

Can Government state how many post-war flats have been allocated from 1 November 1996 to date to:

- (a) the housing waiting list, divided into room composition
- (b) on medical grounds including exchanges and their first dates of recommendation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As from 1 November 1996 there have been 15 allocations made to the housing waiting list. This can be broken down as follows:-

Bedsitters	7
2RKB	2
3RKB	3
3/4RKB	2
4RKB	1

Seven allocations on medical grounds have also been made and the dates when these persons were medically categorised are as follows:-

Case 1	18 June 1993
Case 2	5 April 1995
Case 3	31 January 1996
Case 4	28 February 1996
Case 5	8 May 1996
Case 6	4 November 1996
Case 7	17 February 1997

SUPPLEMENTARY TO QUESTION NO. 100 OF 1997

HON J L BALDACHINO:

May I ask the Minister if those that have had their flat exchanged on medical grounds, those that are exchanges are not taken away from the percentage that normally the Housing Allocation Committee allocates to medical cases, is that the case?

HON H CORBY:

That is correct.

NO. 101 OF 1997

THE HON J L BALDACHINO

**GOVERNMENT HOUSING - ALLOCATION OF PRE-WAR FLATS**

Can Government state how many pre-war housing units have been allocated from 1 November 1996 to date, stating the first date of recommendation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

From 1 November 1996 to date there have been five allocations of pre-war housing. The dates when these persons were socially categorised are as follows:

Case 1	21 March 1995
Case 2	8 October 1996
Case 3	12 December 1996
Case 4	20 February 1997
Case 5	20 February 1997



NO. 102 OF 1997

THE HON J L BALDACHINO

**GOVERNMENT HOUSING - HOUSING APPLICANTS**

Can Government state how many housing applicants there are including those who have still not met the two year qualification period, broken down into different room requirements?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The number of housing applicants, including those who have still not met the two year qualifying period, broken down into different room requirements is as follows:-

1RKB	163 applicants
2RKB	53 applicants
3RKB	158 applicants
4RKB	106 applicants
5RKB	21 applicants
6RKB	4 applicants

NO. 103 OF 1997

THE HON R MOR

**SOCIAL SECURITY - INSURANCE CARDS**

How many of the social insurance cards issued in 1996 have been returned since 7 February 1997?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Since 7 February 1997, 3,532 social insurance cards issued in 1996 have been returned for exchange.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1997

HON R MOR:

Can the Minister then confirm that there must be something like 350 to be returned?

HON H CORBY:

What I can say to the hon Member is that the total number of 1996 insurance cards exchanged as at 1 January 1997 is 11,532. The total number of 1995 insurance cards exchanged at the close of business on 20 June 1996 was 11,698 so the figure is more or less in accordance.

HON R MOR:

From the previous question that I brought to the House it was said that 11,972 insurance cards had been issued in 1996 and what the Minister is now saying is that something like 11,500 have been returned so there is still a balance of something like 400 to be returned.

HON H CORBY:

That is correct.

NO. 104 OF 1997

THE HON R MOR

**ILLEGAL RUSSIAN IMMIGRANTS**

What is the latest position regarding the illegal Russian immigrants who were previously held in custody?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The latest position is that one of the five Russians has left Gibraltar, as stowaway on a yacht. The remaining four who have been refused political asylum in the United Kingdom have been issued with renewable monthly residence permits following the revocation of the removal and detention orders by His Excellency the Governor.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1997

HON R MOR:

That one of the illegal immigrants has stowed away in a ship, is that a solution by the Foreign Office or by the GSD Government?

HON CHIEF MINISTER:

No, but it is a very good one.

HON J J BOSSANO:

Is it not the case that at the time of the temporary permits this was as a result of the judgement that was made when the case went to court and this judgement was reversed on appeal, was not the explanation given at the time that the need for a temporary permit was because of the judgement requiring the removal of the detention orders?

HON CHIEF MINISTER:

The United Kingdom Government have denied the application for political asylum to these Russian individuals as have other countries to which they had applied. The reality then is that they are here and the United Kingdom will not take them in either as people to whom they grant asylum or to people whom they detain. In other words, they are not prepared to accept them into the UK either on a detained basis or as people that they accept into the UK and grant them asylum. They are therefore here and if they are here it can no longer be said that they are here pending an application for political asylum in the United Kingdom or in Canada because that is no longer the case. All applications for political asylum have been entertained and rejected and therefore there is no way

for them to be physically removed from Gibraltar because Gibraltar lacks the jurisdiction to repatriate them in any way. In other words, the United Kingdom Government who would have to do that on Gibraltar's behalf have declined to give them asylum but at the same time says that they cannot be sent home because they are in danger of persecution. So they are here and we are stuck with them and there is no way that we can lawfully remove them from Gibraltar by act of the Government of Gibraltar. Therefore the Government of Gibraltar have taken the view that it would not be morally defensible to have such people permanently in Gibraltar with a detention and deportation order hanging over their heads, nor on the other hand, are the Government of Gibraltar willing to allow the United Kingdom Government to make such decisions in a way that leaves the problem and the resourced burden to Gibraltar to provide for these people on a permanent basis, not because it is these five, but because of course it would become an asylum-seekers charter to come to Gibraltar, the Home Office will not let them into the UK and that means they can stay in Gibraltar. Therefore they are on a monthly renewable permit which is the least significant form of regularisation of their presence in Gibraltar. In other words, it is the only way of making their presence in Gibraltar not lawful without giving them the sort of rights which we cannot give them because we cannot give it to everybody that ends up in Gibraltar illegally as these gentlemen arrived. So that is the position. It is far from satisfactory both the way the problem originally arose and the way in which the asylum applications have been subsequently handled and the consequences to Gibraltar of the Home Office deciding that they will neither take them into UK nor allow them to be repatriated to their home, therefore leaving Gibraltar with the problem, is a highly unsatisfactory situation. It is the product of the division of powers in the Constitution, not one that we can do anything about but this is the unsatisfactory result of all those unsatisfactory processes.

HON J J BOSSANO:

Does it not follow that if they seem to keep on getting monthly renewable permits and decide not to stowaway then they are going to be here for a very long time?

HON CHIEF MINISTER:

Indeed, Mr Speaker, that is true. The Government have not yet been able to identify any alternative and there is no mechanism available to the Government of Gibraltar by law to deal with the situation. We cannot prevent them from remaining physically in Gibraltar given the decision that the Home Office has made and there is no alternative, therefore, but to regularise their presence here. They cannot be permanently subject to a detention order in Moorish Castle forever. The Government have decided that in those circumstances the only thing that was reasonably available to the Government was to leave them to their liberty and to their wits and to provide themselves as best they can. But the Government of Gibraltar have made it clear to the United Kingdom Government that in all circumstances the Government of Gibraltar was not willing to give them priority for housing, priority for social security benefits or access to social security benefits because that would create a precedent that this community could not sustain.

HON J J BOSSANO:

Presumably if they have got monthly permits of residence but not work permits then they are either surviving on charity or working illegally?

HON CHIEF MINISTER:

Given that they have monthly residence permits they are theoretically at liberty to seek employment and to obtain approval for a contract of employment from the ETB and it would pose a difficult moral question about whether the Government can allow people to stay in Gibraltar on a completely permanent basis and forever deny them the ability to keep body and soul together. Therefore it is not impossible, it is not inconceivable at some stage, that the Government are going to have to allow these people access to the labour market because it is not a defensible position that the Government allow them to stay in Gibraltar because we cannot do anything about that, deny them access to social security or social assistance or any form of State support and deny them also the ability to fend for themselves. That is not the position in which the Government would be willing to see these four people remain indefinitely. The Government do not rule out the possibility of allowing them to regularise any employment situation which they can find.

HON J J BOSSANO:

Is it not effectively the risk precisely the one that the Government want to avoid, with which we agree, which is that it gets around presumably because people send messages to other people who are obviously desperate to get out of very difficult circumstances in other parts of the world, that when they get here eventually through the passage of time they get legitimised? Given precisely the constitutional divide is this not something that the UK should be required to accept responsibility for, after all if we look at the letter of the law even legitimate labour from abroad is still in the division of powers the UK responsibility?

HON CHIEF MINISTER:

Indeed the Government have asked the Government of the UK to take responsibility by taking them into the UK where they can either be given asylum or otherwise held in an adequate form of detention which we do not have in Gibraltar. If that is what the hon Member understands by taking responsibility then the UK Government have declined to take that responsibility because they have refused to accept them into the UK physically in any form or other and in addition to that, they have declined to have them sent back home because they fear that they will be persecuted. So they are in Gibraltar physically and the rest of it is not something for which the Gibraltar Government can pass responsibility. I cannot pass responsibility to the UK Government for allowing them to find a job in Gibraltar or not. The Government have got to live with the consequences of that decision by the Home Office in respect of which the Government have made very clear our discontent. I think and indeed I recognise that the danger that the hon Member has described exists but at the end of the day there has to be an element of

conscience and morality in the administration and everything cannot be driven by the fear of precedent and what the Government are trying to do is a compromise between not being unjustifiably harsh on these men on the one hand whilst not opening the floodgates and creating an asylum-seekers charter on the other and we may or may not get it right but there is certainly a need to balance those conflicting priorities.

HON J J BOSSANO:

Presumably the Government would be able to repatriate them if they went voluntarily or would the UK be able to stop that?

HON CHIEF MINISTER:

Well, the Government are not holding them in Gibraltar. If they wish to leave, of course they do not have valid travel documents, so in leaving Gibraltar would require them to enter some other country illegally and without travel documents. One of them has chosen that route. I can recommend a very good restaurant on the Costa del Sol to the remaining four if they want to go and have dinner there and I am certainly quite happy to pay the dinner bill but so far none of them have shown any inclination to leave Gibraltar by any of the physical means available to them.

HON J J BOSSANO:

What I am suggesting is if in fact it is a question of delivering them at public expense to their country of origin given that the Government have said that the UK fears for their safety politically notwithstanding that they will not give them political asylum, presumably if any one of the four decided to take the risk of going back home would there be anything to stop the Government providing them with the wherewithal to get there?

HON CHIEF MINISTER:

No, and the Government, in those circumstances, might well be persuaded to provide them with the wherewithal to do that but they have not so far indicated nor has anybody on their behalf indicated, that they would leave Gibraltar if provided with the means to do so. That, of course, also creates the danger of a precedent that in effect Gibraltar becomes known as a sort of finance for people on their travels. Yes, if such a request were made then I think the Government would seriously entertain it.

HON H CORBY:

The other problem in repatriating them back to their place of residence is that on the way to their country of residence presumably the plane must stop, let us say, at Heathrow and then they can ask for political asylum that way. That is one of the stepping stones that they found.

NO. 105 OF 1997

THE HON R MOR

**SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the number of pensions being paid or with entitlement to payment in March 1997 from the Closed Long-Term Benefits Fund giving a breakdown of pre-1969 Spanish pensions and locally funded pensions showing the number of Gibraltarians, Moroccans and other nationalities?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

In March 1997 there were a total of 13,859 pensioners with entitlement to payment from the Closed Long-Term Benefits Fund. The breakdown is as follows:-

Pre-1969 Spanish pensioners	8,521
British pensioners (Gibraltar and UK nationals)	4,364
Moroccan pensioners	756
Other nationalities	<u>218</u>
Total	<u>13,859</u>

ORAL

NO. 106 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 60 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 107 to 115 of 1997.



ORAL

NO. 107 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 61 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 and 108 to 115 of 1997.

ORAL

NO. 108 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 62 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106, 107 and 109 to 115 of 1997.

ORAL

NO. 109 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 63 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 108 and 110 to 115 of 1997.

ORAL

NO. 110 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male Gibraltarians who are currently in insurable employment will be reaching the age of 64 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 109 and 111 to 115 of 1997.

ORAL

NO. 111 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 60 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 110 and 112 to 115 of 1997.

ORAL

NO. 112 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 61 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 111 and 113 to 115 of 1997.

ORAL

NO. 113 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 62 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 112 and 114 to 115 of 1997.

ORAL

NO. 114 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 63 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 106 to 113 and 115 of 1997.



NO. 115 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

How many male non-Gibraltarians who are currently in insurable employment will be reaching the age of 64 by the 1 January 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As the hon Member must know, since he was Minister for Social Security prior to 16 May 1996, the information that he seeks is not readily available.

Unfortunately the records of the Department of Social Services have not been computerised by the previous Government. This means that to provide the information requested there would need to be a manual inspection of approximately 15,000 record files.

Furthermore, the questions distinguish between Gibraltarians and non-Gibraltarians and this is an additional difficulty because, again as the hon Member must know, insurance records of Gibraltar contributors are kept together with those of UK nationals.

The problem is made worse by the fact that the last five yearly actuarial review was carried out in 1985. None was carried out during the eight years of office of the GSLP administration.

The Government must regret therefore that it is not able to provide the information requested without incurring unreasonable and disproportionate expenditure and effort.

SUPPLEMENTARY TO QUESTION NOS. 106 TO 115 OF 1997

HON R MOR:

First of all I think I have to take up the issue with the Minister. The records were in fact computerised. All the information that I have been able to get during all the years have been through the records being computerised. So I think it is absolute nonsense to say that the records are not computerised now.

HON CHIEF MINISTER:

If the records of the Social Security Department are computerised in a way that enables this question to be answered, nobody in the staff of the Social Security Department is aware of that because this is the information that they have given to the Government to answer to the hon Member. So it seems an extraordinary situation.

HON R MOR:

I was able to get a lot of the information from the computers, we had a connection when the computer was at the City Hall and all the records have been made available to us.

HON H CORBY:

The information that they have is that it is not computerised and nothing has been done insofar as the actuarial reviews during the last eight years that they were there. There is no information in the computers that we can take out. This is the information I have from my staff at the Department of Social Services.

HON R MOR:

What is the connection of having an actuarial review and knowing who will be 61 or 62 and how many we are going to have. There is absolutely no connection at all with that, whether we have had an actuarial review on the Social Insurance Scheme or not.

HON CHIEF MINISTER:

Only that at least an actuarial review which the law requires to take place every five years provides this information. So if one had been done at the last three or four years, for example, I might not be able to tell you what the information is today but at least I can tell you what it was on the date of the last actuarial review. It is because of the absence of the actuarial review that we cannot even give the hon Member out-of-date information which is what we would then have given the hon Member.

HON J J BOSSANO:

In fact, when the Government said that the problem of reducing the pensionable age for males from 1998 was one that cost £3 million if it was done in one go, this was pure guesswork because apparently if they have not got the information to give the answer they did not have the information to arrive at the costing?

HON CHIEF MINISTER:

That exact question is on the Order Paper. We can deal with it then but the position that the Leader of the Opposition is describing, in fact, is not correct because he will learn when we answer the question that is on the Order Paper on that matter, the basis upon which that figure was arrived at in relation to the cost of equalising pensionable age would not be available to provide this information.

HON J J BOSSANO:

Can the Chief Minister say whether in fact the Department still produces a breakdown of persons in insurable employment which distinguishes between British and non-British; a summary of the position, is that still produced by the Department? It used to be done on an annual basis.

HON CHIEF MINISTER:

I believe that that information is available from the Employment Statistics, not from the social security records but from the records of the Employment and Training Board.

HON J J BOSSANO:

Is it not the case that the Employment Survey is based on PAYE records and that independent of the PAYE records are not necessarily agreeing with them, the social insurance records produced a summary showing the British, which includes the Gibraltarians of course, and the non-British composition of the persons in insurable employment on an annual basis, is that not the case?

HON CHIEF MINISTER:

The information that we have is that that is not the case because the insurance records of British people, that is to say, UK and Gibraltarians are kept together and they are not separated annually or kept separately.

HON J J BOSSANO:

I am saying that, I am saying is it not the case that what they do produce and what is available or maybe they have stopped producing it, is a breakdown showing British, inclusive of Gibraltarians, and non-British. Is that information still produced?

HON CHIEF MINISTER:

Yes, British inclusive of Gibraltarians.

HON J J BOSSANO:

And on the basis of that information which gives the British, inclusive of Gibraltarians, in insurable employment and given the figures that are available to the Government on the age distribution of the population, which is published in the Census, is it not possible to produce a reasonably accurate figure of the number in each age group without having to count the 15,000 individual cards?

HON CHIEF MINISTER:

No, it is not, it would be a complete guesstimate of the sort that the hon Member can make just as easily as the Government.

HON J J BOSSANO:

I may have to make it in the absence of any information. Is it not the case.....

HON CHIEF MINISTER:

By next year we hope to be able to give him the information because the Department will have been properly computerised.

HON J J BOSSANO:

We will wait and see how successful they are. But in the absence of not having to wait another year, is it not possible to give an approximation which will be very close to the figures based on the information that is currently available?

HON CHIEF MINISTER:

Not without investing a disproportionate and unreasonable expenditure and effort but of course it is physically possible, it would have been physically possible to have given him the exact information but that is not the basis upon which Oppositions can ask questions because the hon Member knows that it is not just reasonable to have civil servants working day after day after day simply to provide information which is not reasonably available and the hon Member knows that that is the basis upon which questions have not been answered in this and in other Parliaments on many occasions.

NO. 116 OF 1997THE HON R MOR**PRISON - NUMBER OF INMATES**

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

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

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

Gibraltar	14
British (UK)	6
Spanish	5
Moroccan	3
French	1
Belgian	<u>1</u>
Total	<u>30</u>

SUPPLEMENTARY TO QUESTION NO. 116 OF 1997

HON R MOR:

Does the Government accept that there seems to be an increase in the Gibraltar inmate population at the prison during the last year?

HON H CORBY:

It is not up to me to say whether there are more Gibraltarians being caught by the Police than they were three months ago or two months ago. These are the Gibraltarians we have in prison, tomorrow we might have 20 but it does not follow that there has been an increase in crime, maybe there has been an increase in Police action and detection.

HON R MOR:

Let me say that when I first asked this question in June 1996 there were five Gibraltarian inmates, on the 25 November there were 15, on the 30 February there were 11 and on the 29 April, which is today, there are 14.

HON CHIEF MINISTER:

It is self-evident and incontrovertible reality that 14 is more than five so clearly there are now more Gibraltarians in prison if there are now 14 than there were when there were only five. The point that the hon Member was trying to make and he will remember that we had a little debate about this and I assume that it is the same point that he is trying to make here, is to give the impression which is certainly what he tried to do last time if not this time, and that is that because the Gibraltar population in prison was rising that therefore this meant that there was now more breakdown or more crime or less law and order, as he put it then, than is now the case. We are very proud of the fact that we are giving much more resources to the judiciary and to the police than used to be the case but we have not still make it so efficient that people in prison on 29 May 1997 are unlikely to have committed their offences for which they have been incarcerated after the 16 May 1996. So we are still talking about crimes committed whilst the hon Member was responsible for the number of people in the Moorish Castle.

HON R MOR:

We take note that the Government are proud of having more Gibraltarians in prison.

HON CHIEF MINISTER:

The hon Gentleman has to have some intellectual rigour if not very much. The hon Member is not proud that there are more Gibraltarians in prison, the hon Member is proud that the system for law and order in Gibraltar and the judiciary in Gibraltar are now working much, much more efficiently and effectively than they used to be working because there are now more resources available to it.

HON R MOR:

So is the Government implying that the judiciary was less efficient before?

HON CHIEF MINISTER:

Well, the detection of crime is of course a matter for the Police. The incarceration of people is a matter for the courts. It is a fact that the resources available to the courts of Gibraltar are enhanced now and that means that the system for the administration of justice is much quicker. But it is not so much more quick yet that any of these figures are as a result of the judicial process having moved that quick. Of course I can tell the House that the rate of crime detection has probably increased because there are now many more police officers with much more resources at their disposal. So if the hon Member is seeking to suggest that these 14 Gibraltarians who are all, let us face it,

convicted by juries, that these Gibraltarians who have been incarcerated are the result of a more efficient judiciary or a more efficient police I cannot say. All I have said is that the police and the judiciary are now and will continue to be, especially in the case of the judiciary it is probably true to say that the police have had more enhanced resources so far than the courts but the courts are going to have enhanced resources as well and that that will certainly mean that the rate of detection of crime and the rate at which cases, both civil and criminal, move through our law courts will be enhanced. That is something about which the Government are very proud.

NO. 117 OF 1997THE HON R MOR**SOCIAL SECURITY - SELF-EMPLOYED INSURANCE CARDS**

Since the 14 February 1997, how many self-employed social insurance cards have been issued broken down as follows:

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

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

Eleven new self-employed social insurance cards have been issued since 14 February 1997. This can be broken down as follows:-

- |     |               |     |
|-----|---------------|-----|
| (a) | Gibraltarians | 6   |
| (b) | UK nationals  | 4   |
| (c) | other EEC     | 1   |
| (d) | other non-EEC | Nil |

SUPPLEMENTARY TO QUESTION NO. 117 OF 1997

HON R MOR:

When consideration is given to UK nationals is the criteria used that they should be resident in Gibraltar?

HON CHIEF MINISTER:

The hon Member knows that such criteria would not be legal.

HON J J BOSSANO:

How then is it legal to advertise vacancies and require residence in Gibraltar which if the Minister recalls was a supplementary I asked him in the previous meeting of the House and which he finally did not give me an answer on. Surely it must be equally legal to do one as the other?

HON CHIEF MINISTER:

The hon Member must know that the rules to which I have referred do not apply to employment in the public service and that the civil service of all the Member States are



allowed to employ and to insist on employment people who are resident within their countries indeed in respect of some jobs that are national it is done for the public sector. Insofar as the private sector advertisements are concerned, I cannot answer for that, the law is what it is and it is up to people to comply with it.

HON J J BOSSANO:

Is it not the case that the advert to which I referred was in fact Gibraltar Community Projects Ltd, I do not know whether that is the public sector and would the Minister not check, in fact, whether his information is correct and that the reservation of posts are for nationals of the Member State and not a question of residence?

HON CHIEF MINISTER:

It may well be but in either case the view that the Government have taken of Government controlled companies is that these jobs are advertised on that basis and if anybody wishes to challenge the legality of that practice then, of course, the Government will have to defend ourselves but we see no reason why we should voluntarily extend tax funded employment to people who are not resident in Gibraltar.

HON J J BOSSANO:

I am not suggesting that the Government should do anything other than what they are doing or otherwise. What I am asking is, how can he rhetorically ask us that they cannot do it for self-employed because self-employed are entitled to self-employed cards and yet they are not concerned whether it is legal or illegal to do it in the case of employees. Surely if they are so concerned about observing the law, is it the same law or is it not the same law?

HON CHIEF MINISTER:

No, it is not the same law. One is a matter of what the Government choose to do as employer and the other is a matter of what the Government permit as the public administration responsible for the administration of the Control of Employment Ordinance, they are two completely different functions. In one case we are an employer and we purport to employ whomever we please and if in our employment procedures we commit an illegality then somebody should challenge us on it. In the case of self-employed persons and insurance cards, which is what the question relates to, there is no act of the Government except whether we accept the insurance card registration. The Government are playing two completely different functions in both the situations that the hon Member has sought to compare, I do not think there is any parallel between the two functions.

HON J J BOSSANO:

Have the Government got the responsibility to ensure the observance of Community law by employers in Gibraltar or not as a Government responsibility? If there is an employer in Gibraltar that is not complying with community law then whose job is it to make them comply, is it the Government's or not?

HON CHIEF MINISTER:

No, it is not. The Government's responsibility is to ensure that laws are brought to this House which put the laws of Gibraltar in the condition that they need to be under our EU obligations and therefore the Government make policy decisions about what the laws should be and once the laws have been promulgated by this House, having been brought here by the Government pursuant to our policies, the Police are then responsible and not the Government, the Police are then responsible for investigations of possible breaches of the law and then the Attorney-General is responsible for deciding whether such people should be prosecuted. This is not the case of criminal behaviour. In the case of statutes which impose administrative obligations, it is true that, for example, the Factories Ordinance or the Employment Ordinance, it is true that the Government equip themselves with an inspectorate to ensure that those laws are complied with but not out of any obligation, simply out of a sense of policy because the Government have an interest in ensuring that those particular laws which normally deal either with public revenue or safety matters, are complied with. The Government are not responsible for ensuring that citizens comply with the law. Citizens are responsible themselves to comply with the law and they risk prosecution if they do not comply with it.

HON J L BALDACHINO:

Can the Minister clarify something for me? Do they have a criteria on who they can grant self-employment status or not?

HON CHIEF MINISTER:

Can the hon Member repeat the question as I missed the first half?

HON J L BALDACHINO:

The question is, do the Government have a criteria where, immaterial of nationality, to whom they will grant self-employed status?

HON CHIEF MINISTER:

In the case of EU nationals which following the repeal of the 1 July law now includes UK nationals, the Government have no need for criteria because no such criteria would be valid. These people have a right of establishment here. In respect of non-EU nationals of which the hon Member will see that there are none, then of course if an application were made the Government would consider such people would have to obtain residence permits and the Government would make an assessment on the basis of their contribution to the economy. But certainly it is not the Government's position that every non-EU national who would like to set up in Gibraltar on a self-employed basis would be allowed to do so. That would certainly not be the Government's attitude.

HON J L BALDACHINO:

My understanding then is that anybody who is a Gibraltarian, a UK national or EU national who would apply for self-employed status would be granted?

HON CHIEF MINISTER:

One does not apply for self-employed status, one goes along to the Social Insurance Office and one asks for a social insurance card and one registers. Fortunately in this democracy people with a right of establishment do not have to come and ask the Government permission to start themselves up in business. I cannot understand why the hon Member is confusing these concepts. The question relates to registration for social insurance purposes, it talks about social insurance cards, that is not the point of which control is exercised of the sort that he is, I think, alluding to. He must know that that comes at the level of the Employment and Training Board.

HON R MOR:

If I may draw the House's attention to Question No. 151 of 1996 on the 26 November, during a supplementary I asked, "What criteria are the Government using to allow self-employed?" and the answer was, "The criteria at the moment is that used by the previous administration".

HON CHIEF MINISTER:

I am glad to see that in this area the previous administration's commitment to adherence to the law is as strong as ours.

HON J J BOSSANO:

Have there been any applications from Gibraltarians for self-employed insurance cards which have been refused?

HON CHIEF MINISTER:

I might need notice of that question but there is nobody on the Government benches right now who has knowledge of any such case.

HON J J BOSSANO:

So would the Government agree that if, in fact, people are required to meet some requirements, some standards or some criteria then it would be useful to know what those are if there are any?

HON CHIEF MINISTER:

Either they are self-employed or not. Registration for social insurance purposes is a necessity which follows from being in employment or in self-employment and therefore anyone who is in lawful employment or lawfully in self-employment has a statutory obligation to register for social insurance purposes. Therefore when they go along to register for social insurance purposes nobody says, "Well no you cannot have a card because I have got to decide". That exercise, in the case of employed persons comes earlier; in the case of self-employed persons I do not know that the people in that department purport to exercise such a function. Of course, it could be that the result is

that there are people trading as self-employed people in Gibraltar illegally but they would have to be illegal immigrants first. In other words, their presence in Gibraltar would have to be legal because they would not have a residence permit which they would need if they are non-EU nationals. So there would have to be a series of illegalities for a non-EU person to be self-employed in Gibraltar in the circumstances that the hon Member, unless we are at cross purposes.

HON J J BOSSANO:

The question is not about non-EU nationals. I am saying if a Gibraltarian wishes to set himself up as self-employed then he normally goes to the DLSS not because he is already working and he wants to regularise his position but if he wants to go about doing it. Do the Government have requirements that have to be met so that people can be registered as being self-employed and issued with a card?

HON CHIEF MINISTER:

No, none whatsoever. There is a requirement under a completely different Ordinance for such Gibraltarians to register under the Business, Trades and Professions Regulations but there is no control or no criteria imposed on Gibraltarians who wish to set themselves up in business at the time that they go and ask to comply with their statutory obligation to register for social insurance purposes, of course not.

NO. 118 OF 1997

THE HON R MOR

**SOCIAL SECURITY - PENSIONABLE AGE**

On what basis has the estimated cost been calculated for reducing male pensionable age to 60 in the current year to arrive at the amount of £3 million?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The average number of male persons reaching pensionable age at 65 is around 170 per annum. On this basis, around 850 males would be entitled to a pension if equalisation at 60 were introduced in a given year.

Taking an average pension of £65 per week the total cost to the pension fund would be around £3 million.

SUPPLEMENTARY TO QUESTION NO. 118 OF 1997

HON R MOR:

If one has a figure of those people reaching 65 why is it that they have not got a figure for those reaching 64, 63, 62 and 61?

HON CHIEF MINISTER:

We know that they reach the age of 65 because they knock on the window at the Social Security Office and ask to be paid a pension.

HON J J BOSSANO:

The figure of 850 males as the cost of reducing pensions to the age of 60 is an extrapolation from the fact that 170 reach 65. Is there an indication of how many of those 170 are Gibraltarians or British inclusive of Gibraltarians and how many are not?

HON CHIEF MINISTER:

There is an indirect source of indication which is comparing that figure, the figure which annually reach pensionable age and collect a pension by comparing that figure with the number of people that roughly annually become entitled to start collecting Community Care, by comparing those figures it is possible by a process of deduction to work out the answer that the hon Member seeks.

NO. 119 OF 1997

THE HON R MOR

**SOCIAL SECURITY - INCOMPLETE CONTRIBUTION RECORDS**

Have Government now completed the exercise which they announced in 1996 on establishing how many insured persons were prevented from contributing to social insurance because of the £500 earnings limit?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government have not yet completed the exercise of identifying how many persons have incomplete contribution records because they were prevented from contributing because of the £500 earnings limit, nor how much would be the cost of paying all such persons a full pension. However the organiser of a group of affected persons has recently submitted to Government a list containing 101 names.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1997

HON J J BOSSANO:

I take it that the Government will take a policy decision on whether they are able to reopen the opportunity for these people to be brought in once they have assessed whether it is just the 101 or there are more?

HON CHIEF MINISTER:

Yes, there is then also the question of calculating the cost because, of course, they have all got different amounts of incompleteness.

NO. 120 OF 1997

THE HON R MOR

**SOCIAL SECURITY - INCOMPLETE PAYMENT RECORDS**

Can Government confirm that provisions in the Social Security (Closed Long-Term Benefits and Scheme) Ordinance and the Social Security (Open Long-Term Benefits and Scheme) Ordinance will allow for regulations to be introduced enabling deficient contribution records to be made up?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The Government are reviewing the position of pensioners with incomplete payment records in respect of periods of work in Gibraltar during which contribution was not compulsory or possible. Government will in due course introduce whatever statutory provisions are necessary to implement whatever action we may decide to take in this respect.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1997

HON R MOR:

Do the Government accept that it can be done through the Closed and Open Schemes by Regulation?

HON CHIEF MINISTER:

I cannot give an answer to that question. I think the question is whether there is enabling power in the Ordinance that would enable that registration, that is a purely legalistic question. If it exists, it exists, and if it does not, it will be put in or alternatively we would do it by primary legislation but I cannot now answer the question whether the section that enables the making of regulations would enable such regulations to be made ultra vires to the Ordinance.

HON J J BOSSANO:

Then in fact it is not that the Government when preparing the Ordinance that was brought to the House deliberately had in mind having an enabling provision there which they would use in the future? That policy decision was not taken at that stage?

HON CHIEF MINISTER:

The hon Member knows that the Government have made a different policy decision which impacts on his question which is that for a completely different set of reasons we wanted the legislation to be the same as the old one and there were no exceptions made to that. It was not that we made a conscience decision not to put this power for any reason.

NO. 121 OF 1997

THE HON R MOR

**SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the balance of the Closed Long-Term Benefits Fund as at the 31 March 1997, showing the amount from UK and local funds and the expenditure in 1996/97, in payment to former Spanish workers and to pensioners from local funds?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The forecast balance of the Closed Long-Term Benefits Fund as at 31 March 1997 is £7.5 million.

Receipts from UK totalled £6.1 million from which payments to Spanish pensioners were made totalling £5.9 million.

Payments of local pensions totalled £4.2 million.

Other receipts of the Fund totalled £11.6 million which includes a transfer from the Transitional Interim Payments Fund of £11.3 million.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1997

HON R MOR:

As I understand from what the Minister has said, £5.9 million have been paid to Spanish pensioners during 1996/97 is that correct? If I may refer to Question No. 50 of 1997, during a supplementary the matter was raised as to how much the Junta de Andalucia was claiming that they had advanced to Spanish pensioners and the Chief Minister said, yes that he knew the figure and he quoted three and a half billion pesetas, and he continued saying, "which I understand is about £40 million, depending on exchange rates". If the Junta at the very most have advanced £6 million for each year, at the very, very most because that includes all the Spanish pensioners, it is not possible that they could have advanced £40 million in three years. Do the Government have any explanation for that?

HON CHIEF MINISTER:

The Government neither have nor need an explanation. What figure the Junta de Andalucia wants to claim it has paid is a matter entirely for them and that is complete inconsequence to the Government. So I note that the mathematical calculation that the hon Member has made and it would seem to put into some doubt the figure that the Junta de Andalucia has published both to me and in the Spanish press but one way or the other, whether the Spanish figure is right or wrong, it is completely inconsequential to Gibraltar because we could only ever be talking at the most of what these people would have been entitled to collect from the



Gibraltar fund. If the Junta de Andalucia is inflating the claim of what they have claimed to have paid well this is terrible but I do not see that it is any of the hon Member's business or indeed mine.

HON J J BOSSANO:

I take it from that reply that in fact the Government are not involved in any way in making payments direct to the Junta de Andalucia, from the answer that has been given, in respect of past advances made to Spanish pensioners and that therefore Spanish pensioners coming here will collect what is due to them retrospectively and it is up to them to make whatever arrangements they want to make with the Junta?

HON CHIEF MINISTER:

Yes, before I answer the Leader of the Opposition's supplementary, one of the possible explanations for the mathematical conundrum that the hon Member has put his finger on is, of course, that the Closed Long-Term Benefits Fund has not existed for a full 12 months period and this is an answer to the question of in effect how much has been paid out of the Closed Long-Term Benefits Fund from the date that it commenced, which I think is from memory 1 October 1996 to 31 March 1997, which is what the question asks. In other words, the answer is not the total amount paid out in pensions because that is not what the question asks. The question asks how much had been paid out of the Closed Long-Term Benefits Fund which, of course, did not come into existence until the 1 October 1996. In answer to the Leader of the Opposition's supplementary, it has got to be borne in mind that any payment that may be made to the Junta de Andalucia in repayment of payments that they may have made to ex-Spanish pensioners would be made out of United Kingdom money and not out of Gibraltar money and therefore it would be a matter entirely for the United Kingdom to calculate how much would need to be paid out, to whom it would pay it out, whether it would pay it out and what the pre-conditions might be for paying it out. So this is not a Gibraltar exercise; in any way, it may well be that if the United Kingdom Government decide to do all those things they may ask Gibraltar's administrative machinery to do it for them as an administrative act but we have not yet arrived at that stage and what I have indicated to the Junta de Andalucia is that if the United Kingdom Government agreed to pay it directly to them then Gibraltar's administration would be willing to co-operate administratively. But it would always be with the United Kingdom money given that these are Spanish pensioners. This is arrears of Spanish pensioners and this is a matter for the United Kingdom Government and not the Gibraltar Government.

HON J J BOSSANO:

At present what is happening is that in accordance with the provisions of the Closed Scheme Spanish pensioners can come along and claim retrospective payments to the middle of 1993, is that not the case?

HON CHIEF MINISTER:

Theoretically they would be at liberty to do so. For some inexplicable reason they have not and I can only assume that they are under instructions from their own administration not to do so but, certainly, they have that entitlement under the laws of Gibraltar.

NO. 122 OF 1997

THE HON J J BOSSANO

**SOCIAL SECURITY - SOCIAL ASSISTANCE FUND**

Can Government state what is the forecast outturn of the Social Assistance Fund in 1996/97 giving a breakdown of income and expenditure items?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The receipts of the Fund are forecast at £16.9 million and the payments at £11 million.

Taking into account the balance of £0.5 million brought forward from the previous year, the forecast closing balance of the Social Assistance Fund at the end of the financial year 1996/97 is £6.4 million. I have got the details here.

SUPPLEMENTARY TO QUESTION NO. 122 OF 1997

HON J J BOSSANO:

Has the Minister got the details there? I have got the details that were given in Question No. 73 of 1996, but I want the up-to-date figures.

HON H CORBY:

Is it necessary for me to read them?

HON J J BOSSANO:

Until I hear or read the answer I do not know. Estimated outturn in respect of the grant issued to the Gibraltar Health Authority is shown at £7.3 million and in answer to Question No. 73 it was estimated to be £9 million. Is there a particular reason for the fact that it is less than was originally expected?

HON CHIEF MINISTER:

One possibility may be that the previous answer was a Health Authority forecast whereas this is a Treasury exercise. This is the account, so this is what was needed by way of Social Assistance Fund subsidy in fact, so this is the real figure and the previous one was an inaccurate estimate.

HON K AZOPARDI:

Yes, the figure that I gave earlier was an estimate, it was given to me by the General Manager of the Health Authority with the caveat that it might be inaccurate because it was based, as the Leader of the Opposition knows, the contribution from

the Social Assistance Fund comes from pure grant to the Health Authority and a figure representative of a sum proportionate to the unemployed, for example, and it was a figure which he gave to me with the caveat that it might be inaccurate because the Financial and Development Secretary's Department was assessing the number of unemployed and I am sure that that figure, no doubt, is more accurate than the figure he passed on to me as a rough estimate without having had the guidance of the Financial and Development Secretary's Department. So I suspect that the figure that my hon Friend, the Minister for Social Affairs, has just given is the more accurate figure but that, no doubt, will be seen once the accounts are audited and then laid before the House as the Health Authority Ordinance requires.

HON J J BOSSANO:

I was not comparing the £7.5 million that he gave in an earlier answer to the £7.3 million; I was comparing it with the answer to Question No. 73 of 1996 when the anticipated requirement for the year would be £9 million and, of course, there is quite a substantial difference between £9 million and £7.3 million. Since, in fact, the cost of the Health Authority appears to be as expected in the region of £22 million, the requirement for £9 million apparently is no longer there if there is only a need for £7.3 million, it must be presumably because receipts from other sources are higher than expected, is that the case? Is this a residual figure?

HON CHIEF MINISTER:

No, because the provision that was given in the answer to the previous question earlier on in 1996 was a comparison with the budget of the Health Authority. If the hon Member remembers what the budget of the Health Authority was, it was in fact a lower figure than the outturn, when he sees the accounts of the Health Authority. So there has not been £1.5 million, or whatever the difference of the mathematics is, there has not been that amount of reduction in expenditure in the Health Authority nor has there been any such equivalent amount of increase in alternative sources of revenue to the Health Authority. This is just the usual comparison between outturn and as compared to original estimate. All it proves is that the original estimate was an over-estimate and that often happens, especially in the Health Authority.

HON J J BOSSANO:

If in fact the Minister is accurate in saying that it was assumed that £9 million would be required at the time the budget was produced and the final figure is higher than the budget and the receipts from other sources have not gone up, then the mathematics of it do not make sense because either it is because they spent less money than they expected or because they have received more money than they expected that they find that they do not need the £9 million after all.

HON K AZOPARDI:

I do not have the figures in front of me so the Leader of the Opposition will bear with me as I say this but the House was told when I made that estimate that the estimate of expenditure at the time was, I think, just over £23 million and so there is obviously

an £800,000-odd difference and therefore deduction from the sum of money that is required from the Social Assistance Fund to the Health Authority and so that caters for a great bulk of the reduction from the £9 million. There may be a slight increase from other sources like, for example, the GPMS, I do not know what I said was the estimated revenue from the GPMS last time but I suspect again it might be slightly under, £13.6 million, well that together with the reduced final figure that we have in expenditure covers the point of the difference between the £9 million and the £7.3 million.

NO. 123 OF 1997

THE HON J GABAY

**EDUCATION: STUDENT TEACHERS**

Will the hon Minister for Education state how many teachers undergoing training will be completing their studies by September 1997 and how many will be absorbed by the Department of Education?

ANSWER

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

We have 14 students undergoing training and finishing at the end of this term who have submitted applications in response to the Government's advert for qualified teachers.

All these applicants have been interviewed by the Public Service Commission, together with other applicants, and all the 14 have been wait listed to cover any vacancies that may arise within their relevant specialism and levels. At the moment within the established complement we can envisage four full-time and one part-time vacancies, as a result of teachers who have retired or are due for retirement by the end of this academic year.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1997

HON J GABAY:

Just simply adding to the useful information that has been given by the Minister, might it not be a good idea in fact in order not to disappoint and lose some of these younger teachers that will have trained as qualified teachers, to consider how many teachers are on supply that might be moved out of the way since many of them are retired teachers on pension, so that to open the door even more to these young newcomers and perhaps even in some cases to promote early retirement?

HON DR B A LINARES:

I agree entirely with the suggestions and I am grateful for them. They are options that are currently being analysed and studied by the Department in order to maximise the chances, as he put it, of these new and enthusiastic qualified teachers of obtaining employment within the Department.

NO. 124 OF 1997

THE HON J GABAY

**EDUCATION: CO-OPERATION WITH MANCOMUNIDAD DE MUNICIPIOS**

Will the Minister for Education describe the results of the Government's initiatives on co-operation with the Campo Area on educational matters?

ANSWER

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

One of the three working commissions established between the Gibraltar Government and the Mancomunidad de Municipios with a view to inter-regional co-operation is concerned with matters related to Education, Culture and Youth.

The Commission has met formally on one occasion and consequent to this, informal contacts have been regularly maintained by officials on both sides. The formal meeting consisted of a long working session based on an exchange of information about the systems, structures and operations which make up the educational and cultural provision on both sides of the frontier.

As a result of these exchanges, a number of practical activities have also taken place. The Ayuntamiento of La Linea has offered us a Calendario of Educational Events and Activities in which our school children and teachers are welcome to participate - some of these may well be taken on board by particular schools in Gibraltar at the appropriate level in their time tabling for the next academic year.

On our part we have organised for school children in La Linea, educational tours of Gibraltar highlighting our history and our heritage. Seventeen schools from La Linea have availed themselves of this facility and it has proved an extremely popular venture which on all accounts has led to a better understanding among the youth over the frontier of our unique history and identity.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1997

HON J GABAY:

It is quite clear from the report given that not much has been achieved on this front. Would the Minister, in fact, not consider that under the present climate of hostility that such attempts, however enthusiastic, to establish a relationship would be doomed to failure and following upon that the comments made by the Mayor of La Linea recorded in the Chronicle of today, do they not also give the impression that very little importance is attached to these contacts which we tend to be promoting and to which they do not respond fully and possibly it might have been a little naive to enter into them with such enthusiasm?

HON CHIEF MINISTER:

No, the hon Member does not describe the situation with which the Government can agree. The Government of Gibraltar's willingness to offer facilities in Gibraltar to school children from Spain does not depend on the quality of the behaviour of politicians on the Spanish side and that is one of the things which I think differentiates us from many people on the other side and it is a distinction of which the Government are proud and which the Government intend to continue to maintain.

HON J GABAY:

Perhaps then the Chief Minister might be able to consider that it could have an adverse effect inasmuch as it could be interpreted on the other side as some sort of mendicant appeasement on our side. Under normal circumstances of course we would all like this sort of mutual co-operation on educational matters but does it not seem ridiculous that whilst we are hugging the children coming over from their side, at the very frontier ours are forbidden entry on a collective passport? I totally agree that it is a very noble approach but may not this intensify the hostility of Spain since it takes it as a point of weakness on our part and as I refer again the comment by Senor Pons reflects this?

HON CHIEF MINISTER:

No. Of course this is a matter of judgement and implicit in the hon Member's supplementary, is his judgement on the matter but this is a matter of judgement. It is not the Government's judgement that making school exchange facilities available to Spanish school children and other manifestations of local co-operation not just in relation to the field of education. It is not the Government's view that that is capable of constituting appeasement. Frankly, we think that every time that we allow a set of Spanish school children into Gibraltar in a civilised, democratic, responsible, European way and the Spaniards then cause problems for a group of our school children in an undemocratic, uncivilised, un-European way, Gibraltar climbs one notch higher the ladder of the moral high ground generally in the matter of its political disputes involving Spain. We think, frankly, that the qualitative difference that the people of Gibraltar can deploy in favour of innocent Spanish citizens notwithstanding the degree of harassment and oppression to which we are subjected at the hands of the Spanish State is something which makes the people of Gibraltar bigger than the Government of Spain and we think that that is something from which Gibraltar gains rather than loses both politically and internationally.

HON J GABAY:

I was not doubting the major premise that has been referred to by the Chief Minister, far from it. The point I am trying to stress is that by giving it at a very high level of Government at its early stages such enormous importance, such great enthusiasm was bound, in a way, to create expectations on the other side that were unwarranted and therefore the feeling is that they appear to be feeling that they are making a concession to us. I see that that is rather dangerous, that is the point I am making.

HON CHIEF MINISTER:

Well, of course I cannot answer for unreasonable expectations that other people may develop but if anybody in Spain thought that our willingness to exchange school trips and otherwise co-operate at this level in the sense that the relationship between the Mancomunidad de Municipios and the Government of Gibraltar, that any of our willingness to do that reflected any degree of willingness to bend on the fundamental political questions affecting Gibraltar and its future, then they were very ill-advised to form any such expectations which do not flow naturally. We have always distinguished between our position in respect of local co-operation and our position in respect of matters such as sovereignty and other matters of that kind. So if they have developed such false expectations it cannot be because we have not been totally clear about the distinction which we make between the two things and which indeed they claim that they were able to about the two things. I cannot honestly answer with any certainty whether there are dashed expectations but if there are it is not expectations that they were entitled to come to by any comment or act of the Government.



NO. 125 OF 1997

THE HON J GABAY

**EDUCATION: SAFETY OF PUPILS**

Will the Minister for Education take steps to ensure the safety of the pupils as well as the orderly flow of traffic at South Barracks School and at the intersection of Bomb House Lane across to the Holy Trinity Cathedral?

ANSWER

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

No representations have been made to my Department which indicate any notable variation in the flow of traffic or the safety hazards in these particular areas since 16 May 1996 when this administration came into office.

However, this rather belated concern demonstrated by the Opposition will certainly be taken on board by our Department and I have already instructed that the matter be referred to the Traffic Commission to advise accordingly so that we can address any difficulties in those areas as efficiently as we have done in connection with the access to the new schools in the New Camp complex and in the access to St Paul's School from the Westside Estate.

SUPPLEMENTARY TO QUESTION NO. 125 OF 1997

HON J GABAY:

I appreciate the steps taken and they are important. The only point I had in mind with regards to the South Barracks School is that there is a long lay-by which unfortunately is not being used efficiently, it would appear that the Traffic Warden deals with the zebra crossing and the rest is left to its own disorderly condition and it does not control the flow of traffic and it does pose a slight danger.

HON DR B A LINARES:

I agree with that. I have personal experience of that because often last year I would take my daughter to the nursery school in South Barracks and I think the essential problem was that the lay-by was not being fully used by some parents, they would actually prefer to stop in the road, drop the children and therefore block the passage to everybody else. I agree that that should be somehow corrected.

NO. 126 OF 1997

THE HON J GABAY

**MAY FESTIVAL**

Are the Government in a position to explain why this year so little is heard of the May Festival?

ANSWER

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

The simple explanation why it has not been possible to organise a significant and worthwhile May Festival this year is that, in all frankness, over recent years during the previous administration the Festival has been allowed to degenerate to the point where those who may and can contribute to it have been entirely demoralised and demotivated. It has, I confess, not been possible to redress this situation quickly enough to restore the Festival in May this year. However, I can assure the Opposition Member that plans are being made for most of the events and activities that would normally be scheduled for May to take place in early September.

We feel it is appropriate that at this time of the year when we celebrate very specially our Gibraltarian identity and way of life, we should express this in terms of our cultural and artistic patrimony.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1997

HON J GABAY:

It does not seem to be all that long ago that on a particular occasion the Minister for Education was congratulating the former Minister for Education for his enormous contribution in the field of culture, now it appears that he is responsible for the degeneration. Be that as it may, is it not the duty of the Government, in fact, to seek renewal instead of concentrating all the time in what happened before? The question that I would like to raise is, is it not regrettable that the Government have not found the opportunity in the course of a year to inspire the movement and to be able to do something to continue this Festival that has existed, I believe, since 1989, and is an expression of the culture of Gibraltar?

HON DR B A LINARES:

I assure the hon Member that this Minister responsible for Culture is committed to developing the Festival as one of the many expressions of our cultural patrimony. I can inform the House that this will be done in a holistic way, in a rational and total planned co-ordinated manner. For this purpose we are on the point of reconstituting the Arts Council which will have the following defined objectives: To advise Government on public funding of the arts in Gibraltar; to work with individuals and groups involved in the arts and cultural activities; to extend the audience for and participation in the arts; to sustain and encourage the best possible standards of artistic practice; to maximise investment in the arts; to help artists and arts

organisations achieve organisational viability; to build partnership with the business sector and others to extend strategic support for the arts; to build working relationships with other authorities abroad; to widen the scope of artistic and cultural activities in Gibraltar, one of the practical results that I hope will emanate from the Arts Council and which will satisfy, I am sure, the Opposition Member, will be revitalising the Festival of the Arts in Gibraltar at some appropriate time in the calendar year.

HON J GABAY:

Would it not have been preferable to see to the continuation of something that was working well than again to define aims and establish commissions and talk-shops which is never really a replacement for positive action?

HON DR B A LINARES:

It is a question of style and I do confess and admit that my style is not ad hoc....., it is not a question of a hodgepodge of events as they come but actually placing everything in a co-ordinated manner and whether I am right or wrong that is the way I operate and I feel it is within the context of a developmental programme established by an Arts Council that our festivities and our expression of culture will be so much more significant and meaningful.

NO. 127 OF 1997

THE HON J GABAY

**EDUCATION: OFSTED REPORT**

Will the Minister for Education make available to this House the Report it has received from Ofsted Inspectors in their assessment of our schools' provision for children with special needs?

ANSWER

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

We have now received a draft report from the Special Educational Needs Auditors who recently assessed our provision for children with special educational needs. This draft report includes the main findings and recommendations. The audit team have suggested that their report be the subject of wide, professional consultation with relevant parties, such as educational advisers, head teachers, the teachers union etc, and in this consultative process I would be very pleased to include my hon Friend opposite.

At the end of this consultation process and in the light of it, the Government will decide whether publication or otherwise is the best way forward in order to achieve, what I am sure the hon Member will agree, is our common aim: to improve in this important area of special needs our children's education.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1997

HON J GABAY:

Just simply, Mr Speaker, to single out the main point. I do sincerely hope that the report will be published and that we shall all have in the House the opportunity to comment, not on a selective basis but probably on the entirety of the report as it affects our children.

HON DR B A LINARES:

I hope I have made myself clear but I have not promised to publish the report. I have said that only in the light of a study professionally and technically, this is a very technical document, we will then assess whether it is effective and the best way forward to publish in total the report. I do not want the hon Member to go away with any misconception of my position.

HON J GABAY:

This may well be the source of our worries in the sense that technical reports should be aired, particularly in the House, so that we do not resort simply to quoting technicians, experts and specialists and so forth and avoid taking the responsibilities that we are here to take in this House.

HON DR B A LINARES:

Airing a report is not necessarily why publication opening itself to misinterpretation, I have I think very generously included the hon Member as a Member of the House and as a Member of the Opposition to share in this consultative process and I hope and I think that at the end of the day reaching a consensus as to the best way forward to operate and implement the recommendations in this report.

NO. 128 OF 1997THE HON J GABAY**EDUCATION: ST PETER'S SCHOOL**

Will the Minister for Education assure the villagers of Catalan Bay that it will not close down St Peter's School?

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

The Government have already given formal notice to the parents of children in St Peter's School that as from September this year, the start of a new academic year, the children will be integrated in Notre Dame School or in other established first schools that the parents may choose.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1997

HON J GABAY:

Obviously in this particular case, unfortunately, action has been taken rather quickly. Is the Minister however not aware that the decision runs counter to the unanimous decision of the Parents' Association of St Peter's School and of the wider community of Catalan Bay? Furthermore, given the thinness of the arguments given on grounds of safety and education, can he blame the committee for feeling that there is some unexplained ulterior motive in this move?

HON DR B A LINARES:

I think in order to avoid indulging in a nebulous debate with vague value judgements which can only lead, and I mean this seriously, to confusion in a very emotive situation I think the best contribution I can make to the House in this respect is to focus on the essential and educational grounds on which the Government have taken this, to some extent, painful decision because to break with tradition is always painful. The Government's duty is to ensure that the national curriculum is delivered in all our schools and to all our children including the children of Catalan Bay. This is a statutory and legal requirement. It is also, we believe, in the best interests of the children. The national curriculum as far as years 1 to 3 are concerned, consist of a study of the following subjects:- mathematics, English, science, known as the core subjects; design technology, information technology, history, geography, music, art, physical education, which are known as the other foundation subjects. Religious education forms part of what is called the basic curriculum. This means that for the first time our legislation forces schools to teach all these areas, the situation where what was taught in individual schools was decided by the head teacher has gone. Each subject has associated with it - (1) attainment targets which really define the objectives to be taught, different subjects have different numbers of attainment targets; (2) programmes of study which explain in some very close detail the content to be taught at every stage; (3) assessment procedures which enable teachers to assess children's progress against national levels of attainment as defined by the

level descriptions. Although, Mr Speaker, there is no prescription as to the time to be spent per week in teaching each subject, the national curriculum orders, revised recently by Sir Ron Dearing, were written with certain times allocations in mind. It follows that a specific time needs to be spent on teaching all these subjects. In addition there are what are called post-curricula fields - health education, environmental education, careers education which need to be included as part of the overall curriculum. All this needs much planning especially as the curriculum needs to be designed to ensure continuity, progression and breadth without forgetting the difficult matter of differentiation, that is, teaching at the appropriate level according to the children's abilities. The latter implies constant monitoring of children's progress by employing appropriate assessment techniques. In a small school like St Peter's it is physically, mentally and professionally impossible for two persons, the head teacher and the other teacher, to plan and deliver adequately all these aspects and requirements of the national curriculum. The problem of delivery is compounded further by the need in this school for what is called vertical grouping, that is two different age groups have to be combined into one teaching group, where a teacher may face a very wide range of abilities as well as age. Co-ordination of all national curriculum subjects to ensure that middle schools receive as coherent in terms of subject coverage a group of children as possible is done by what we have constituted as national curriculum working groups. There is one working group for each curriculum subject. These groups are made up of representatives from all schools who meet regularly and frequently. Each one of these is a teacher who has been assigned that specific responsibility to plan the scheme of work for the subject and in the main these are promoted teachers with an allowance specifically given to take charge of this subject. Again, it would be totally unreasonable, whereas impossible, to expect two teachers, one of whom is unpromoted anyway, to attend all meetings of all these groups and be able to cope and register and assimilate the volume of planning which regularly issues from all these groups. In conclusion, Mr Speaker, the Department of Education is legally bound, as a statutory requirement, to ensure that the national curriculum is planned, implemented, delivered and properly assessed in all our schools. It is clear to the Department's Educational Advisers and indeed outside expert inspectors that this is not possible within the constraints of a small school such as St Peter's. To perpetuate this situation would not only be breaking the law but to act in detriment of the educational advancement of the children of Catalan Bay. The Department of Education has therefore decided to integrate these children in Notre Dame School where they will greatly benefit from the wider resources and the stimulating academic experience that only a large school can offer. Although lacking in practical experience of these matters, and I say so with respect, not given his intellectual acumen, the hon Member may understand the rational and the educational argument I have presented to this House. I trust, and I am sure he will not dishonourably by-pass these arguments simply to make cheap political capital out of this emotive situation.

HON J GABAY:

Forgetting the last reference of cheap political propaganda, I think we should all thank the Minister for Education for pointing out to us in no uncertain manner what an incredible bureaucracy the national curriculum has become when we are dealing with children from the ages of four to eight, anybody would have thought he was talking about university level education. But be that as it may, perhaps one of the great dangers, if you will allow me to extend myself a little, is to interpret this as if it were doctrinal and dogmatic and to give the parents of Catalan Bay the impression

that he has given them that some terrible disaster awaits them unless they are subjected to the totality of this dogma. The reality, in fact, is quite different. If the Minister had been down to Catalan Bay and discussed the matter with the parents he would have realised, first, that they do not accept his assessment that children have received a substandard education for the last few years. Secondly, they do not accept either the grounds of safety which it appears the Minister has left out today. But perhaps the most important thing is this, the parents were trying to point out the tremendous importance of the little church and the little school and their club as threads of a very closely-knit community, to talk about education to exclude what a community school means within the only village that we have in Gibraltar is rather absurd, all political differences apart. The process of consultation as well has distressed the parents, there has in fact and they have told the Minister this, there has been no consultation at all, they have received a dicta, there were only two meetings; one of them was to discuss the move to the social club and the other one was more or less simply to state the Minister's case about the divinely appointed national curriculum and the terrible dangers of not adhering to it to the letter of the law. One thing that saddens them is the lack of appreciation of the fact that the village has an identity of its own, it is an extended family and that one of the pillars of that identity happens to be the school and that there is a very important relationship between church, social club and school. In fact, I would like to remind the Chief Minister that had it not been because the parents were actually involved in communion services, *[Interruption]* Mr Speaker has decided to be kind.

MR SPEAKER:

You are coming to it.

HON J GABAY:

I hope it is comparable to what we have already heard. So to bring this wonderful question to an end, let me just simply say that they would have come here to see the Chief Minister to plead with him to spare the community school.

HON DR B A LINARES:

Mr Speaker, the Opposition Member, with respect, has indulged in precisely the type of value judgements and nebulous concepts that I think I seriously believe should be avoided now between professionals and focusing on the essential aspects. But there are three, because he said quite a lot, but I can pick up, first of all, is the question of the national curriculum. Whether he likes it or not and I respect people who do not like it, it is a matter of legal obligation. It is established in Gibraltar through the 1990 Regulations, by the previous administration, as a result of wide consultation among all the professionals and parents who naturally saw that in spite of all this bureaucracy and there have been many complaints about those aspects, in fact as the House knows, Sir Ron Dearing was contracted precisely to prune and try to bring the more feasible and viable operational manner the heavily bureaucratic and administrative aspects of the national curriculum. So I respect those opinions but I come back to the essential concept, that it is required by law, by the Education Ordinance, National Curriculum Regulations 1990. Why did the parents, why did the professionals at the time, why did the Government at the time feel that it was a good thing to establish this legislation? I can tell the House very simply because by tradition the education of Gibraltar has been modelled, one might say sometimes by necessity but it has been modelled on the British system of education and the



national curriculum, as the House knows, is established in Britain with all its warts as the system of education in Britain and it was important that in Gibraltar we should model ourselves; we did tailor many of the aspects to our own needs but we did feel that substantially we should model our system of education on the British system because otherwise many of us who have benefited from higher education in Britain, this does not come out of the blue, it comes going through the whole curriculum process that starts with first schools like St Peter's and then with our 'A' levels that give us the pass to higher education in UK, British higher education institutions and universities. So the people naturally and instinctively saw, the professionals and parents, that the national curriculum, warts and all, and I do sympathise with some of the criticisms that the hon Member has made, was important for Gibraltar and established it as a matter of law from the age of five to 16 and there we have got it and it is the duty of this Government to see that it is implemented and established in all our schools. That is the question on the national curriculum. On the question of consultation, well he saw me looking at a dictionary in the lobby some time ago, what I was looking for was the Latin root of the word consultation and I found that it comes from the Latin word "consulare" which actually is further rooted in the word "consul", it means to rule as a consul and in the context of the Roman Republic to rule as a consul was not a very democratic process. Consultation is linked essentially to a process of government, it does not mean consultation that the decision is abrogated by those who are consularly appointed to Government. Consultation, let me put it in short, is a means of good government, it is not a substitute for good government. Then there is the question of tradition. I said before that I sympathised and I understand the attachment, the feelings, the sentiments of the people in Catalan Bay as a coherent community to their institution, to their school, to their church, I have shared all that for many years, I assure the hon Member. But traditions, whether we like them or not, do go, for better or for worse, they do go and we see that in many aspects of social life. In education, for instance, I can think of the tradition of the Christian Brothers. They went, they gave way to local professionals. I can think of the tradition of the Grammar School that both the Opposition Member and I would relish but the Grammar School went and gave place to Comprehensive. May I inform the House, by the way, that this year we mark the 25th Anniversary of the start of Comprehensive in Gibraltar. The Department of Education is now preparing to mark this appropriately. But there is the Dockyard School, I am sure that some of the Members of this House will also, with nostalgia, remember the Dockyard School. The Dockyard School went with the dockyard. May I say, another tradition relished by many people in Gibraltar is Governor's Meadow School at Alameda Estate which exactly at the same time as St Peter's School is being closed down by the Government in September because of the need of demographic movements that need to be accommodated and that is happening this year. So that is so much my argument in answering the hon Member's appeal to tradition. Mr Speaker, I thank you for indulging also in an extensive answer.

MR SPEAKER:

You are not going to answer, are you?

HON J GABAY:

Mr Speaker, since we are being treated to longer speeches that I have been making maybe I am allowed just a couple of minutes. Firstly, in the review of the educational system that we have been treated to there seems to be a certain fatalism that things happen, that these doctrines of education are totally fundamental that they cannot

be questioned and at the same time anything to do with the meaning of the family, the extended society. All the various pillars that give it cohesion, these are to be discounted as pure nostalgia, things that we look at in the past but unfortunately the world changes. Fortunately the world changes precisely because of that attitude, it is almost like the theology of the inevitable. Thank you, Mr Speaker.

HON J L BALDACHINO:

The Minister said that Governor's Meadow also fell within the same parameters as St Peter's but there is a difference. The Minister knows that the parents of Governor's Meadow are in favour of the move and that must have been taken into consideration by the Minister when he made the decision of moving.

HON J GABAY:

I was saying that in the context of tradition. That also the tradition of Governor's Meadow in Alameda Parade in those pre-fabs that go back to the time when Humphries was constructed and all that, carries the weight of tradition and nostalgia feeling but that is being eliminated now because of demographic necessity.

MR SPEAKER:

That is the end now.

HON CHIEF MINISTER:

Yes, absolutely the end.

MR SPEAKER:

Do not be controversial please. The Leader of the Opposition wants to say something.

HON J J BOSSANO:

I want to ask some specific questions.

MR SPEAKER:

All right.

HON J J BOSSANO:

Can I ask the Minister from the explanation he has given here, in fact, does it follow that the question of the safety of the school which was the original reason given is totally irrelevant and that the Government would have wanted to shift the school and close it down even if there had been no rockfall?

HON CHIEF MINISTER:

The decision taken on educational grounds to close the school would have sooner or later been taken regardless of the question of rockfalls. But the question of the rockfall has in effect brought the matter to a head sooner than it might because there

are now questions of reprovion, there are now questions of relocation, there are now questions of, well do we want 20 children sitting at the foot of a mountain which the parents say they would regard as unsafe even if the experts declare it safe, and in the context of all those issues it was logical for the Government not to grapple with such considerations if in any case it was contemplating the closure of the school. Certainly what the hon Member suggests is true; the problems of the rockfall is not the reason why the school is being closed although it is the reason why the school is being closed at this precise point in time.

Whilst I am on my feet, Mr Speaker, I have just one observation to make in relation to the point made by the hon Opposition Spokesman for Education when he referred to the village having an identity of its own. The identity of Catalan Bay Village does not depend on them being able to send their children to a first school in the village just as the identity of Catalan Bay is not diluted by the fact that before they have been to St Peter's First School they left the village to go to a Nursery School and after they come back to the village to go to a First School, they then go out of the village again later on in life to go to a Middle School and that then they stay out of the village to go to the Comprehensive School. Given that three out of their four stages of the educational process is outside of the physical confines of the village, I can see no argument to suggest that this is an attack on the separate identity such as it might be of the Catalan Bay Village.

MR SPEAKER:

We will adjourn for 10 minutes.

The House recessed at 7.30 pm.

The House resumed at 7.45 pm.

HON J J BOSSANO:

Can I ask, in relation to the fact that to some extent the timing of the closure at this point in time, whether or not it would have been an inevitable decision in the future, has been triggered by the problem created in the school, does that not mean in fact that the legal obligation which apparently has been there since 1990, is not of such a nature that the Government are compelled to close the school? That is to say, if they have got that flexibility to have decided to do it later rather than earlier it cannot be as rigid as the Minister was saying?

MR SPEAKER:

I will call on the Chief Minister and if he gives the answer I suppose that is the end of this.

HON J J BOSSANO:

Well, I wanted to ask, Mr Speaker, whether in fact since 1990, given that the whole purpose of the exercise of the national curriculum is as the Minister has stated, that it is the ground level of a projection so that people eventually get to 'A' levels and enter tertiary education in UK, is there any evidence that the pupils that have not apparently been given the widest exposure to the national curriculum have done less well by being in the Catalan Bay School than they have done, is there any

indication of that? If it was possible for the Minister to demonstrate to the parents that their children would benefit academically and that they have been missing out, presumably some of the objections would not be there anymore?

MR SPEAKER:

I have given leave for the Leader of the Opposition to ask a question. There will be one and final answer.

HON DR B A LINARES:

The Leader of the Opposition knows as a statistician that when one has a very reduced sum it is very difficult to detect the significant pattern in any form of survey. My answer to his question, in fact, in terms about how the children have fared educationally is to say that some children in Catalan Bay have done very well; others have been average and others have been very poor over the years. That is not the point. The point is that within the framework, within the provision of the national curriculum perhaps all of them would have done even better.

NO. 129 OF 1997THE HON MISS M I MONTEGRIFFO**GASA : ALLOCATION OF ADDITIONAL LAND**

Can Government state whether they have received any representations from the Gibraltar Amateur Swimming Association for the allocation of an additional area of land next to their existing swimming pool, for the construction of their premises, since September 1996?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government received representations from the Gibraltar Amateur Swimming Association requesting the allocation of an additional area of land next to their existing plot in order to construct club house premises.

Government considered and approved GASA's request and have already communicated this to GASA.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1997

HON MISS M I MONTEGRIFFO:

Just for information purposes, can the Minister say when he actually received the request?

HON LT-COL E M BRITTO:

No, Mr Speaker, I do not have that information at hand.

HON MISS M I MONTEGRIFFO:

Again, in order to be able to evaluate the extent of the land that they have requested, can the Minister say exactly how much land they have requested from the present Government? They did request land from us and we did agree to give it to them in principle, I just wanted to compare exactly whether it is the same square metres that they asked of us.

HON P C MONTEGRIFFO:

I cannot help the hon Member about specific metre sizes but the area of land in question is essentially a strip of land to the north of their current site so that they would have the ability to construct an element of further aspect to their clubhouse and it would also allow for the potential extension of the swimming pool to a longer length in the future. They preferred an extension towards the north rather than another area so as to facilitate the possible extension out rather than anything else.

HON MISS M I MONTEGRIFFO:

Will the Minister agree to write a letter and explain exactly what we are talking about insofar as the area is concerned and what will be made available to GASA and the conditions?

HON P C MONTEGRIFFO:

Absolutely. I am happy to provide or my hon Colleague perhaps can provide the details of the decision taken by the Government on this matter and the precise area of land in question.

NO. 130 OF 1997HON MISS M I MONTEGRIFFO:**GIFSA : FINANCIAL ASSISTANCE**

Are the Government prepared to meet the cost of the funds required by GIFSA in order to attend a meeting of the International Federation in Luxembourg next month, in which they will present their application for membership?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government have already provided substantial financial assistance to the Gibraltar Federation of Sea Anglers in order to enable them to attend the World Congress of the International Sea Fishing Federation, (FIPS), to be held in Luxembourg next month, at which Gibraltar's application for membership will be considered. Advice and resources have also been made available to GIFSA by the Sports Department to assist them in their endeavours.

SUPPLEMENTARY TO QUESTION NO. 130 OF 1997

HON MISS M I MONTEGRIFFO:

Fine, but I do not think that the Minister has answered my question. He has said that substantial resources and funds are being provided. What I am asking the Government and the Minister for Sport specifically is to say whether they are prepared to meet all the costs or the funds required for them to attend the meeting at Luxembourg?

HON CHIEF MINISTER:

The Government are willing to meet the cost of a reasonable size delegation and we have provided them with all that they have asked us for but if a particular association wants to send a larger delegation than is strictly necessary to represent those interests of Gibraltar that the Government think worthy of financial support, then it is not fair to saddle the taxpayer with the additional costs. So we cannot say that we are going to provide all the costs because that requires a value judgement on the size of the delegation in this particular case.

HON MISS M I MONTEGRIFFO:

As I understand it, I think we are talking about four members of GIFSA to represent Gibraltar and we are talking about a very important event where the Spanish Government are lending support to their Federation in order to try and stop Gibraltar from being accepted by the International Federation. Do the Government not accept that in view of the importance of this venture that we are talking about a couple of thousands of pounds it is peanuts compared to the budget of the Gibraltar Government and that they should be prepared to fund the costs of those people who GIFSA now believe are required when we are talking about a situation where

they will have to represent their case in a meeting where over 30 members of the European Union will be represented.

HON LT-COL E M BRITTO:

Essentially the Government do not share that view, let me explain. The Government have agreed to fund the total cost of what it thinks is a reasonable delegation and that is two persons. The requirements of this sort of nature that are put before us have to be equated and valued against the requirements and the requests of other associations for similar projects. We have the GFA on a similar quest with FIFA and this is something, as the hon Member knows, that has happened in the past and will no doubt happen in the future. As the hon Member also knows it has been the policy both under her Government and continued up to now by this Government, to give funds to sporting associations to the order of a maximum of 50 per cent of the amount requested. In this particular case, depending which way one focuses the argument, 50 per cent of the cost of four people has been given which would meet the requirements of GIFSA for 100 per cent of the cost of a delegation of two people has been given which is what the Government consider is adequate for this sort of venture. If one accepts that an association can decide that four is appropriate, then on the next occasion the next event might be even more important for Gibraltar so one would then say that they do not want four, they need eight so where does one draw the line? We think two is enough and that is what has been funded.

HON MISS M I MONTEGRIFFO:

But I wish to remind the Minister that the actual funding is not coming out of the actual grant given to associations or clubs for sporting events. As I believe because I have received the minutes from the Sports Advisory Council, the grant has been given by the Government from another subhead within the Government budget. Therefore I urge the Government, because I like flying the Gibraltar flag, to reconsider their position because it is an extremely important event where the Spanish Government are assisting their federation in their attempt to stop Gibraltar and therefore I continue with my point that this is extremely important and that I would hope that the Government, in view that we are talking about a couple of thousands of pounds, whether they are willing to meet the extra costs involved in what the association locally believe is necessary to get them to Luxembourg.

HON LT-COL E M BRITTO:

What funds the Government decide to debit eventually for this particular project is irrelevant. What is relevant is the principle and the principle is that the Government are not prepared to fund a delegation of four people.

HON J L BALDACHINO:

I understand that the principle that the Minister has just stated is the principle that is used to fund sporting events. What my hon Colleague is trying to impress on the Government is that this is a case where there is a federation which is asking to be admitted into the Federation and there is an objection from the Spanish Federation which is supported wholeheartedly, because I have seen the letter, by the Spanish Government. What we are asking the Government is in that case, seeing that this is something extra than what it normally be a sporting event, which is what the



principle applies to, if they are prepared just to give the extra £2,000 that are required?

HON LT-COL E M BRITTO:

We could argue this forever. I have already said that the answer is no. We have made a decision, the decision is that we will fund in full a delegation of two people; that four are needed is a value judgement. Who says, if one accepts the argument of the hon Member, we should be sending 24 and not four, so where does one draw the line? The other side of the coin is that people should also be looking to provide funds to help themselves. We are prepared to fund in full a delegation of two and that decision has been taken.

HON A ISOLA:

Bearing in mind that the Minister has said that as a point of principle the answer is no and that two is enough. Bearing in mind also that it is Government policy, as a point of principle, I assume to take advice from experts and professionals and bearing in mind that in this case that the appropriate body happens to be GIFSA and that they view that in this case four people is the number that they need in order to put this very important case, should Government not take heed of that advice from GIFSA and agree to send four, after all the difference really is not very much money for the Government?

HON CHIEF MINISTER:

No, the expertise in question here is the expertise at political lobbying and the expertise at political lobbying is held by the Government in greater measure than it is held by GIFSA. Government's judgement is that Gibraltar's case will not be strengthened by sending more than two people. The strength of Gibraltar's case and the commitment of the Government of Gibraltar's case is not measured by the number of bodies that the Government agree to finance to send there. The fact of the matter is that traditionally sporting associations in Gibraltar have only sent one representative to such meetings. On this occasion we have agreed to finance two. It is, let me tell the House not the only support that the Government have provided; the Government have provided support through lobbying directly through Gibraltar Information Offices and the provision of political material that would enable the association to disarm the Spanish arguments much more effectively than would be the difference between two and four people. The sort of arguments that Gibraltar can deploy does not require numbers, it is a question of quality not quantity.

HON MISS M I MONTEGRIFFO:

Just one comment, I think that four heads are better than two.

NO. 131 OF 1997

THE HON MISS M I MONTEGRIFFO

**SPORTS DEVELOPMENT OFFICER**

Will the Government state the conditions of employment of the new Sports Development Officer?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government's Personnel manager has made an official offer of employment to Mr Paul Holden for a new post of Sports Development Officer within the Sports Department. Until Mr Holden communicates his intention to accept the offer, it is considered inappropriate to make public details of the conditions of employment.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1997

HON J J BOSSANO:

Can I ask whether the nature of the offer of employment is as a civil servant subject to the rules of the civil service?

HON LT-COL E M BRITTO:

No, the answer to that is no. The conditions will be based on the standard offered by Government to contract officers.

HON CHIEF MINISTER:

Which, of course, does not take him outside the category of civil servants, it simply makes him a contract officer on a non-permanent and pensionable but nevertheless still a civil servant.

HON J J BOSSANO:

So the answer is yes, instead of being permanent and pensionable what he is being offered is a position within the civil service subject to General Orders, Colonial Regulations and all the rest of it?

HON CHIEF MINISTER:

The answer is indeed yes.

NO. 132 OF 1997THE HON MISS M I MONTEGRIFFO**GIBRALTAR RIFLE ASSOCIATION - INDOOR RANGE**

Can Government confirm what is the estimated completion date for the construction of the annexe that is to house the indoor shooting range at Europa Point for the Gibraltar Rifle Association?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government are unable, at this stage, to confirm what is the estimated completion date for the construction of the Indoor Rifle Shooting Range at Europa Point as part of the Gibraltar Rifle Association shooting complex.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1997

HON MISS M I MONTEGRIFFO:

Can the Minister say who is undertaking the works?

HON LT-COL E M BRITTO:

I do not get directly involved in the allocation of work contractors so I am uncertain but I think it is Community Projects but I cannot confirm that.

HON MISS M I MONTEGRIFFO:

In the last House of Assembly which unfortunately I was not present but I did read the question and answers that was published in February the Minister said that he was going to contract by direct labour and that the Government would save money as a result of contracting out by direct labour. Is the Minister not in a position to know who the works are being carried out by?

HON LT-COL E M BRITTO:

As I said before, I am uncertain at this stage. If I said direct labour I may have meant in terms of Community Projects as opposed to Buildings and Works, for example, from within the Government.

HON MISS M I MONTEGRIFFO:

Therefore what the Minister is saying is that he thinks it is being carried out by Community Projects, will he confirm that in writing?

HON CHIEF MINISTER:

No, the Minister has said that he thinks but he cannot be sure. He will certainly confirm in writing whether his belief was right or wrong. If the hon Member wants to know who is doing the job that will certainly be confirmed to her in writing.

HON J L BALDACHINO:

The only thing why we want to know who is doing the job is precisely because in the last House the question which I asked in my hon Colleague's name the answer was that it would be done by direct labour and we want to know which direct labour is it?

HON CHIEF MINISTER:

If the reality is inconsistent with that answer no doubt the hon Member will think of a good explanation to answer for it.

NO. 133 OF 1997THE HON J C PEREZ**GIBTEL/NYNEX - COMPLAINTS**

Can Government state whether DGIV of the European Commission has replied to the request by Gibtel and Gibraltar Nynex for interim relief arrangements to be put in place whilst it considers the complaints lodged against Telefonica?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government can confirm that DGIV of the European Commission has not replied to the request by Gibtel and Gibraltar Nynex for interim relief arrangements to be put in place.

However, there has been a fundamental change in the facts as they were presented in the original Complaints. The Spanish State has confirmed to the European Commission that in not recognising '350' code, Telefonica was following instructions from the Spanish Government and not company policy.

This means that the Complaints now fall under a different provision of the European Community Treaty, namely Article 90.

To our knowledge, the EC has never granted interim measures in the context of Article 90 proceedings.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1997

HON J C PEREZ:

So what we were told the last time is not correct? The last time we were told that it had changed and it was now Article 90 and that we were asking for interim relief. Is the Minister saying that the Commission has now come back and said that under that Article one cannot ask for interim relief?

HON CHIEF MINISTER:

That is not what the answer says. What the answer says is that the nature of the case has changed. [*HON J C PEREZ: Again?*] No, it had changed. The position is still as it then was that as an Article 90 case the Commission had still not responded and has still not responded and of course it could, at any given time respond and give interim measures but we are not hopeful and neither are the companies because, in fact, according to the legal advice that the companies have received there is no previous case of an Article 90 case on which the Commission has given interim measures. So that although theoretically it is possible, the Commission has not answered but we are not hopeful for the reasons that I have just explained.

HON J C PEREZ:

Would it not help the case of Gibraltar to impress upon the Commission that the liberalisation of telecommunications in Gibraltar cannot take place on the 1 January 1998 unless and until the question of the numbering plan is resolved? Would that not put more pressure on the Commission which, I presume, wants to see European Union Directives applied in all territories of the European Union by the timescale permitted.

HON CHIEF MINISTER:

I was personally in the company with the Minister responsible for telecommunications when he explained precisely that to the Director General of DGIV, Competition Policy, Mr John Temple Lang, in almost exactly the same terms as the hon Member has just suggested. It has not so far had the effect of getting the full weight of the European Commission machinery swung behind Gibraltar's case. But we continue to work at it and it is a matter which the Government are taking seriously not just by the efforts we are making behind the scenes but by the political profile that we are trying to give the '350' issue generally in the international media as we have made political statements in the last two or three months in particular.

HON J C PEREZ:

Would there be a possibility of the United Kingdom as the Member State intervening directly on our behalf in support of the claims already lodged?

HON CHIEF MINISTER:

Now that Spain has made the case, a political case which is the effect of an Article 90 case, the possibility exists of both the Government of Gibraltar and the Government of the United Kingdom intervening and the Government of Gibraltar and the Government of the United Kingdom are discussing how that can best be done in tandem the one with the other. Certainly the Government are requesting the United Kingdom Government to bat for Gibraltar on this particular issue.

NO. 134 OF 1997

THE HON J C PEREZ

**NYNEX - ALLOCATION OF TELEPHONE NUMBERS**

Can Government state whether Nynex is already encountering problems in allocating telephone numbers to new customers?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Gibraltar Nynex is not encountering any serious problems in allocating telephone numbers to new customers.

SUPPLEMENTARY TO QUESTION NO. 134 OF 1997

HON J C PEREZ:

Can the Minister give us an indication of how many numbers are still available to Gibtel and Nynex before the numbers are exhausted in the existing numbering plan? Can he also give an indication of how many new numbers are issued a year so that we can have an indication of how many numbers are left and how many years are left?

HON LT-COL E M BRITTO:

The answer is yes, to the first question; and no to the second. As at the end of March 1997 there were 17,809 working telephone lines connected in Gibraltar. Currently there are 22,000 numbers available. The answer to the second question I would need notice of.

HON J C PEREZ:

Could the Minister please find out because that would give the House and, indeed, the Government, an indication of the time factor and the parameters which we are moving in? We have a situation where technology is moving in a way where numbers are allotted for teenage phones, faxes, telephones and new businesses coming in; one might have the situation that in a couple of years time we might not be able to service those customers if they do come.

HON LT-COL E M BRITTO:

The Minister is quite prepared to provide that information. This is the third request for information that I have received verbally in this House this afternoon so I would say to the hon Member and indeed to his hon Colleague please write to me specifying exactly what it is they want to know and I will write by giving them the information because I have already said yes to three, the Hansard is not printed until some time down the road and it is too easy to get the information wrong. Please write to me, ask me what they want to know on the sporting questions and on telecommunications and I will answer with the details.

NO. 135 OF 1997

THE HON J C PEREZ

**MOT TEST CENTRE**

Will Government confirm they are intending to extend the activities of the MOT Test Centre and that the old VTE building at Waterport is being made available for that purpose?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

EC Directive 77/143 as amended by a new consolidating Directive 96/96 EC relating to road worthiness test for motor vehicles and their trailers, is due to come into effect on 1 January 1998. This Directive requires that all private motor vehicles over four years old on 1 January 1998 must be in possession of a valid road worthiness certificate.

Our current legislation requires vehicles over 10 years old to undergo such test, and the current arrangement at the Motor Vehicle Test Centre, which can cope with 4,500 vehicle examinations annually, is almost at full capacity. An increase in workload will therefore require additional resources.

In view of this, Government will be extending the activities of the Motor Vehicle Test Centre to cater for the additional workload. It has also decided to use the VTE Distiller at the North Mole on a temporary basis for road worthiness testing until such time as major refurbishment is carried out at the Motor Vehicle Test Centre.

SUPPLEMENTARY TO QUESTION NO. 135 OF 1997

HON J C PEREZ:

Do Government propose to in any way change the fees for MOT tests?

HON LT-COL E M BRITTO:

Obviously the whole question of fees is under review because of the changes involved. Yes, they are under review, there is a possibility of change and in order to anticipate the next question from the hon Member, no I do not know what the fees will be.

HON J C PEREZ:

Are Government going to open up more vacancies for examiners to carry out the tests or does the Minister think he can cope with the staff he has to be able to implement the Directive by January 1998?



HON LT-COL E M BRITTO:

As I indicated in my answer an increase in the workload will require additional resources.

HON J C PEREZ:

So that means the vacancies will be opened internally first?

HON LT-COL E M BRITTO:

It is estimated that there will be a need for additional resources but what the mechanics are for those resources I am not in a position to say yet. But, of course, that is the agreement with the union so I assume that that is what we will do.

NO. 136 OF 1997

THE HON J C PEREZ

**KING'S BASTION - RELOCATION OF ELECTRICAL SECTIONS**

Have Government now decided where they are to relocate the Electrical Sections which still operate from King's Bastion?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, Government have decided that the old PWD Stores site at the northern end of Rosia Road is to be converted into a depot which will accommodate the bulk of the facilities presently at King's Bastion and at Orange Bastion. Provision for this conversion has been made in the Estimates of Expenditure for the year 1997/98.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1997

HON J C PEREZ:

May I depart from the question and congratulate the Minister for having taken a year to decide what was proposed a year ago but we welcome that.

MR SPEAKER:

That is not a question.

HON J C PEREZ:

I was asking whether I could depart to say that.

ORAL

NO. 137 OF 1997

THE HON J C PEREZ

**NYNEX/TELEFONICA - FLAG CABLE**

Can Government state whether Gibraltar Nynex has completed all the necessary arrangements with Telefonica to ensure Gibraltar has unimpeded access to the FLAG Telecoms cable via the Estepona Landing Station?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Gibraltar Nynex has made the necessary arrangements with Telefonica to link up with the FLAG cable via the Estepona Landing Station.

NO. 138 OF 1997

THE HON J L BALDACHINO

**CHILTON COURT AND EDINBURGH HOUSE**

Have the Government now been provided by the MOD with the probable date on which Chilton Court and Edinburgh House will be transferred?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Ministry of Defence have confirmed that they intend to transfer to the Government of Gibraltar Edinburgh House excluding two blocks of this housing estate by the end of April 1997. The remaining two blocks of Edinburgh House and Chilton Court are earmarked for transfer in December 1998.

SUPPLEMENTARY TO QUESTION NO. 138 OF 1997

HON J L BALDACHINO:

My question also mentions Chilton Court. Has Chilton Court not been transferred? What about Chilton Court?

HON P C MONTEGRIFFO:

There are two blocks in Edinburgh House that are not being transferred now and they will be transferred in December 1998 together with Chilton Court.

HON J J BOSSANO:

Could I ask, when we asked about the transfer of Edinburgh House before I think it was the Minister for Housing who said that a survey was being done. Presumably the Government now have the survey of what is going to be transferred. On the basis of that survey can they say how soon it will be possible to make use of those houses? What sort of state they are in?

HON P C MONTEGRIFFO:

The Government are still deciding the detail of how the housing that will become available will be used. The survey was essentially a condition survey and it does identify the need for work but I would not want to anticipate what that work is or the cost because it did identify that of course one can refurbish to different levels of standard and the Government have not decided what level of refurbishment will in fact be undertaken. So the survey is complete in respect of the property being handed over; it does make some tentative suggestions of the work required; has tentative costings but this is a matter which in the general discussion taking place within Government is being looked at and will have a bearing on the timing and methodology of the granting and allocation of the housing units.

HON J J BOSSANO:

Can the Minister say how many units there are in the part that is being handed over now without the two blocks?

HON P C MONTEGRIFFO:

I would not want to advance, I think actually that was subject to an earlier question some time this year but I can certainly provide the details. There are 100-odd, I can certainly confirm exactly the figure because I want to make sure that the two blocks that are excluded are not ones that I would give him in the reply.

HON J J BOSSANO:

Is it still intended that when refurbished they will be allocated by the Housing Allocation Committee?

HON P C MONTEGRIFFO:

I repeat that the Government have certain commitments with regard to Edinburgh House, commitments that are contained in our electoral manifesto. The detail of those arrangements, the allocations are not decided and Government will be announcing these in due course. I am not now in a position to want to anticipate anything further than I have said.

HON J L BALDACHINO:

Am I correct that the Government are paying no money to the MOD for the transfer of these blocks?

HON P C MONTEGRIFFO:

The position of the Government on this issue is well-known to hon Members generally and the transfer is on the basis that the Government will make no payment. There will, in fact, I might anticipate be a practical delay in the hand-over, it is not actually taking place tomorrow and the delay is in ensuring that the transfer documents are such that they are in an entirely acceptable form from the Government's point of view precisely to deal with the very issue that the hon Member has raised.

ORAL

NO. 139 OF 1997

THE HON A ISOLA

### DISPLAY OF PRICES IN PESETAS

What action do Government intend to take in respect of the apparently increasing trend for retailers to give discounts on the displayed prices to customers paying in pesetas but not in sterling?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

There are no provisions in Gibraltar legislation to enable the Government to take any effective action in respect of the apparently increasing trend for retailers to give discounts on the displayed prices to customers paying in pesetas but not in sterling.

SUPPLEMENTARY TO QUESTION NO. 139 OF 1997

HON A ISOLA:

Do Government intend, in any way, to afford a level of protection to Gibraltarians and others who are being discriminated against from paying in their own currency in shops in Gibraltar? Do Government intend to do nothing about it at all or to consider what they could possibly do through legislation if necessary?

HON P C MONTEGRIFFO:

I have indicated to the hon Member that there is no legislation available which would empower the Government to take action of the type in question. Certainly if the Government are asked for an opinion, the Government consider it unacceptable that any such discrimination should exist and I cannot imagine that there could be anybody in the trading community that would think that any Member of this House can say anything different. But the distortions caused by an economy that has a lot of foreign currency within it can occur for many reasons. We cannot control the rate of exchange that retailers choose to give to individual transactions and as hon Members well know, with the fluctuation of the peseta/pound rate, those distortions often work one way and then work the other way. Certainly it is not a trend the Government would in any way endorse. I have certainly made reference to that in an interview on television last week. But we recognise that we have no legal powers to intervene; all we can do is express the view that behaviour of this type should not be encouraged by the trading community because, frankly, it is a disservice to the local consumer who ultimately is what has kept the trading community afloat over many years.

HON A ISOLA:

Will Government convey their disapproval of that practice to the Chamber of Commerce?

HON P C MONTEGRIFFO:

With what I have said today I assume that no doubt will remain as to what our views are. In the on-going discussions that we have with the Chamber I am sure the matter will be raised. There is enough local controversy for the Chamber to be left in no doubt as to the strength of feeling generally. But we have to draw a line between sentiment and what politically we think is desirable and what the Government can commit ourselves to do in view of the legal environment in which we operate.

HON J J BOSSANO:

In terms of the legal environment, is it not in fact de facto a situation where people are being overcharged if they pay in sterling compared to the price they pay in pesetas if we have got a situation where the price is marked as required presumably by law displayed in sterling and in fact a discount is being given for paying in a foreign currency is there not, from the point of view of the consumer, an overcharging in sterling as compared to the foreign currency?

HON CHIEF MINISTER:

I think on a proper analysis the conjuncture is not one of a discount, on a proper analysis what is happening is that the retailer is changing the peseta for pounds, is attaching to the particular transaction an exchange rate which is different to the one that banks would apply and that on a proper analysis is what is happening. In other words, the retailer is saying, "Although the exchange rate is so much I will exchange your currency at a different rate" and, of course, to that extent there is no discrimination because a locally resident customer could do the same thing as one very resourceful lady appears to have done in one local leading department store. I would have thought that this was not a practice that local trade is going to carry on for very much longer unless they couple it with the practice of not allowing a refund or not allowing refunds for goods returned. Let me just repeat what the Minister has said. This is not something which the Government support, I think that the logical consequence of this is that we could end up being a peseta based economy as opposed to a sterling based economy and there are both economic and political reasons why the Government would not wish to see this practice proliferate. On the other hand, the Government have a degree of sympathy for traders to find imaginative ways to survive what is hopefully a temporary period of unfavourable exchange rates which makes Gibraltar particularly unattractive to peseta based shoppers. But certainly the Government do not encourage this; the Government will make it clear to the Chamber of Commerce as a reading of Hansard today will make it clear to them and, indeed, as the comments already made publicly by the Minister for Trade and Industry that this is not a practice that the Government endorse or would like to see proliferated or continued for any sustainable period of time.

HON J J BOSSANO:

Surely, however imaginative it may be to by virtue of exchanging the pesetas into pounds at a lower than the going rate giving people a 15 per cent discount, it would not require less imagination to also give 15 per cent of the sterling purchase, surely and there is nothing to stop the businessman doing that and then the controversy would end?

HON CHIEF MINISTER:

Yes, indeed, and it would be the Government's view that that is what should happen. That the way to respond to uncompetitiveness is to reduce one's profit margin for all one's customers and not simply for some. That would be, by far, the Government's preferred option.



NO. 140 OF 1997

THE HON A ISOLA

**DTI - NEW POST, FINANCIAL SERVICES DIRECTOR**

What are the terms of engagement to be offered to the recently advertised position at the Department of Trade and Industry of Financial Services Director?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As indicated in the advertisement for the post the terms of engagement will be subject to negotiation with the successful applicant.

SUPPLEMENTARY TO QUESTION NO. 140 OF 1997

HON J J BOSSANO:

Do the Government have a ceiling on what the successful applicant may aspire to?

HON P C MONTEGRIFFO:

The ceiling is only what is thought in the Government's judgement to be appropriate. If he wants me to come up with a figure there is no figure. I am sure that the hon Member would not expect there to be a figure. The terms of engagement will be negotiated, it would be imprudent and therefore quite inappropriate for any details of Government's thinking or ceiling to be mentioned in this House and in public.

HON J J BOSSANO:

Am I correct in thinking that as in the case of the appointment in the Sports Officer this would be a contract officer employed by the Crown and therefore a civil servant contract officer?

HON P C MONTEGRIFFO:

No, the hon Member would not be correct. It is more than probable that this individual would be employed by the Gibraltar Development Corporation.

NO. 141 OF 1997

THE HON A ISOLA

**GOVERNOR'S COTTAGE CAMP - WORKSHOP UNITS**

Have Government now made available to the public the units at Governor's Cottage Camp which were formerly opened in November 1996?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The advertising of the workshop units at Governor's Cottage Camp is now imminent. The Units will be allocated during the month of May 1997.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1997

HON A ISOLA:

Is there any reason for the delay in having the units allocated bearing in mind they were completed almost six months ago?

HON P C MONTEGRIFFO:

I did report to the House the last time this matter was raised that the delay as it had then occurred was as a result of further connections to the electricity supply that had to be made. I very much regret there has been delay since then and to a large extent it has simply been our inability to structure the arrangements in Governor's Cottage with regard to the licensing arrangements, with regard to the assistance of support on sight to the start-up units. These have been delays that we would like to have avoided, there is no technical or other reason, it is simply the fact that sometimes things take longer than we would like. I would have liked to have been able to have made these units available before next month. There is a need, we are being flooded by people interested in these units and therefore we are very keen to put them out to these applicants and to get activity going.

NO. 142 OF 1997

THE HON MISS M I MONTEGRIFFO

**STREET MARKET**

Can Government confirm that they will allow the Street Market to remain in its present location?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government cannot confirm that we will allow the Street Market to remain in its present location.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1997

HON MISS M I MONTEGRIFFO:

Can the government therefore say where they intend to move the Street Market to and when?

HON P C MONTEGRIFFO:

I think that Members of the House are generally aware of the preference that has been expressed with regard to the movement of the Street Market to the location at Fish Market Road. The matter is one which requires discussion with the Street Market Association; it is a matter which will have to be dealt with. I do not think that there is more to be said at this stage. We can confirm that the Street Market will not remain in its present location but to say anything further at this stage would be to anticipate discussions that I would like to have with the Association in their attempt to take them through the proposed changes.

HON MISS M I MONTEGRIFFO:

Can the Minister say whether there are any further options to move the Street Market rather than solely to Fish Market Road?

HON P C MONTEGRIFFO:

There will be further options. I would not want to anticipate those because I have not personally sat down with the Association yet but we will certainly have an open mind with regard to various possibilities. Not everything will be possible but it is not as though there is only one option and nothing else.

HON J C PEREZ:

I take it that the deadline has been removed and that the Minister has now gone back to his declared policy of dialogue in dealing with this problem?

HON P C MONTEGRIFFO:

We will try to work on the basis of no deadlines but there is a policy directive from the Government on this matter; we know what we want to achieve and therefore we assume that with dialogue results will be obtained within a reasonable time scale but it is not with deadlines or with pistols that we approach this matter in the discussions with organisations.

HON MISS M I MONTEGRIFFO:

Can the Minister give an indication of when he expects to meet with the Street Market Association?

HON P C MONTEGRIFFO:

As soon as I am able within diary constraints. I certainly hope it will be literally in the course of the next couple of weeks.

ORAL

NO. 143 OF 1997

THE HON J C PEREZ

**SANDY BAY - SHUTTLE ARRANGEMENTS**

Can Government specify the shuttle arrangements it is to put in place for access to Sandy Bay via the Dudley Ward Tunnel?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are pursuing, through the Traffic Commission, the option of extending bus route No. 3, which currently stops at Europa Point, through Dudley Ward Tunnel to Sandy Bay. It is hoped that this new arrangement will be in place prior to the start of the works, in any case, the current arrangement whereby Government provide a shuttle service for the residents of Both Worlds could be extended until the new arrangements have been introduced.

NO. 144 OF 1997

THE HON J C PEREZ

**AFRO-ASIAN SATELLITE STATION**

Can Government state whether the Afro-Asian satellite station project is still going ahead, and if so, whether Gibraltar is still to be used as one of two Main Telecom Gateways?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

ASC has given this Government assurances to the effect that the project is still going ahead. ASC is, however, still not back in contract with Hughes, but has informed the Government that it expects to be back in contract shortly. ASC has recently confirmed that Gibraltar is to be used as one of the main Telecom Gateways.

NO. 145 OF 1997

THE HON J C PEREZ

**ELCOR GROUP/AFRO-ASIAN SATELLITE PROJECT**

Can Government state whether they are confident that the Heads of Agreement recently signed with the Elcor Group of Companies is not in conflict with the Memorandum of Understanding in place in respect of the Afro-Asian satellite project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Government are confident that the Heads of Agreement signed with the Elcor Group of Companies is not in conflict with the MOU entered into with ASC on the 27 May 1994.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1997

HON J C PEREZ:

Is that because the Minister thinks that the exclusivity does not hold water? Because if I recall well there was an exclusivity of a project of the same nature coming to Gibraltar and as the Minister has expressed the Elcor project it has to do with providing mobile telephony from a satellite which is exactly the same concept as the Afro-Asian satellite project and I recall that there was a clause in the Memorandum of Understanding with Afro-Asian project which prohibited us from entering into interim or long-term arrangements with a group for the same purposes as they had done, for exactly the same purposes whilst the Memorandum of Understanding was still in force.

HON P C MONTEGRIFFO:

The first point I would make is that the agreement between the Government and ASC, at least the MOU, the one to which the hon Member refers, is in fact confidential; there is a confidentiality clause in the Agreement and the hon Member has perhaps spoken of matters that might be covered by the confidentiality arrangement, but having mentioned the matter, this Government are very much of the view that the proposed exclusivity was unenforceable and illegal and the hon Member will no doubt recall that the purported exclusivity was in fact heavily qualified by virtue to EU and other matters.

HON J C PEREZ:

Therefore not illegal?

HON P C MONTEGRIFFO:

Well, at least not enforceable, therefore in no way inhibiting subsequent arrangements of the type we have entered into with Elcor. There are other aspects indeed of the arrangements entered into by the previous administration which we have sought to redo but I will not delve into those since they are not related to any of the matters that he has raised.

HON J C PEREZ:

So both of the projects are in fact to provide the same type of service although not in Gibraltar but elsewhere. It is the same concept, it is providing a mobile telephony service from mobile to satellite.

HON P C MONTEGRIFFO:

That is correct. There are of course various distinctions in the detail and one of the broad distinctions is that in general terms the Elcor project looks towards Africa whilst the ASC that originally had an African angle and also Asia are seem to have been dedicated to Asia with the African continent having been left to one side. So there is a major geographical difference of focus in the two projects but in terms of what they are going to provide, it is mobile telephony broadly along the lines that the hon Member has explained.

HON J C PEREZ:

Could the Minister perhaps, as a matter of information, give us the extent of the name of Elcor, it has not been publicised what the letters represent?

HON P C MONTEGRIFFO:

The letters do not represent anything, the name is Elcor. It is a company in Gibraltar, that I believe is Elcor Satellite (Gibraltar) Ltd. In any event I do believe it was referred to in our press release, it is a company that can be searched in Gibraltar, it is a normal Gibraltar company. Elcor, let it be said, is a company that is incorporated specifically for this project and it will bring on board partners, including partners from South Africa, that will add various elements of expertise in matters such as marketing and sales. So there will be other companies that will not formally form part of a consortium with Elcor but which will be business partners that will have an important role to play in the expansion of the business.



NO. 146 OF 1997

THE HON J C PEREZ

**GE CAPITAL SATELLITES (GIB) LTD**

What is the expected direct annual income to Government of the recently signed contract with GE Capital Satellites (Gib) Ltd and in respect of what?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

This is still a matter of negotiations. However, this Government's policy is neither to accept a peppercorn rent for the use of Crown Lands, nor to accept a nominal licence fee for each satellite earth station.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1997

HON J C PEREZ:

So the agreement has been signed and that has not been settled yet?

HON P C MONTEGRIFFO:

That is correct. The Heads of Agreement established various parameters within which the operation would be established. Details of three aspects relating to the finance of the operation require to be finalised and those three aspects essentially are licence fees, taxation issues and rents/rates. The Government have, in broad terms, a view of what we believe a project of this nature should deliver economically, over and above employment and ancillary activity of that type and we are in advanced discussions with GE on this issue. We would hope very much to finalise those details shortly so as to be able to move on then to a definitive agreement with the company.

HON J C PEREZ:

Certainly those issues had not been resolved yet when we were in office, and still in negotiation with them. But I am dumbfounded by the reply of the Minister since he has been boasting for a year that he had bettered the agreement and he still has not negotiated what the income to the Government of the agreement is.

HON P C MONTEGRIFFO:

I do not normally like to be aggressive unless provoked beyond a certain point. Frankly the position we inherited from the previous administration on GE was an absolute disaster. The previous Government.... [*HON J C PEREZ: That is total nonsense.*] Let me explain and I will show him why. We had a situation where the previous Government had offered GE a 125 year lease; the first 30 years of which would be at a peppercorn rent, no rent for 30 years and where the licence fee for a satellite station was to be £10,000 and this Government have made considerable efforts to substantially improve the commercial environment within which GE now regards itself as coming into Gibraltar. The only thing that prevents us from being

somewhat more explicit about the level of return that we are confident we will get is the fact of the details, the details have not been finalised but I can assure the hon Member that Gibraltar will be receiving much more in terms of contributions directly than GE thought they could get away with prior to the 16 May last year.

HON J C PEREZ:

GE might have thought that they would get away with it but there was no definitive agreement on any of the issues that the Minister has been stating, there was no offer and there were proposals and there were all open for discussion and for negotiation and the Minister is wrong to suggest that the previous administration entered into any sort of agreement in these areas with GE American. He is trying to distort the situation for political advantage and that is wrong, Mr Speaker.

HON P C MONTEGRIFFO:

I have gone well beyond the point of trying to score political points on issues of this nature. *[HON J C PEREZ: No, he is innocent.]* No, this is a project we want to bring to Gibraltar. It is a project we have been candid enough to confirm was not attracted to Gibraltar by this administration, it was attracted to Gibraltar during the tenure of the last. *[HON J C PEREZ: How very generous.]* This is a fact but I will tell the hon Member with the same candour that the arrangements entered into by the previous administration were partly the best, which in our judgement, could be obtained and, indeed, experience has borne that out. Experience has demonstrated that GE is willing to pay more, that the benefit to Gibraltar will be considerably more than was envisaged on 16 May; perhaps the Opposition Members in their attempt to rush to success before the election were trying to deliver projects without the proper time that these projects would have deserved. But I do not seek to make capital one way or the other, Mr Speaker. I am simply clarifying the fact that we believe we will extract for Gibraltar, for all of us, more benefit than was on the table on the 16 May 1996.

HON J C PEREZ:

Definitely the Minister is right, there are more benefits because there were none on the 16 May because it had not been finalised. If the previous Government had wanted to take advantage of the fact that there was an election, we would have irresponsibly gone through it quickly and get it done. The Minister kept the same solicitor, the same people dealing with the contract, everything was a continuation of what was happening and none of it was closed. So the Minister is not right in insinuating that he has bettered the agreement and I am glad for Gibraltar that the agreement is done and what I am trying to extract from the Minister, which he clearly cannot tell me today, is how much Gibraltar is going to earn. I hope that when the Minister gets the details he will be able to make them public and he is not stopped by a confidentiality clause from making public the benefits to Gibraltar from the project.

HON P C MONTEGRIFFO:

Frankly, what I can tell the hon Member is that the benefits will be way in excess of what GE believed it had achieved from the previous administration and I have indicated to him what it was and the civil servants and the man who was dealing with this matter informed the Government that this was indeed the arrangement the

previous Government purported to enter into with GE and the arrangements included, among other things, 30 years at a peppercorn rent. In other words, 30 years of the land for free and a licence fee of £10,000. That is the information we have, that was the basis upon which we were advised by the land agents, by the civil servants that the matter had been left on the 16 May. We regarded that as an absolute disaster, inept negotiation, a deal which would have been bad for Gibraltar. We have made, in our view, considerable progress in bettering these arrangements and, frankly, the hon Member should take credit when credit is given, the fact that GE came into Gibraltar prior to the 16 May but also recognise that the deal to the extent to which it had been elaborated by the 16 May was bad and that it has been improved and that will be demonstrated in due course.

HON J C PEREZ:

The deal was not closed, everything was up for negotiation and the Minister is talking through his teeth. He is ill-informed if he is being told, as he suggests, by people in the service that there was any deal for anything. Nothing was closed, everything was open and he can get confirmation from Mr Paul Canessa and he can get confirmation from Mr Tony Provasoli who was the lawyer dealing with it and who continues to deal with the deal after that.

HON P C MONTEGRIFFO:

These are the very people with whom we are working. Unless these people have chosen to mislead their new Minister to paint a picture which is wholly unfair to the last administration, something which I do not believe either Paul Canessa or Tony Provasoli would be capable as individuals, let alone anything else. I think it is very odd. It is very odd that they have chosen to distort completely.... [*HON J C PEREZ: Well, it is definitely very odd, there are two versions to the story, yes.*] The version I have is the version of everybody else who has been involved in this other than the former Minister.

NO. 147 OF 1997

THE HON J C PEREZ

**LICENSING DEPARTMENT - DRIVING LICENCES**

Have the Government been made aware that Spain considers that the recently issued driving licences in Gibraltar are in breach of EU requirements?

ANSWER

THE HON THE CHIEF MINISTER

There has been no direct or indirect approach from the Spanish Government or any Department in Spain responsible for traffic matters in respect of the new issue of the Gibraltar driving licence.

Several instances of Spanish Nationals encountering difficulties with the Spanish Authorities for driving in Spain with Gibraltar issued licences and of refusals to exchange Gibraltar issued licences for Spanish ones have been reported to the Licensing Department and to the Motor Vehicle Test Centre.

NO. 148 OF 1997

THE HON J J BOSSANO

**INCOME TAX - COMPANY TAX**

Can Government state how much of the company tax collected in the financial year 1996/97 was in respect of amounts due in the current year and how much in respect of amounts relating to preceding years?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of corporation tax collected in the financial year 1996/97 was £10,224,298. Of this £1,438,682 was in respect of assessments raised for the tax year 1996/97. £8,785,616 was in respect of assessments raised for other years.

SUPPLEMENTARY TO QUESTION NO. 148 OF 1997

HON J J BOSSANO:

When I asked for the figures at the seventh month point in the financial year the Government provided me with a breakdown for the equivalent of the £8 million of preceding years showing how much was for 1995/96 and so on going back to 1991/92. Can the same information now be provided for the full year?

HON CHIEF MINISTER:

It can, Mr Speaker, and it is as follows: 1988/89 - £25,284, there is a second figure for 1988/89 of another £5,829; 1989/90 - £36,417; 1990/91 - £58,832; 1991/92 - £68,073; 1992/93 - £207,308; 1993/94 - £1,255,309; 1994/95 - £1,380,226; 1995/96 - £5,748,266; and the figure for 1996/97 which is given in the main answer is £1,438,682.

NO. 149 OF 1997THE HON J J BOSSANO**INCOME TAX - PAYE**

Can Government give a breakdown of PAYE collected in 1996/97 showing the amounts collected in respect of employees in -

- (a) MOD
- (b) Gibraltar Government
- (c) Government owned and joint venture companies
- (d) Private sector employment

and the comparable figures for 1995/96?

ANSWERTHE HON THE CHIEF MINISTER

I will mention first the item and then two sums; the first is the 1995/96 figures for that item, and the second is the 1996/97 figure for the same item.

MOD	4,351,292	4,987,514
Gibraltar Government	13,091,720	13,849,180
Government owned and joint venture companies	1,932,836	2,034,802
Private sector employment	<u>20,846,374</u>	<u>22,551,170</u>
Total	<u>40,222,222</u>	<u>43,422,666</u>

NO. 150 OF 1997

THE HON J J BOSSANO

**INCOME TAX - PAYE ARREARS**

Can Government state what was the amount of arrears of PAYE for the tax year 1995/96 and the amount in respect of the previous years as at 31 March 1997?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of arrears of PAYE as at 31 March 1997 stood at £3,567,749 of which £1,130,246 was in respect of tax year 1995/96.

I am not sure but this question asks for the arrears in respect of previous years as at 31 March 1997, in other words, the hon Member may be interested in the information which I have which is the breakdown for all the years. So if he wants to follow the list of years as before in respect of 1995/96 it is the figure that has been mentioned. In respect of 1994/95 it is £529,817; 1993/94 it is £457,023; 1992/93 it is £635,673; 1991/92 it is £322,758; 1990/91 it is £335,117; 1989/90 it is £115,552; 1988/89 it is £41,563.

NO. 151 OF 1997

THE HON J J BOSSANO

**INCOME TAX - PAYE COLLECTED**

Can Government give a breakdown of PAYE collected in 1996/97 showing the amounts in respect of current PAYE and the amount in respect of arrears of previous financial years and the comparable figures for 1995/96?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of PAYE tax collected in the financial year 1996/97 was £43,422,666 of which £24,982,289 was in respect of the tax year 1996/97 and £18,440,377 was in respect of previous tax years.

In the financial year 1995/96 the total amount of PAYE tax collected was £40,222,222 of which £23,270,320 was in respect of the tax year 1995/96 itself and £16,951,902 was in respect of previous tax years.



NO. 152 OF 1997

THE HON J J BOSSANO

**GENERAL SINKING FUND - FORECAST OUTTURN**

Can Government state what is the forecast outturn of the General Sinking Fund for 1996/97, giving details by item of revenue and expenditure?

ANSWER

THE HON THE CHIEF MINISTER

The receipts of the Fund are forecast at £14.9 million and the payments at £15.4 million.

Taking into account the balance of £0.5 million brought forward from the previous year, the forecast closing balance of the General Sinking fund at the end of the financial year 1996/97 is £10,000.

Details of the receipts and payments are set out in a copy of the General Sinking Fund Account for the year ended 31 March 1997 which I am happy to hand to the hon Member unless he wants me to read the whole two page items to him.

**SPECIAL FUNDS**  
**GENERAL SINKING FUND**  
**ACCOUNTS FOR THE YEAR ENDED 31 MARCH 1997**

**FUND ACCOUNT**

**RECEIPTS**

Receipts under Section 2 of the Public Finance (Control and Audit) Ordinance (General Sinking Fund) Order 1995		£10,370,434.56
Ground & Sundry Rents		£1,534,570.24
Exempt Company Tax Receipts		£2,245,882.13
Stamp Duty Receipts		£701,365.40
Premia on Assignments		£13,760.00
Contribution in accordance with Section 5(c) of the Gibraltar Electricity Fund Regulations, 1992		£12,000.00
Interest Earned		£98,312.71
		<u>£14,976,325.04</u>

**PAYMENTS**

Land Property Services - Fees			
Ground & Sundry Rents	£269,041.00		
Stamp Duty Collections	<u>£209,150.00</u>		
		£478,191.00	
Loan Repayments:			
Redemption of Capital Bonds	£14,660,650.55		
UK/GIB Loan	<u>£313,959.92</u>	£14,974,610.47	
Debenture Repayment:			
9 1/2% T& EDF Reg Debs 1999		<u>£14,000.00</u>	
			(£15,466,801.47)
Net Payments			<u>(£490,476.43)</u>

**INVESTMENT ACCOUNT**

**INCREASE IN INVESTMENTS**

Interest Earned		£98,312.71
		<u>£98,312.71</u>

**DECREASE IN INVESTMENTS**

Net Sale of Investments		(£588,789.14)
Net Decrease in Investments		<u>(£490,476.43)</u>

**SPECIAL FUNDS**  
**GENERAL SINKING FUND**  
**ACCOUNTS FOR THE YEAR ENDED 31 MARCH 1997**

**BALANCE SHEET AS AT 31 MARCH 1997**

**ASSETS**

Investments on 1 April 1996	£500,392.98
Net Decrease in Investments during the period	<u>(£490,476.43)</u>
Investments on 31 March 1997	<u>£9,916.55</u>

**FINANCED BY**

Fund Account Balance on 1 April 1996	£500,392.98
Net Payments during the period	<u>(£490,476.43)</u>
Fund Account Balance on 31 March 1997	<u>£9,916.55</u>

**GENERAL SINKING FUND**  
**STATEMENT OF INVESTMENTS ON 31 MARCH 1997**  
**SHOWING MARKET VALUE ON THAT DATE**

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31 03 97
Gibraltar Savings Bank: On-Call Investment Account	£9,916.55	£9,916.55	£9,916.55

ORAL

NO. 153 OF 1997

THE HON J J BOSSANO

**DIRECTOR OF MEDIA AND PUBLIC RELATIONS**

Can Government confirm when Mr Cantos gave up his position as a Director of the Gibraltar Chronicle?

ANSWER

THE HON THE CHIEF MINISTER

Mr Cantos resigned from the Gibraltar Chronicle as a Director on 5 September 1996.

NO. 154 OF 1997

THE HON J J BOSSANO

**GIBRALTAR IDENTITY CARDS**

Can Government state what reply has been given to the UK Government by the European Commission in respect of the validity of Gibraltar Identity Cards as travel documents through the territory of the European Union?

ANSWER

THE HON THE CHIEF MINISTER

The European Commission has accepted Her Majesty's Government view that the Gibraltar ID Card is valid for both travel and residence purposes under the terms of EC legislation. The Commission wrote to Member States asking them to confirm that they will accept this card for travel. A number of them, including Spain, have not yet done so.

SUPPLEMENTARY TO QUESTION NO. 154 OF 1997

HON J J BOSSANO:

I take it that the United Kingdom is pressing the Commission so that those Member States that have not replied will reply?

HON CHIEF MINISTER:

What I can tell the House is that Her Majesty's Government informed me that they remain in touch with the Commission about getting this problem resolved.

HON J J BOSSANO:

How long is it since the Commission informed the United Kingdom that it accepted the validity of our Identity Cards and that it had written to Member States?

HON CHIEF MINISTER:

I do not have the information as to the date but it is certainly many months ago so I suppose it is an answer that suffices for the purposes of the hon Member's next supplementary.

HON J J BOSSANO:

Yes, does it mean then that if nobody answers that is where it stays?

HON CHIEF MINISTER:

No, that is certainly not the position of the Gibraltar Government that is pressing the United Kingdom Government to pursue the Commission to take whatever action is necessary for this problem to be resolved. Neither the Commission nor the United

Kingdom have yet seen fit to take any more aggressive action than the simple writing of letters and receiving some replies but not others. That position is not satisfactory as far as the Government of Gibraltar are concerned. Gibraltar's rights are not simply that matters should be raised but that they should be raised and followed up and followed up to a satisfactory and law abiding conclusion.

HON J J BOSSANO:

Are the Government aware that in fact some years ago the same procedure was followed and the Commission wrote to Member States seeking confirmation of their acceptance?

HON CHIEF MINISTER:

I am not specifically aware of that but I am grateful to the hon Member for having furthered my education.

HON J J BOSSANO:

Is in fact the case then that Spain has not formally told the Commission that it does not accept the ID Cards?

HON CHIEF MINISTER:

The information that the Government have is that Spain has not yet written to the Commission confirming that they will accept the card. I am not in a position to break that information down further as to whether that is a simple omission to do so or an omission to do so in satisfactory terms. But whatever they may or may not have done to the Commission they have certainly made their position crystal clear in public which is that they do not accept and have no intention of accepting the Gibraltar issued Identity Card as a valid travel document and therefore there would seem to be ample case to move on to the next stage of the procedure, whatever that might be.

HON J J BOSSANO:

Can Government say whether it is possible, as far as they are aware, for an individual citizen to complain to the Commission over the refusal to accept his ID Card as a travel document? Is that a route open to an individual?

HON CHIEF MINISTER:

The Government are seeking legal advice on that very question and in preparation for whatever may be necessary for the document the next stage of the procedure, whether it is taken by the Commission or whether it is taken by an individual or whether it is taken by the issuing administration, namely Gibraltar or the United Kingdom as the relevant Member State Government, the Government of Gibraltar have tested the Spanish refusal to accept by despatching an individual bearing such card across the frontier in the company of a notary who has recorded in a notarial certificate the Spanish Police refusal to admit the holder bearing that card.

HON J J BOSSANO:

Would the Chief Minister agree to inform me when he has been given a legal opinion whether it is possible for an individual to pursue this case without having to wait until the next opportunity to put questions, if it happens before that date obviously?

HON CHIEF MINISTER:

I will certainly do that.

NO. 155 OF 1997

THE HON J J BOSSANO

**BRUSSELS VISIT**

Can Government state what was the total cost of the visit to Brussels which took place in January 1997?

ANSWER

THE HON THE CHIEF MINISTER

The total cost of all items of expenditure associated with the visit was £53,000.

SUPPLEMENTARY TO QUESTION NO. 155 OF 1997

HON J J BOSSANO:

I assume that in the judgement of the Government that level of expenditure was needed as compared to the expedition by GIFSA to fly the Gibraltar flag in Luxembourg?

HON CHIEF MINISTER:

The answer to that question is yes. Indeed, such was the Government's pleasant surprise at the political value accruing to Gibraltar from that expedition that we would have thought it worthwhile at twice that sum of money.



NO. 156 OF 1997

THE HON J J BOSSANO

**COMPANIES WITH GOVERNMENT CONTRACTS**

Can Government list the companies with Government contracts who are now required to fill vacancies by the Government Personnel Department selecting the successful applicants?

ANSWER

THE HON THE CHIEF MINISTER

There is no list as such. The policy of the Government so far is that recruitment by Government owned companies and by other companies providing public services on contract with Government on terms where the contract provides for remuneration linked directly to labour cost, should follow recruitment procedures approved by the Government. However, contrary to what the question states, this does not involve Government's Personnel Department selecting the successful applicants.

SUPPLEMENTARY TO QUESTION NO. 156 OF 1997

HON J J BOSSANO:

Do the Government not agree that the Press Release that they issued stated that the applicants had been interviewed by the Personnel Department in the case of the vacancies in the Air Terminal and that this policy would be extended to other companies with contracts where payment was made from public funds, and if so, which are the companies that fall into this category?

HON CHIEF MINISTER:

In the first place, it does not relate to the Air Terminal, it related to Security and Immigration Limited. In the second place, the hon Member is quite right, the Government's Press Release did say that the Personnel Manager had interviewed but of course there is a difference between interviewing and selecting. The Government participated, the Government established what the recruitment procedure should be; advertisement followed by interviews and it is true that the Government's Personnel Department participated in the interviews together with Directors from the companies in question and the selection process was made by a recruitment board consisting of representatives both of the Personnel Department and the Director of the company in question. So although the Government's Personnel Department participated in the selection process, it did not itself make the selection. As to the companies involved, the answer makes it clear that the policy is a blanket one in relation to Government owned companies and it has been extended so far to those non-Government owned companies, those contractors of the Government, for example, Security and Immigration Limited which is not a Government owned company but the contract between the Government and Security and Immigration Limited says that the Government will increase the contractual sum payable to the company by the amount of the labour cost rises. So in effect the company is a little more than a conduit for the payment of salaries that

is actually being paid directly by Government monies. The position may be different in a case where the company has a contract for an amount with the company and the Government absorbs labour costs out of its own profit margin or non-profit margin but the Government have not yet made a decision whether we will extend the policy beyond that which is why the answer says so far the Government have not yet decided whether to extend the policy beyond the position where it has taken it so far which is Government owned companies and companies where the money flows under the terms of the contract straight from the Government to the company to the pocket of the individual on the basis that the Government have contracted in effect to pay for the salaries as in the case of Security and Immigration Limited.

HON J J BOSSANO:

Can the Government say, other than Security and Immigration Limited which other companies so far fall into this category?

HON CHIEF MINISTER:

Well, no other companies have so far fallen into that category with the exception of Gibraltar Community Projects Limited, which is a Government owned company, no company other than Security and Immigration Limited, has so far sought under the terms of the contract, to increase their labour force.

HON J J BOSSANO:

So that in fact it is only triggered when a company seeks to recruit manpower which has to have a direct effect on what the Government pay the company?

HON CHIEF MINISTER:

Absolutely correct. The terms of Security and Immigration Limited contract requires the Government's consent for additional labour precisely because the Government picks up the whole bill for it in increased contractual price. The Government have not sought to extend the policy beyond those two principles so far.

HON J J BOSSANO:

So in cases, in fact, at present where a Government contractor for a variety of reasons may be having to fill vacancies that have arisen in the existing contract this does not apply?

HON CHIEF MINISTER:

That is correct at the moment but it is precisely the area that we are looking at because, of course, in many of these contracts the original labour cost or the cost of the original labour force is the basis of the original contract remuneration scheme and therefore we are considering whether we should then apply it to the original establishment numbers of such company but the Government have not yet made any decision and is not near making a decision in those areas.

HON J J BOSSANO:

Can I ask, on the actual recruitment in this particular case which is the only one that has been tested so far, do the Government not think that there could be a problem in terms of management control of employees if they had to deliver a service to the Government that there has been at least a 50/50 involvement in the selecting? If there is a problem of discipline subsequently is that also something in which the Personnel Department get involved?

HON CHIEF MINISTER:

Certainly not and I can tell the hon Member that the director of the company in question has expressed I think satisfaction with the way the system has worked and the Government are also satisfied with the way the system has worked. Government's involvement is carefully worded to make it clear to the individuals concerned that they are not Government employees, Government are simply participating as an agent, if one likes, in assisting the company to recruit its employees; they are the company's employees under the discipline of the management of the company to the exclusion of everything else. So the Government's policy which is calculated to ensure fairness in jobs for which the taxpayer in effect pays, is not extended to dismissal.

HON J C PEREZ:

Can I ask the Chief Minister whether it is intended that this policy should apply to companies where the Government has a shareholding such as Nynex, Gibtel and Lyonnaise des Eaux?

HON CHIEF MINISTER:

Not in accordance with what I have explained so far because those are not companies which have a contract with the Government which enables the companies to pass on to the Government the cost of any additional labour that they recruit.

NO. 157 OF 1997

THE HON J J BOSSANO

**PAYMENT OF FAMILY ALLOWANCES TO SPANISH WORKERS**

Is the Government still studying whether they should accept responsibility for the payment of family allowances to Spanish workers for the period 1986/89?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 157 OF 1997

HON J J BOSSANO:

Can the Government say then if they have finished studying this what conclusion they have come to?

HON CHIEF MINISTER:

The Government are no longer studying it because we are not under pressure to deal with the matter but I fear that in measure that the hon Member raises the public profile of it we may again come under pressure to do so.

HON J J BOSSANO:

I regret that my questions in the House might put pressure but can I remind the Chief Minister that when I asked him at the beginning last year shortly after the election his reply was that they were considering the policy and I feel I am entitled to find out if they have taken a decision but however if he wants to give me a reply in writing in future on this particular issue which he may feel insensitive I will not raise it in the House again.

HON CHIEF MINISTER:

The hon Member is of course entitled to ask questions on this issue just as when we were in Opposition we were entitled to ask questions on many issues where the public interest of Gibraltar would not, as we all recognise it to be, be served by airing facts in public which presumably he claims on Gibraltar financially. The hon Member knows that this is such a claim and I would be very happy to brief them privately as to the present relation to this matter but no one has raised it with me since he last did in this House.

ORAL

NO. 158 OF 1997

THE HON J J BOSSANO

**HM FORCES PERSONNEL**

Can Government state what is the present number of HM Forces in each of the three services, Navy, Army and Air Force, stationed in Gibraltar, and the number of posts, in each service, that are to be civilianised and localised?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 159 of 1997.

NO. 159 OF 1997

THE HON J J BOSSANO

**MOD EXPENDITURE 1997/98**

Can Government state what is the MOD expenditure budgeted for 1997/98?

ANSWER

THE HON THE CHIEF MINISTER

This information is not available to the Government except by making enquiries from sources in Gibraltar, for example, Fortress Headquarters which are equally available to the hon Member.

SUPPLEMENTARY TO QUESTION NOS. 158 AND 159 OF 1997

HON J J BOSSANO:

I do not know whether the MOD would feel obliged to provide me with the information but given that a Government Press Release of the 11 November 1996 produced information which would be the answer to these questions based on an assessment made then in the Deloitte Touche Report, all I am asking for an up-date of that position on the assumption that the Government have up-dated the information it made public on the 11 November. I find it very strange that they should not have done it for themselves.

HON CHIEF MINISTER:

The next question on the Order Paper of course touches on these issues. What the Government have done as he will hear from the answer to the next question is reassessed the impact as described in the Deloitte Touche Report by reference to subsequent events. There have of course been no changes the Government are aware of in relation to the military personnel. The answer to this question would have required the Government simply to ask the MOD and I would be distraught if the MOD were not willing to give the Leader of the Opposition simple information like the number of soldiers, sailors and airmen presently in Gibraltar. I do not think it is the function of the Government to obtain for the Opposition information which is either in the public domain or which they are with the same degree of effort able to obtain for themselves. This is not information that the Government have.

HON J J BOSSANO:

I would have thought the Government would have obtained this information for themselves because the Government issued a Press Release making public such information in November 1996, it was not the MOD that made it public. If the information they made public is no longer valid because there have been changes, I would have thought they would have obtained from the MOD for their own use and therefore legitimately for correcting the information that was made public in November 1996, if it has changed. But of course I am quite happy to approach the

MOD and I will see what reply I get. If I get a drastic reply perhaps the Chief Minister would use his position to get the information for me.

HON CHIEF MINISTER:

Of course I will and had the Government obtained this information for our own use, which we have not, I would happily have passed it on to the hon Member. The Government have not obtained it for our own use and would simply have to seek it from the MOD ourselves.

HON J J BOSSANO:

The changed estimated number of civilian reductions in the MOD was explained by the Commander of British Forces as being the result of some of the military jobs being civilianised and localised. Is it not reasonable for the Government to try and find out which of these jobs are being civilianised and localised so that they can see what the impact is on civilian employment?

HON CHIEF MINISTER:

If the Government had done that we would still not have been able to answer the question because the question is what is the present number of Forces and none of what CBF announced has been implemented yet. To the Government's knowledge no military posts have yet been civilianised since the statement was made. So if we had asked what was their intention for the future in that respect, it would still not have given us the information requested at least in the first part of the question.

HON J J BOSSANO:

The information I am seeking in the first one is, Mr Speaker, because in the Press Release of November in highlighting the salient points of the report it said, "There are 730 people in service personnel, 87 of these posts are expected to go during 1997/98". Therefore what I am trying to establish is what change there has been on the basis of that information which has been made public given that some of these posts, which were not intended to be civilianised then, which would be of the 643 based on these figures that were going to be retained in 1997/98, I am trying to get really an up-to-date position, that is all.

HON CHIEF MINISTER:

Firstly, I do not think any of those changes have taken place yet. I do not think any of the military personnel in post at the time of the information that the hon Member has, any of the 70-odd have actually been civilianised yet so Government's belief is that the number of military people in post is still the same as announced then. But, of course, the hon Member is right, the actual breakdown and which particular military jobs are going to be civilianised is detailed information which the MOD has still not made available which indeed they may not know yet in terms of how they are going to do this, but is information that the MOD should make available and of course as soon as it is made available the Government are happy to share with the Opposition Members.

NO. 160 OF 1997

THE HON J J BOSSANO

**MOD RUNDOWN - LOSS TO THE ECONOMY**

What does Government now estimate will be the loss of direct, indirect and induced income to the Gibraltar economy associated with the planned service and civilian reductions in the MOD in 1997/98?

ANSWER

THE HON THE CHIEF MINISTER

On the basis of the assessment made by Messrs Deloitte and Touche in their report on the impact of the MOD rundown, the estimated loss of direct, indirect and induced income to the Gibraltar economy of the planned service and civilian reduction in the MOD in 1997/98 will be in the order of £5 million.

SUPPLEMENTARY TO QUESTION NO. 160 OF 1997

HON J J BOSSANO:

Can I get confirmation that what the Chief Minister is saying is that it is now £5 million as opposed to the £11 million previously published because we are now talking of less civilian redundancies than originally estimated?

HON CHIEF MINISTER:

What the hon Member says is precisely the point. The original figure quoted by Deloitte and Touche was £11,370,000. The figure of around £5 million which I gave in my answer has been arrived at calculating the effect on a pro rata basis, if the hon Member wants I can give him a breakdown of how that has been arrived at. The Deloitte and Touche Report said that the impact of reducing military personnel would be £1.77 million in 1997/98 and on the basis of the information that we have so far we leave that figure unchanged. The revised figure still writes in £1.77 million for that item. The impact of reduction in civilian personnel was going to be from 1,306 people to 950 and that Deloitte and Touche valued at £5.6 million. That figure is now revised in the Government's calculation on a pro rata basis to £1.73 million on the basis that the reduction in employment is now 1,306 to only 1,196. In other words, the reduction for the year 1997/98 the loss of civilian employment is very, very much lower than Deloitte and Touche had reckoned on for the year 1997/98. In respect of indirect impact, well the figure of £5.6 million which Deloitte and Touche originally wrote into their impact study would have produced an indirect impact of £4 million and on the basis of the reviewed figures the indirect impact is now reckoned at £1.25 million. In other words, the three figures that Deloitte and Touche calculated were impact of reducing military personnel - £1.77 million; impact of reduction in civilian employment as then envisaged - £5.6 million; indirect impact of the £5.6 million another £4 million, making a total of £11.37 million and those figures now read £1.77 million unchanged; £1.73 million for the reduction in civilian personnel, with an indirect impact of that of an additional £1.23 million, a total of £4.7 million which I described as around £5 million.